S. 1110

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1129

At the request of Mr. LUGAR, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1129, a bill to provide authorizations of appropriations for certain development banks, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1233

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1233, a bill to establish the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes.

S. 1262

At the request of Mr. FRIST, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Missouri (Mr. BOND), the Senator from Connecticut (Mr. DODD) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of 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.

S. 1308

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1308, a bill to establish an Office of Trade Adjustment Assistance, and for other purposes.

S. 1399

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1399, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 1333

At the request of Mr. CORNYN, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mrs. HUTCHISON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BURNING) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1333, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1337

At the request of Mr. HATCH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1337, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1338

At the request of Mr. DION, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1338, a bill to extend the Trade Act of 1974 and to authorize the Trade Adjustment Assistance Program to all Native Peoples on behalf of the United States.

S. 1341

A bill to amend title 10, United States Code, to improve transitional assistance provided for members of the armed forces being discharged, released from active duty, or retired, and for other purposes; to the Committee on Armed Services.

S. 1353

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1353, a bill to make permanent the Guaranteed Student Loan Program.

S. 1377

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1377, a resolution encouraging the protection of the rights of refugees.

AMENDMENT NO. 1075

At the request of Mr. VORONICH, the names of the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. ROBERTS), the Senator from Montana (Mr. BURNS), the Senator from Wisconsin (Mr. KOHL), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Washington (Ms. CRUZ) and the Senator from New Mexico (Mr. BINGMAN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1075 to S. 3201, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 1341. A bill to amend title 10, United States Code, to improve transitional assistance provided for members of the armed forces being discharged, released from active duty, or retired, and for other purposes; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, today I am introducing legislation that will enhance and strengthen transition services that are provided to our military personnel.

As the Senate conducts its business today, thousands of our brave men and women in uniform are in harm's way in Iraq, Afghanistan, and elsewhere around the globe. These men and women serve with distinction and honor, and we owe them our heartfelt gratitude.

We also owe them our best effort to ensure that they receive the benefits to which their service in our Armed Forces has entitled them. I have heard time and again from military personnel and veterans who are frustrated with the system by which they apply for benefits or appeal claims for benefits. I have long been concerned that
tens of thousands of our veterans are unaware of Federal health care and other benefits for which they may be eligible, and I have undertaken numerous legislative and oversight efforts to ensure that the Department of Veterans Affairs and other Federal agencies provide appropriate outreach to our veterans and their families a priority.

While we should do more to support our veterans, we must also ensure that the men and women who are currently serving in our Armed Forces receive adequate pay and benefits, as well as services that help them to make the transition from active duty to civilian life. I am concerned that we are not doing enough to support our men and women in uniform as they prepare to retire or otherwise separate from the service or, in the case of members of our National Guard and Reserve, to demobilize from active duty assignments and return to their civilian lives while staying in the military or preparing to separate from the military. We must ensure that their service and sacrifice, which is much lauded during times of conflict, is not forgotten once the battles have ended and our troops have come home.

The bill that I am introducing today, the Improving Enhanced Transition Services Act (VETS Act), will help to ensure that all military personnel have access to the same transition services as they prepare to leave the military to reenter civilian life, or, in the case of members of the National Guard and Reserve, as they prepare to demobilize from active duty assignments and return to their civilian lives and jobs or education while remaining in the military. I have heard from a number of Wisconsinites and members of military and veterans service organizations that our men and women in uniform do not all have access to the same transition counseling and medical services as they prepare to leave service from Iraq, Afghanistan, and elsewhere. I have long been concerned about reports of uneven provision of services from base to base and from service to service. All of our men and women in uniform have pledged to serve our country, and all of them, at the very least, deserve to have access to the same services in return.

I introduced similar legislation during the 108th Congress, and I am pleased that it was enacted as part of the fiscal year 2005 defense authorization bill.

In response to concerns I have heard from a number of my constituents, my amendment, in part, directed the Secretaries of Defense and Labor to jointly explore ways in which DoD training and certification standards could be coordinated with government and private sector training and certification standards for corresponding civilian occupations. My amendment also directed the military personnel who wish to pursue civilian employment related to their military specialties to make the transition from the military to comparable civilian jobs. I look forward to reviewing this report.

In addition, this amendment required the Government Accountability Office (GAO) to undertake a comprehensive study of the transition services for our military personnel that are administered by the Departments of Defense, Veterans Affairs, and Labor and to make recommendations to Congress on how these programs can be improved. My amendment required GAO to focus on two issues: how to achieve the uniform provision of appropriate transition services to all military personnel, and the role of post-deployment and pre-discharge health assessments as part of the larger transition program. GAO released its study “Military and Veterans’ Benefits: Enhanced Services Could Improve Transition Assistance for Reserves and National Guard” in May 2005. Program Disparity, Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled Transition Assistance Program/Disabled...
who are being retired or discharged from alternate locations will have access to transition services at a location that is reasonably convenient to them.

In addition, my bill would enhance the information that is presented to members of the military who are transitioning from military service. Information concerning veterans small business ownership and entrepreneurship programs offered by the Federal Government, information concerning employment and reemployment rights and veterans preference in Federal employment and Federal procurement opportunities, information concerning homelessness and housing counseling assistance, and a description of the health care and other benefits to which the member may be entitled under the laws administering the Veterans Affairs including a referral (to be provided with the assistance of the Secretary of Veterans Affairs) for a VA medical and pension examination, as appropriate.

Participation in pre-separation counseling through a TAP/DTAP program is a valuable tool for personnel as they transition back to civilian life. My bill is in no way intended to lengthen the time that military personnel spend away from their families or to provide them with information that is not relevant to their civilian lives or that they otherwise do not need. In order to ensure that this information remains a valuable tool and does not become a burden to demobilizing members of the National Guard and Reserve who experience multiple deployments for active duty assignments, my bill clarifies that participation in the Department of Labor’s transitional services program will not be counted as a waiver if a member has previously participated in the program or if a member will be returning to school or to a position of employment.

My bill would also require the Secretaries of Defense and Veterans Affairs to submit a plan to Congress for increasing access to the joint DoD-VA Benefits Delivery at Discharge program, which assists personnel in applying for VA disability benefits before they are discharged from the military. This very successful program has helped to cut the red tape and to speed the processing time for many veterans who are entitled to VA disability benefits.

In addition to the uneven provision of transition services, I have long been concerned about the immediate and long-term health effects that military deployments have on our men and women in uniform. I regret that, too often, the burden of responsibility for proving that a condition is related to military service falls on the personnel themselves. Our men and women in uniform deserve the benefit of the doubt, and should not have to fight the Department of Defense or the VA for benefits that they have earned through their service to our nation.

Since coming to the Senate in 1993, I have worked to focus attention on the health problems that cannot be experienced by military personnel who served in the Persian Gulf War. More than ten years after the end of the Gulf War, we still don’t know why so many veterans of that conflict have experienced medical problems that have become known as Gulf War Syndrome. Military personnel who are currently deployed to the Persian Gulf region face many of the same conditions that existed in the early 1990s. I have repeatedly pressed the Departments of Defense and Veterans Affairs to work to unlock the mystery of this illness and to study the role that exposure to depleted uranium may play in this condition. We owe it to those now having to find these answers, and to ensure that those who are currently serving in the Persian Gulf region are adequately protected from the many possible causes of Gulf War Syndrome.

Part of the process of protecting the health of our men and women in uniform is to ensure that the Department of Defense carries out its responsibility to provide post-deployment physicals and mental health screenings for military personnel. I am deeply concerned about stories of personnel who are experiencing long delays as they wait for their post-deployment physicals and who end up choosing not to have these important physicals in order to get their families that much sooner. I am equally concerned about reports that some personnel who did not receive such a physical—either by their own choice or because such a physical was not available when they were having trouble as they apply for benefits for a service-connected condition.

I firmly believe, as do the military and veterans groups that support my bill, that our men and women in uniform are entitled to high-quality physical examination as part of the demobilization process. These individuals have voluntarily put themselves into harm’s way for our benefit. We should ensure that the Department of Defense make every effort to determine whether they have experienced, or could experience, any health effects as a result of their service.

In light of concerns raised by many that each service component uses a different process for demobilization physicals, my bill would require the Secretary of Defense to establish a standard for physical examinations. This standard would be applicable uniformly at all installations and by all branches of the Armed Forces. In addition, to ensure that all personnel receive these important exams, my bill stipulates that the exam may not be waived by the Department or by individual personnel.

My bill also would strengthen current law by ensuring that these medical examinations also include a mental health assessment. Our men and women in uniform serve in difficult circumstances far from home, and too many of them witness or experience violence and horrific situations that most of us cannot even imagine. I have heard concerns that these brave men and women, many of whom are just out of high school or college when they sign up, may suffer long-term physical and mental fallout from these experiences and may feel reluctant to seek counseling or other assistance to deal with their experiences.

My bill would improve mental health services for demobilizing military personnel by requiring that the content and standards for the mental health screening and assessment that are developed by the Secretary include content and standards for screening acute and delayed onset post-traumatic stress disorder (PTSD), and, specifically, questions to identify stressors experienced by military personnel that have the potential to lead to PTSD. These efforts should build on—not replace—the mental health questions that the Pentagon is already using as part of its post-deployment health screening process.

Some Wisconsinites have told me that they are concerned that the multiple deployments of our National Guard and Reserve could lead to chronic PTSD, which could have its roots in our previous deployments and which could come to the surface by a triggering event that is experienced on a current deployment. The same is true for full-time military personnel who have served in a variety of places over their careers.

We can and should do more to ensure that the mental health of our men and women in uniform is a top priority, and that the stigma that is too often attached to seeking assistance is ended. The step in this bill is to ensure that personnel who have symptoms of PTSD and related illnesses have access to appropriate clinical services, through DoD, the VA, or a private sector health care provider. To that end, my bill would require that the health care professionals who are assessing demobilizing military personnel provide all personnel who may need follow-up care for a physical or psychological condition with information on appropriate resources from the VA and in the private sector that these personnel may use to access additional follow-up care if they so choose.

I commend the Assistant Secretary of Defense for Health Affairs for issuing in March 2005 a memorandum to the Assistant Secretaries for the Army, Navy, and Air Force directing them to extend the Pentagon’s current post-deployment health assessment process to include a reassessment of “global health with a specific emphasis on mental health” for up to six months post-deployment. At a hearing of the Senate Armed Services Committee’s Personnel Subcommittee earlier
this year, the Assistant Secretary stated that the services were in the process of implementing a program that would include a “screening procedure with a questionnaire and a face-to-face interaction at about three months’ post-deployment.” He noted that the program came from “front line people” and that he “asked them, ‘do you think we should make it mandatory?’ and the answer was: yes.” This sentiment makes it even more important that the post-deployment mental health presentation be strengthened and that it be mandatory as well so that health care professionals have a benchmark against which to measure the results of the follow-up screening process.

In order to gain a better understanding of existing programs, my bill requires the Secretaries of Defense and Veterans Affairs to report to Congress on the services provided to current and former members of the Armed Forces who are transitioning from DoD and related conditions. This report will include an analysis of the number of persons treated, the types of interventions, and the programs that are in place for each branch of the Armed Forces to identify and address cases of PTSD and related conditions.

In addition, in order to ensure that all military personnel who are eligible for medical benefits from the VA learn about and receive these benefits, my bill would also make improvements to the DoD demobilization and discharge processes by ensuring that members of military and veterans service organizations (MSOs and VSOs) are able to counsel personnel on options for benefits and other important questions. The demobilization and discharge process presents our service members with a sometimes confusing and often overwhelming amount of information and paperwork that must be digested and sometimes signed in a very short period of time. My bill would authorize a “veteran to veteran” counseling program that will give military personnel the opportunity to speak with fellow veterans who have been through this process and who have been accredited to represent veterans of the uniformed services.

These veterans can offer important advice about benefits and other choices that military personnel have to make as they are being discharged or demobilized.

Under current law, the Secretary of Defense may make use of the services provided by MSOs and VSOs as part of the transition process. But these groups tell me that they are not always allowed access to transition briefings that are conducted for our personnel. In order to help facilitate the new veteran-to-veteran program, my legislation would require the Secretary to ensure that representatives of MSOs, VSOs, and state departments of veterans affairs, are invited to participate in all transition and Benefits Delivery at Discharge programs. In addition, my legislation requires that these dedicated veterans, who give so much of their time and of themselves to serving their fellow veterans and their families, are able to gain access to military installations, military hospitals, and VA hospitals in order to provide this important service. By and large, these groups are able to speak with our military personnel at hospitals and other facilities. But I am disturbed by reports that representatives of some of these groups were having a hard time gaining access to these facilities in order to visit with our troops. For that reason, I have included this access requirement in my bill.

I want to stress that my bill in no way requires military personnel to speak with members of MSOs or VSOs if they do not wish to do so. It merely ensures that our men and women in uniform have this option.

I am pleased that this legislation is supported by a wide range of groups that are dedicated to serving our men and women in uniform and their families. These groups include: the American Legion; the Enlisted Association of the National Guard of the United States; the National Coalition for Homeless Veterans; the Paralyzed Veterans of America; the Reserve Officers Association; the Veterans of Foreign Wars of the Wisconsin Department of Veterans Affairs; the Wisconsin National Guard; the American Legion, Department of Wisconsin; Disabled American Veterans, Department of Wisconsin; the Wisconsin Paralyzed Veterans of America; the Veterans of Foreign Wars, Department of Wisconsin; and the Wisconsin State Council, Vietnam Veterans of America.

I urge my colleagues to support the bill and 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. 1391

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 “Veterans’ Employment and Educational Assistance Act of 2005.”

SEC. 2. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) PRESEPARATION COUNSELING.—Section 1122 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “provide for individual preseparation counseling” and inserting “shall provide individual preseparation counseling”; and

(B) by redesignating paragraph (4) as paragraph (6); and

(2) in section 1123—

(A) in paragraph (2) (A), by striking “shall provide individual preseparation counseling;” and

(B) by inserting at the end the following:

(4) For members of the reserve components, veterans of the uniformed services who have been serving on active duty continuously for at least 180 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

(5) The Secretary concerned shall ensure that the commanders of members entitled to services under this section authorize the members to obtain such services during duty time.

(2) in subsection (b)—

(A) in paragraph (4), by striking “(4) Information concerning and inserting the following:

(4) Provision of information on civilian occupations and related assistance programs, including information concerning veteran certification and licensure requirements that are applicable to civilian occupations;

(B) civilian occupations that correspond to military occupational specialties; and

(5) by adding at the end the following:

(5) Information concerning veterans preference in federal employment and federal procurement opportunities.

(6) Information concerning homelessness, including risk factors, awareness assessment, and contact information for preventative assistance associated with homelessness.

(6) by adding at the end the following:

(1) Contact information for housing counseling assistance.

(7) by adding at the end the following:

(7) (A) preseparation counseling under this section includes material that is specifically relevant to the needs of—

(i) persons being separated from active duty by discharge from a regular component of the armed forces; and

(ii) members of the reserve components being separated from active duty by discharge from the National Guard; and

(B) the locations at which preseparation counseling is presented to eligible personnel include—

(1) each military installation under the jurisdiction of the Secretary;

(ii) each armory and military family support center of the National Guard;

(iii) each medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

(iv) in the case of a member on the temporary disability retirement list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member;

(C) the scope and content of the material presented in preseparation counseling at

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each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; or

(1) follow up counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days from the date of active duty; and

(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Guard and the State National Guard Training Institute and such official’s other activities that provide direct training support to personnel who provide preseparation counseling at the other locations under this section.

‘‘(e) NATIONAL GUARD MEMBERS ON DUTY IN STATE STATUS.—(1) Members of the National Guard, who are separated from long-term duty to which ordered under section 502(f) of title 32, shall be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

(2) Counseling provided personnel under paragraph (1) shall include material that is specifically relevant to the needs of such personnel as members of the National Guard.’’

(3) The Secretary of Defense shall prescribe, by regulation, the standards for determining long-term duty under paragraph (1).

(4) by amending the heading to read as follows:

‘‘§1A1142. Members separating from active duty: preseparation counseling’’;

(b) CERIAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by striking and redesignating subsections 1142 and inserting the following:

‘‘1142. Members separating from active duty: preseparation counseling.’’;

c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ‘‘paragraph (4)(A)’’ in the second sentence and inserting ‘‘paragraph (4)(A)’’;

(2) by amending subsection (c) to read as follows:

‘‘(c) PARTICIPATION.—Subject to paragraph (2), the Secretary and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section; and

(2) The Secretary and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

(A) Each member who has previously participated in the program.

(B) Each member who, upon discharge or release from active duty, is returning to—

(1) a position of employment;

(2) a position of education;

(i) a program described in paragraph (4)(A); and

(ii) a program described in paragraph (4)(B); and

(3) by adding at the end the following:

‘‘(e) DETAILS.—The Secretary concerned shall, on a continuing basis, update the content of all materials used by the Department of Labor that provide direct training for personnel who provide transitional services counseling under this section.’’;

SEC. 3. BENEFITS DELIVERY AT DISCHARGE PROGRAMES.

(a) PLAN FOR MAXIMUM ACCESS TO BENEFITS.—

(1) IN GENERAL.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall jointly submit to maximize access to benefits delivery at discharge programs for members of the Armed Forces.

(2) CONTENTS.—The plan submitted under this subsection includes a description of efforts to ensure that services under programs described in paragraph (1) are provided, to the maximum extent practicable—

(1) to each member under the jurisdiction of the Secretary;

(B) at each armory and military family support center of the National Guard;

(C) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under such programs are discharged from the armed forces; and

(D) in the case of a member on the temporary disability retired list under section 1292a or 1292b (title 10, United States Code, who is being released under another provision of such title or is being discharged, at a location reasonably convenient to the member.

(b) DEFINITION.—In this section, the term ‘‘benefits delivery at discharge program’’ means a program administered jointly by the Secretary of Defense, the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the armed forces separating from the Armed Forces, including assistance to obtain any disability benefits for such members who may be eligible.

SEC. 4. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

(a) IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS.—Section 107h of title 10, United States Code, is amended by adding at the end the following:

‘‘(a) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following:

‘‘(b) REPOIR ON PTSD CASES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided to members and former members of the uniformed services who experience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report submitted under paragraph (1) shall include—

(A) the number of persons treated;

(B) the types of interventions; and

(C) the programs that are in place for each of the Armed Forces to identify and treat cases of post-traumatic stress disorder and related conditions.

SEC. 5. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

(a) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following:

‘‘(b) REQUIRED PROGRAM ELEMENT.—The program under this section shall provide for representatives of veterans’ service organizations and representatives of veterans’ service agencies of States to provide preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1141 and 1144 of this title and the benefits delivery at discharge programs.

(c) LOCATIONS.—The program under this section shall provide for access to—

(1) at each installation of the armed forces;
"(2) at each army and military family support center of the National Guard;

"(3) at each inpatient medical care facility of the uniformed services administered under chapter 17 of title 38, United States Code;

"(4) in the case of a member on the temporary disability retired list under section 1292 or 1295 of this title who is being retired under another provision of this title or being discharged, at a location reasonably convenient to the member.

(2) DEPARTMENT OF VETERANS AFFAIRS REQUIRED.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.

(3) DEFINITION.—In this section:

"(1) the term ‘benefits delivery at discharge program’ means a program administered by the Secretary for the representation of veterans under section 5902 of title 38.

"(2) The term ‘representative’, with respect to a veterans’ service organization, means a representative of an organization who is recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.

"(3) In this section:

"(a) cooperation required.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans’ service organizations and representatives of veterans’ services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on—

"(i) the care and services authorized by this chapter; and

"(ii) other benefits and services available under the laws administered by the Secretary.

"(b) facilities covered.—The program under this section will provide for access to veterans described in subsection (a) at each facility of the Department and any non-Department facility at which the Secretary furnishes care and services under this chapter.

"(c) consent of veterans required.—Access to a veteran under the program under this section is subject to the consent of the veteran.

"(d) definition.—In this section, the term ‘veterans’ service organization’ means an organization who is recognized by the Secretary for the representation of veterans under section 5902 of this title.

(2) BENEFITS DELIVERY AT DISCHARGE PROGRAM.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

"1154. Veteran-to-veteran pre-separation counseling.

"(b) DEPARTMENT OF VETERANS AFFAIRS.—

"(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

"I1154. Veteran-to-veteran counseling.

"(a) Cooperation Required.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans’ service organizations and representatives of veterans’ services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on—

"(i) the care and services authorized by this chapter; and

"(ii) other benefits and services available under the laws administered by the Secretary.

"(b) Facilities Covered.—The program under this subchapter will provide for access to veterans described in subsection (a) at each facility of the Department and any non-Department facility at which the Secretary furnishes care and services under this chapter.

"(c) Consent of Veterans Required.—Access to a veteran under the program under this subchapter is subject to the consent of the veteran.

"(d) Definition.—In this subchapter, the term ‘veterans’ service organization’ means an organization who is recognized by the Secretary for the representation of veterans under section 5902 of this title.

(2) BENEFITS DELIVERY AT DISCHARGE PROGRAM.—The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting after the item relating to section 1708 the following:

"1709. Veteran-to-veteran counseling.

By Mr. FEINGOLD, for himself and Mrs. LINCOLN:

S. 342. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans’ Affairs.

Mr. FEINGOLD. Mr. President, today I am reintroducing legislation that will help to ensure that all of our veterans know about Federal benefits to which they may be entitled by improving outreach programs conducted by the Department of Veterans Affairs.

I am pleased to be joined in this effort by the Senator from Arkansas, Mrs. LINCOLN.

Five years ago, the Wisconsin Department of Veterans Affairs (WDVA) launched a Statewide program called ‘I Owe You,’ which encourages veterans to apply, or to re-apply, for benefits that they earned from their service to our country in the Armed Forces.

As part of this program, WDVA has sponsored events around Wisconsin called ‘Supermarkets of Veterans Benefits’ at which veterans can begin the process of learning whether they qualify for federal benefits from the Department of Veterans Affairs (VA). Information about additional benefits through WDVA is also provided. These events, which are based on a similar program in Georgia, supplement the work of Wisconsin’s County Veterans Service Officers and veterans service organizations by helping our veterans to reconnect with the VA and to learn more about services and benefits for which they may be eligible.

More than 8,000 veterans and their families have attended the supermarkts, which include information booths with representatives from WDVA, VA, and veterans service organizations, as well as a variety of federal agencies and local community partners.

According to WDVA, this program has helped Wisconsin to receive approximately $2 million in additional VA funding and benefits for our veterans each year.

The Institute for Government Innovation at Harvard University’s Kennedy School of Government recognized the success of the ‘I Owe You’ program by naming it a semi-finalist for the 2002 Innovations in American Government Award.

The program was featured in the March/April 2003 issue of Disabled American Veterans’ Magazine. In August 2003, the Midwestern Legislative Conference of the Council of State Governments named the program a finalist in its 2003 Innovations in American Government Awards Program.

The State of Wisconsin is performing a service that is clearly the obligation of the VA. These are federal benefits that we owe to our veterans and it is the federal government’s responsibility to make sure they receive them.

The VA has a statutory obligation to perform outreach, and current budget pressures should not be used as an excuse to halt or reduce these efforts.

The legislation that I am introducing today was spurred by the overwhelming response to the WDVA’s ‘I Owe You’ program and the super-markets of veterans benefits. If more than 18,000 Wisconsin veterans want to make sure they know about all the benefits that are owed to them, there must be many more veterans around our country who deserve to be told about the benefits they have earned.

We need to make certain that our veterans, who selflessly served our country and protected the freedoms that we all cherish. And it is important to address gaps in the VA’s outreach program as we welcome home and prepare to enroll into the VA system the tens of thousands of military personnel who are serving in Afghanistan, Iraq, and other places around the globe.

In order to help to facilitate consistent implementation of VA’s outreach responsibilities around the country, my bill would create a statutory definition of the term ‘outreach.’

My bill would also help to improve outreach activities performed by the VA in three ways. First, it would create separate funding line items for outreach activities within the budgets of the VA and its agencies (the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration). Currently funding for outreach is taken from the general operating expenses for these agencies. These important programs should have a dedicated funding source instead of having to compete for scarce funding with other crucial VA programs.

I have long supported efforts to adequately fund VA programs. We can and should do more to provide the funding necessary to ensure that our brave veterans are getting the health care and other benefits that they have earned in a timely manner and without having to travel long distances or wait more than a year to see a doctor or to have a claim processed.

Secondly, the bill would create an intra-agency structure to require the VA to consolidate its outreach activities and to coordinate outreach activities of the VA, the Department of Health and Human Services, the White House Office of Public Affairs, the VBA, the VHA, and the NCA to coordinate outreach activities. By working more closely together, the VA components would be able to consolidate their efforts, share proven outreach mechanisms, and avoid duplication of effort that could waste scarce funding.

Finally, the bill would ensure that the VA can enter into cooperative agreements with state departments of veterans affairs regarding outreach activities and would give the VA grant-making authority to award funds to State Departments of Veterans Affairs for outreach activities such as the WDVA’s ‘I Owe You Program.’” Grants that are awarded to state departments under this program could be used to enhance outreach activities and to improve the VA’s claims processing, which is a key component of the VA benefits process. State departments that receive grants...
under this program may choose to award portions of their grants to local governments, other public entities, or private or non-profit organizations that engage in veterans outreach activities. I want to be clear that it is not my intention that the funding for these grants be taken from existing VA programs.

I am pleased that this bill has the support of a number of national and Wisconsin organizations that are committed to improving the lives of our nation’s veterans, including: Disabled American Veterans; Paralyzed Veterans of America; Vietnam Veterans of America; the National Association of County Veterans Service Officers; the National Association of State Directors of Veterans Affairs; the Wisconsin Department of Veterans Affairs; the Wisconsin Association of County Veterans Service Officers; the American Legion, Department of Wisconsin; the American Legion Auxiliary, Department of Wisconsin; Disabled American Veterans, Department of Wisconsin; the Wisconsin Paralyzed Veterans of America; the Veterans of Foreign Wars, Department of Wisconsin; and the Wisconsin State Council, Vietnam Veterans of America.

I hope that my colleagues will support this effort to ensure that our veterans know about the benefits for which they may be eligible as a result of their service to our country. I ask unanimous consent that the text of my bill be printed in the Record.

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

S. 1342

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 “Veterans Outreach Improvement Act of 2005”.

SEC. 2. DEFINITIONS.

Section 101 of title 38, United States Code, is amended by adding at the end the following new paragraph:

“SEC. 561. Outreach activities: funding

(a) SEPARATE ACCOUNT FOR OUTREACH ACTIVITIES.—In general—Chapter 5 of title 38, United States Code, is amended by adding at the end the following new subchapter:

“SUBCHAPTER IV—OUTREACH

§ 561. Outreach activities: funding

(a) SEPARATE ACCOUNT FOR OUTREACH ACTIVITIES.—In the budget justification materials submitted to Congress in support of the Department budget for any fiscal year (as submitted with the budget of the President for fiscal year 2005 as described in section 1105(a) of title 31), the Secretary shall include a separate statement of the amount requested for such fiscal year for activities as follows:

(1) For outreach activities of the Department in aggregate.

(2) For outreach activities of each element of the Department specified in subsection (c).

(b) REVIEW AND MODIFICATION.—The Secretary shall—

(1) periodically review the procedures maintained under subsection (a) for the purpose of ensuring that such procedures meet the requirement in that subsection; and

(2) make such amendments to such procedures as the Secretary considers appropriate in light of such review in order to better achieve that purpose.

(c) FUNDING.—Amounts available for the Department for outreach in the account under section 561 of this title shall be available for activities under this section, including grants under subsection (d) to State and local governments, other public entities in the States, or private non-profit organizations in such State for such purposes.

§ 562. Outreach activities: coordination of activities with States; grants to States for improvement of outreach

(a) PURPOSE.—It is the purpose of this section to assist States in carrying out programs that offer a high probability of improving outreach and assistance to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws.

(b) LOCATION OF PROVISION OF OUTREACH.—The Secretary shall ensure that outreach and assistance is provided under programs referred to in subsection (a) in locations proximate to populations of veterans and other individuals referred to in that subsection, as determined by the Secretary in accordance with criteria for determining the proximity of such populations to veterans health care services.

(c) GRANTS TO STATES.—The Secretary shall make grants to States (including under State veterans’ programs) to assist States in carrying out programs that offer a high probability of improving outreach and assistance to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any veterans’ and veterans-related benefits and programs (including under State veterans’ programs).

(d) GRANTS TO LOCAL GOVERNMENTS.—The Secretary shall—

(1) maintain a separate statement of the amount requested for any fiscal year (as submitted with the budget of the President for fiscal year 2005) for grants under subsection (c); and

(2) award grants to local governments in such amount for purposes described in paragraph (1) and award all or any portion of such grant amount to local governments in such State for Federal, State, or local governments, other public entities in such State, or private non-profit organizations in such State for such purposes.
the creation of a statewide trail highlighting the historical features of our shorelines and lighthouses. The recommendations would also include the identification of funding sources for Michigan communities, which are critical to this effort.

This bill has strong bipartisan support from all of Michigan's members of Congress. I urge my colleagues to join us in expediting passage of the Michigan Maritime Heritage and Lighthouse Trail Act.

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

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

S. 1346

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 "Michigan Lighthouse and Maritime Heritage Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) surrounded by the Great Lakes, the State of Michigan gives the Midwest region a unique maritime character;
(2) the access of the Great Lakes to the Atlantic Ocean has given the State of Michigan an international role in commerce, shipping, and fishing; and
(3) the maritime heritage of Michigan is important to the State of Michigan.

SEC. 3. DEFINITIONS.

SEC. 4. STUDY.

(a) In general.—The Secretary, in consultation with the State, shall conduct a study to—

(1) review Federal, State, and local maritime heritage resources and inventory important historic sites, communities, and organizations that specialize in maritime culture;
(2) review maritime tourism opportunities and interpretive opportunities within the State; and
(3) examine the potential economic and social impact of the maritime heritage resources of the State and how the public can best learn about and experience the maritime heritage resources of the State.

(b) Requirements.—In conducting the study, the Secretary shall—

(1) include the results of the study; and
(2) provide recommendations.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $500,000.

By Mr. AKAKA: S. 1347. A bill to authorize demonstration project grants to entities to provide low-cost, small loans; to the Committee on Banking, Housing, and Urban Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Low-Cost Alternatives to Payday Loans Act, which would authorize demonstration project grants to eligible entities to provide low-cost, short-term alternatives to expensive, predatory payday loans. Payday loans are small cash loans repaid by borrowers' postdated checks or borrowers' authorizations to make electronic debits against existing financial accounts. Payday loan amounts are typically in the range of $100 to $500 with payment in full due in two weeks. Finance charges. Payday loan providers claim that payday loan providers claim that there are an estimated 22,000 payday lenders in Michigan today. There are an estimated $30 billion in loans and received $6 billion in finance charges.

Payday loan providers claim that they are offering a simple financial product that addresses an emergency or temporary credit need that usually cannot be met by traditional financial institutions. An analysis of payday lending statistics by the Center for Responsible Lending indicates that the
majority of payday loan borrowers have multiple loans each year. Two of
three borrowers have five or more payday
loans annually, and half of these
borrowers have 12 or more payday
loan(s) annually. Only 33 percent of pay-
day borrowers use four or fewer payday
loans annually. Some borrowers go from two or more payday loans,
multiplying the potential for getting
trapped in debt. Research by the Com-
munity Financial Services Association
of America, the payday loan industry’s
national trade association, found that
40 percent of payday loan customers
renew their payday loans five times or
more. Many of these customers are
lower or middle income working fami-
lies who need a small amount of money
for a short period of time. This be-
comes a financial bridge to help pay for
unexpected expenses.

More and more predatory lenders lo-
cate near military installations, tar-
getting military service members and their families. The Army has
failed to the extent of offering pay-
day lenders some competition through
its Army Emergency Relief (AER) ini-
tiative. AER, a private, nonprofit organ-
ization working on a national program
called Commanders Re-
erral that will debut at Fort Hood,
Texas, later this year. This program
will offer soldiers up to two no-inter-
est, $500 loans a year, in an attempt to
undermine predatory tactics of pay-
day lenders. Testifying before the
House Subcommittee on Life Issues on
February 16, 2005, the Master Chief
Petty Officer of the Navy testified that
the payday industry “has made it a
practice to prey upon our Sailors.” He
went on to say “it is not being dra-
matic to state these payday loans to
our troops could be a threat to their
military readiness.” As the ranking
member of the Armed Services Sub-
committee on Readiness and Manage-
ment Support, this is an issue of grave
concern to me.

I am heartened to see that some fed-
eral credit unions have developed alter-
natives to payday loan products. The
Pentagon Federal Credit Union Foun-
dation, Pentagon Federal, and Langley
Federal Credit Union, Langley Federal,
have each introduced a payday loan al-
ternative. Pentagon Federal offers the
Asset Recovery Kit (ARK). For ARK,
borrowers must agree to financial
counseling or receive counseling, in
order to receive a loan of up to $500.
The borrower pays a $6 flat fee for the
loan and no credit report is
required, but financial counseling is
mandatory. Langley Federal’s Quick-
Cash product features the quick
turnaround of a payday loan, but at an
18 percent annual percentage rate.
Kid does not have the financial counseling
requirement of the Pentagon Federal’s
ARK, but is still a viable alternative to
a high cost payday loan. In my home
state of Hawaii, Community Federal
Credit Union, located in Kailua, Ha-
waii, has developed a payday loan al-
ternative. This credit union is offering
simple short-term loans, with a short
approval period, at a fair interest rate.
With the demonstration grants offered
through my legislation, it is my hope
that more credit unions, community
development financial institutions and
banks will develop and offer similar
types of innovative products that can
serve as alternatives to pay-
day loans.

The payday loan industry exploits
people that are in financial need. There
is a demand for this type of loan, but
these loans are unneeded. My bill
authorizes the Department of the
Treasury to award demonstration
project grants to banks, credit unions,
and community development financial
institutions to develop and implement
a credit product subject to the APR
promulgated by the National Credit
Union Administration’s Loan Interest
Rates, which is currently capped at an
APR of 18 percent. The grants would
provide consumers with a lower-cost,
short-term alternative to predatory
payday loans. The demonstration
project grants would require individ-
uals seeking a loan through this pro-
gram to pursue financial literacy and
education opportunities that will help
them better prepare to manage their fi-
nances.

I have a letter in support of my legis-
lation that is signed by the Consumer
Federation of America, the U.S. Public
Interest Research Group and the
Center for Responsible Lending. I ask
unanimously consent that it be printed
in the RECORD.

I encourage my colleagues to support
this legislation so that affordable al-
ternatives to payday loans can be
found.

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

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

Center for Responsible Lending, Con-
sumer Federation of Amer-
ica, U.S. Public Interest Re-
search Group.

May 3, 2005.

Hon. Daniel K. Akaka,
U.S. Senator,
Washington, D.C.

Dear Senator Akaka: Consumer Federa-
tion of America, Center for Responsible
Lending and U.S. Public Interest Research
Group write in support of your legislation
(see introduction of this bill) to create a
Department of affordable small loans to
debtors, along with financial literacy
and asset development to turn debtors
into savers. When consumers turn to
the under-regu-
lated small loan market, they typically
pay triple-digit interest for very short
term loans and risk valuable assets to
coerce collection. Thus last year consumers
paid $6 billion to borrow $60 billion for
check-
related small loans from payday loan outlets.
National Consumer Law Center and CFA re-
cently surveyed low to moderate income
consumers paid almost $1.4 billion to borrow
against their anticipated income tax refunds.
The Center for Responsible Lending and CFA
report on car title lending describes the
booming business of making one-month loans
secured by a title to a paid for vehicle.
We believe that the implications to the use of
fringe lenders by low to moderate income
consumers include effective state and federal
consumer protections, a stronger safety net of
financial literacy and credit counseling, and the
development of beneficial alter-
natives by mainstream financial
institutions. It is very important that the bill limits the cost of
credit to 18 percent, pursuant to the federal credit union cap of 18% annual interest rate and requires that borrowers also receive edu-
cational resources.

Sincerely,

Jean Ann Fox,
Director of Consumer Protection,
Consumer Federation of America.

Mark Pearce,
Consumer Program Director,
U.S. Public Interest Research Group.

Center for Responsible Lending.

S. 1347
Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in
Congress assembled,

SECTION 1. GRANT PROGRAM FOR LOW-COST AL-
TERNATIVES TO PAYDAY LOANS.

(a) SHORT TITLE.—This section may be
cited as the “Low-Cost Alternatives to Pay-
day Loans Act”.

(b) DEFINITIONS.—In this Act:

(1) COMMUNITY DEVELOPMENT FINANCIAL IN-
STITUTION.—The term “community develop-
ment financial institution” means any orga-
nization that has been certified as a commu-
nity development financial institution
pursuant to section 105 of the Federal Credit

(2) PREDATORY LOAN.—The term “payday loan”
means any transaction in which a small cash
advance is made to a consumer in exchange for

(A) the personal check or share draft of the
consumer, in the amount of the advance plus a
fee, where presentment or negotiation of such
check or share draft is deferred by agreement of the
parties until a designated future date; or

(B) the authorization of the consumer to debit the
transaction account or share draft of the
consumer to the advance plus a fee, where such
account will be debited on or after a designated
future date.

(c) ESTABLISHMENT OF PROGRAM.—The Sec-
retary of the Treasury (referred to in this
Act as the “Secretary”) is authorized to
award demonstration project grants (includ-
ing multi-year grants) to eligible entities to
provide low-cost, small loans to consumers
that will provide alternatives to more costly,
predatory payday loans.

We believe that an entity is eligi-
able to receive a grant under this Act if such
an entity is—

(1) an organization described in section
501(c)(3) of the Internal Revenue Code of 1986
and exempt from tax under section 501(a) of
such Code;
program described in this Act, such sums as may be necessary, to carry out the programs funded by such grant in any fiscal year for the administrative costs of carrying out the programs funded by such grant in such fiscal year."

(h) EVALUATION AND REPORT.—For each fiscal year in which a grant is awarded under this Act, the Secretary shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

(i) REGULATIONS.—The Secretary is authorized to promulgate regulations to implement and administer the grant program under this Act.

(j) AUTHORIZATION OF APPORTIONS.—There is authorized to be appropriated to the Secretary, for the grant program described in this Act, such sums as may be necessary, which shall remain available until expended.

By Mr. KOHL:

S. 1348. A bill to amend chapter 111 of title II of the United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Sunshine in Litigation Act of 2004, a bill to curb the ongoing abuse of secrecy orders in Federal courts. The result of this abuse, which often comes in the form of sealed settlement agreements, is to keep important health and safety information from the public.

This problem has been recurring for decades, and most often arises in products liability cases. Typically, an individual brings a cause of action against a manufacturer for an injury or death that has resulted from a defect in one of its products. The plaintiff has limited resources and faces a corporation that can spend an unlimited amount of money on delay tactics. Facing a formidable opponent, plaintiffs are discouraged from pursuing and often seek to settle the litigation. In exchange for the award he or she was seeking, the victim is forced to agree to a provision that prohibits him or her from revealing information disclosed during the litigation.

While the plaintiff gets a respectable award and the defendant is able to keep damaging information from getting out, others are forced to pay the price. Because there is a risk of critical public health and safety information that could potentially save lives, the American public incurs the greatest cost.

Currently, judges have broad discretion in granting protective orders when “good cause” is shown. Too much discretion, however, can sometimes lead to abuse. Tobacco companies, automobile manufacturers and pharmaceutical companies have settled with victims and used the legal system to hide information which, if it became public, could protect the American public. Surely, there are appropriate uses for such orders, like protecting trade secrets and other truly confidential company information. Our legislation makes sure such information is protected. But, protective orders are certainly not supposed to be used to hide public safety information from the public to protect a company’s reputation or profit margin.

The most famous case of abuse involved Bridgestone/Firestone. From 1992-2000, tire separations of various Bridgestone and Firestone tires were causing accidents across the country, resulting in serious injuries and even fatalities. Instead of owning up to their mistakes and acting responsibly, Bridgestone/Firestone quietly settled dozens of lawsuits, most of which included secrecy agreements. It wasn’t until 1999, when a Houston public television station broke the story, that the company acknowledged its wrongdoing and recalled 6.5 million tires. By then, it was too late; too many unnecessary injuries and deaths had already occurred.

If the story ended there, and the Bridgestone/Firestone cases were just an aberration, maybe there would be no cause for concern. But, unfortunately, the list goes on. In January 2004, Jodie Lane was walking her dog in Manhattan when she slipped and fell on a Con Edison cable cover. She was electrocuted and killed. It has since been discovered that Con Edison has settled eleven similar cases, all involving secrecy agreements. It wasn’t until 1999, when a Houston public television station broke the story, that the company acknowledged its wrongdoing and recalled 6.5 million tires. By then, it was too late; too many unnecessary injuries and deaths had already occurred.

Then there is the case of General Motors (“GM”). Although an internal memo suggests that GM was aware of the risk of fire deaths from crashes of pickup trucks with “side saddle” fuel tanks, an estimated 750 people were killed in fires involving these fuel tanks. When victims sued, GM disclosed documents only under protective orders and settled these cases on the condition that the information in these documents remained secret. This type of fuel tank was recalled for 15 years before being discontinued.

There are no records kept of the number of confidentiality orders accepted by state or federal courts. However, anecdotal evidence suggests that court secrecy and confidential settlements are prevalent. Beyond General Motors, Bridgestone/Firestone and Con Edison, secrecy agreements had real life consequences by allowing Dalkon Shield, Weitek, Tefamore, and numerous other dangerous products to remain in the market. And those are only the ones we know about.

While some States have already begun to move in the right direction, we still have a long way to go. It is time to initiate a Federal solution for this problem. The Sunshine in Litigation Act is a modest proposal that would require Federal judges to perform a simple balancing test to ensure that the defendant’s interest in secrecy truly outweighs the public interest in information related to public health and safety. Specifically, prior to making any portion of a case confidential or sealed, a judge would have to determine whether the public interest in disclosure of fact—that doing so would not restrict the disclosure of information relevant to public health and safety. Moreover, all courts, both Federal and State, would be prohibited from issuing protective orders that prevent disclosure of relevant regulatory agencies.

This legislation does not prohibit secrecy agreements across the board. It does not place an undue burden on judges or our courts. It simply states that where the public interest in disclosure outweighs the defendant’s interest in secrecy, courts should not shield important health and safety information from the public. The time to focus some sunshine on public hazards to prevent future harm is now.

By Mr. SMITH (for himself and Mr. ROCKEFELLER):

S. 1349. A bill to promote deployment of competitive video services, eliminating redundant and unnecessary regulation, and further the development of next generation broadband networks; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senator ROCKEFELLER to introduce the Video Choice Act of 2005. This bill will promote competition and help bring choice to consumers in the video market. In addition, the bill will further the development of next generation broadband services and spur economic development in rural areas of the country, like Wallowa, OR.

A recent Government Accountability Office study underscores the benefits of competition in the video market. In August 2004, GAO concluded that cable rates are on average 15 percent lower in markets with a wire-based competitor to the incumbent cable operator. My legislation promotes competition and lowers rates by eliminating redundant and unnecessary video franchises.

Specifically, my legislation permits any company that has already obtained a franchise to build and operate a network to offer video services over that
network without obtaining a second, redundant franchise. These competitive video service providers will still be subject to the important social policy obligations of cable operators, including the obligation to pay fees to local governments; to comply with the retransmission consent and must-carry provisions of the Act; to carry public, educational, governmental, and non-commercial, educational channels; to protect the privacy of subscribers and to comply with all statutory consumer protections and customer service requirements. Importantly, my legislation also preserves State and local government authority to manage the public rights-of-way and to enact or enforce any consumer protection law. In so doing, we have ensured that local communities continue to play a meaningful role in the management of these networks.

We recognize that the video franchising process imposes burdens on cable operators and welcome the opportunity to investigate and address those concerns as this debate moves forward. It is my understanding that the text of the bill will be printed in the Record. There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1349

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

SEC. 1.機構変更。§601.この法案は、下記の“Video Choice Act of 2005”と定義される。

SEC. 2. FINDINGS. Congress finds the following:

(1) Cable rates continue to rise substantially faster than the overall rate of inflation.

(2) Wire-based competition in video services is limited to very few markets. According to the Federal Communications Commission, only 2 percent of all cable subscribers have the opportunity to choose between 2 or more wire-based video service providers.

(3) It is only through wire-based video competition that the Federal Communications Commission has confirmed that where wire-based competition exists, cable rates are 15 percent lower than in markets where competition does not exist.

(4) It is in the public interest to further spur competition in the communications industry. Congress has decreased the amount of the franchise fee that Congress finds are critical to the long-term competitiveness of the United States.

SEC. 3. AMENDMENT TO COMMUNICATIONS ACT. Title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.) is amended by adding at the end the following:

"PART VI—VIDEO CHOICE

SEC. 661. DEFINITION.

"In this Part, the term "competitive video services provider" means any provider of television programming, interactive on-demand services, other programming services, or any other video services which has any right, permission, or authority to access public rights-of-way independent of any cable franchise obtained pursuant to section 621 or pursuant to any other Federal, State, or local law.

"SEC. 662. REGULATORY FRAMEWORK.

(a) REDUNDANT FRANCHISES PROHIBITED.—Notwithstanding any other provision of this Act, no competitive video services provider may be required, whether pursuant to section 621 or to any other provision of Federal, State, or local law, to obtain a franchise in order to provide any video programming, interactive on-demand services, other programming services, or any other video services in any area where such provider has any right, permission, or authority to access public rights-of-way independent of any cable service obtained pursuant to section 621 or pursuant to any other Federal, State, or local law.

(b) FEES.

(1) IN GENERAL.—Any competitive video services provider who provides a service that would otherwise be provided over a cable system shall be subject to the payment of fees to a local franchise authority based on the gross revenues of such provider. Any such franchise fees shall be considered the proceeds resulting from such service.

(2) CONSIDERATIONS.—In determining the fees required by this subsection—

(A) the rate at which fees are imposed shall not exceed the rate at which franchise fees are imposed on any cable operator providing similar services in the franchise area, as determined in accordance with section 622 and any related regulations; or

(B) in any jurisdiction in which no cable franchise is required to be subject to the provision of service within such provider's service area.

(3) BILLING.—A competitive video services provider shall designate that portion of the bill of a subscriber attributable to the fee under paragraph (2) as a separate item on the bill.

(c) TERMS OF SERVICE.—A competitive video services provider shall—

(1) subject to the retransmission consent provisions of section 323(b);

(2) carry, within each local franchise area, public, educational, governmental, or non-commercial, educational channels as required by section 615;

(3) be subject to the must-carry provisions of section 614;

(4) carry noncommercial, educational channels as required by section 613;

(5) be considered a multichannel video programming distributor for purposes of section 628 and be entitled to the benefits and protection of that section;

(6) provide the personally identifiable information of its subscribers as required in section 631;

(7) comply with any consumer protection and customer service requirements promulgated by the Commission pursuant to section 632;

("(8) not be subject to any other provisions of this title; and"

"(9) not deny services to any group of potential residential subscribers because of the inability of any other group of residential subscribers to pay."

"(d) STATE AND LOCAL GOVERNMENT AUTHORITY.—Except as provided in subsection (a) of this section, the authority of a State or local government to manage the public rights-of-way or to enact or enforce any consumer protection law."

SEC. 4. REGULATION OF COMMON CARRIERS.

Section 651(a)(3) of the Federal Communications Act (47 U.S.C. 571(a)(3)) is amended—

in subparagraph (A), by striking "or" after the semicolon

in subparagraph (B), by striking the period and inserting "or"; and

by adding at the end the following:

"(e) STATE AND LOCAL GOVERNMENT AUTHORITY.—Except as provided in subsection (a) of this section, the authority of a State or local government to manage the public rights-of-way or to enact or enforce any consumer protection law."

Mr. ROCKEFELLER. Mr. President, I am pleased to join Senator Smith in introducing the Video Choice Act of 2005. We believe that our bill will increase competition in the video marketplace and spur the deployment of advanced broadband networks.

Cable and telephone companies are competing to offer advanced Internet, video and telephone service to consumers. Cable companies are now offering telephone services. Cable companies offer both traditional telephone services over the public switched telephone network and recently have begun a major expansion into offering voice services over the Internet. Congress, in an effort to spur entry into the voice market, decided to minimize competition for cable companies' entry in these voice services.

As cable enters the voice market, it is driving prices down and creating innovative new voice services and products. At present, cable companies control nearly 70 percent of the multichannel video market and are not subject to effective price competition for video services. The Senate Commerce Committee, of which Senator Smith and I are both members, spent much of the last Congress examining options to address the over escalating price of cable television. I recognize that the cable industry has invested heavily in its networks and programming costs continue to rise, but I am hearing from some of my constituents that they feel
captive to the pricing decisions of their local cable company.

I believe the government should encourage facilities-based video competition. The Government Accountability Office has reported that in areas where cable television operators are slowly entering the video marketplace. Instead of offering video services over cable, the telephone companies will offer it over their high capacity fiber networks. Fiber-optic cables consist of bundles of hair-thin glass strands. Laser-generated pulses of light transmit voice, data, and video signals via the fiber at speeds and capacities far exceeding today’s copper-cable systems. Fiber technology provides nearly unlimited capacity, as much as 20 times faster than today’s fastest high-speed data connections.

Even more importantly, our bill would speed the deployment of super fast broadband networks. To offer video services, telephone companies will have to lay fiber cables or develop other networks that have enough capacity to transmit hundreds of television channels. These networks will also be able to offer consumers the ability to receive and send vast amounts of data.

Our Nation continues a precipitous decline in the world’s broadband deployment rate. As Asian countries develop broadband networks capable of delivering consumers 30 to 100 megabits of data, the United States falls further behind in deployment of next generation broadband technologies. The deployment of fiber optic or technologically equivalent networks would spur economic development as well as consumer choice in the cable television market.

I have worked for almost eight years on legislation to provide incentives to promote the deployment of next generation broadband technology and services. The Senate has adopted this measure numerous times, but because of opposition in the House of Representatives, it has never been enacted into law. We must examine other policies if we are to achieve universal broadband. I believe that our legislation will serve as a catalyst for the deployment of next generation broadband networks that will bring enormous economic benefits to Americans, especially rural Americans.

I know that many local governments are concerned about changing the existing regulatory framework for video regulation. I recognize that municipal governments have an important role to play in the telecommunications debate. As a former governor, I am aware of the local revenues that cable franchise fees provide local government in West Virginia and across the Nation. I have always supported the local government’s ability to collect local fees and taxes on telecommunications services, and I want to state that I will continue to do so.

Our legislation states that competitive video providers, as defined by the bill, do not have to secure local franchise agreements to offer competitive video services. However, the legislation mandates that all vital social policy obligations of current cable television operators will also have to be met by the competitive video industry. First, and foremost, our bill mandates that competitive video providers pay a franchise fee to the appropriate local government. This fee would be equal to the fee the incumbent video provider pays. Our bill also requires that competitive video providers carry all existing local public, educational, and government use channels; carry all local broadcast stations; carry all noncommercial, educational channels; adhere to strict consumer privacy obligations; and comply with all obligations currently required of local cable markets.

The Senate has adopted this narrowly tailored bill to promote the entry of new competitors into the video marketplace that balances the need to promote competition in this market with preserving the core social and policy obligations that we currently impose on providers of video services.

In addition to promoting competition in the video marketplace, this bill gives us the opportunity to foster an exponential growth in advanced broadband networks. By having advanced communications networks that are exponential faster than our existing networks, we will unleash our economic potential, especially in places like my home State of West Virginia.

Again, I would like to thank Senator Smith for all of his hard work on this bill.

By Mr. SPECTER (for himself and Mrs. BOXER):
S. 1390. A bill to amend the Communications Act of 1934 to provide a right of privacy to telecommunications consumers, and for other purposes.

S. 1390 permits wireless subscribers to choose not to have their telephone number included in wireless directory assistance databases. This feature gives consumers the ultimate ability to keep their numbers entirely private. In addition to divulging subscribers’ phone numbers, wireless directory assistance services may forward calls to wireless subscribers without prior notice or permission. My bill requires that these services must not divulge a subscriber’s wireless number, unless the subscriber consents to disclosure, must provide identifying information identifying the calling subscriber so that the subscriber knows who is calling through a forwarding service, and must give a subscriber the option...
of rejecting or accepting each incoming call. Finally, this legislation prohibits wireless carriers from charging any special fees to consumers who wish to receive the privacy protections provided by the bill. There should be no "privacy tax," a fee that consumers will continue to pay to maintain the privacy protection they have long enjoyed, and this bill ensures that will be the case.

I urge my colleagues to join me in supporting this important legislation. 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. 1350

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 "Wireless 411 Privacy Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) there are roughly 150 million wireless subscribers in the United States, up from approximately 15 million subscribers just a decade ago;

(2) the wireless phone service has proven valuable to millions of Americans because of its mobility, and the fact that government policies have expanded opportunities for new carriers to enter the market, offering more choices and ever lower prices for consumers;

(3) in addition to the benefits of competition and mobility, subscribers also benefit from the privacy of their wireless telephone numbers which have not been publicly available;

(4) up until now, the privacy of wireless subscribers has been safeguarded and thus will likely diminish the likelihood of subscribers receiving unwanted or annoying phone call interruptions on their wireless phones;

(5) moreover, because their wireless contact information, such as their phone number, have never been publicly available in any published directory or from any directory assistance service, subscribers have come to expect that if their phone rings it's likely to be a call from someone to whom they have personally given their number;

(6) the industry is poised to begin implementing a directory assistance service so that callers can reach wireless subscribers, including subscribers who have not given such callers their wireless phone number;

(7) while some wireless subscribers may find such directory assistance service useful, current subscribers deserve the right to choose whether they want to participate in such a directory;

(8) because wireless users are typically charging for calls, consumers must be afforded the ability to maintain the maximum amount of control over how many calls they may expect to receive and, in particular, over the disclosure of their wireless phone number;

(9) current wireless subscribers who elect to participate, or new wireless subscribers who decline to be listed, in any new wireless directory assistance service directory, including those subscribers who also elect not to receive forwarded calls from any wireless directory assistance service, should not be charged for exercising such rights;

(10) the marketplace has not yet adequately explained an effective plan to protect consumer privacy interests;

(11) Congress previously acted to protect the wireless location information of subscribers by enacting prohibitions on the disclosure of such sensitive information without the express prior authorization of the subscriber; and

(12) the public interest would be served by similarly enacting effective and industry-wide privacy protections for consumers with respect to wireless directory assistance service.

SEC. 3. CONSUMER CONTROL OF WIRELESS PHONE NUMBERS.

Section 322 of the Telecommunications Act of 1994 (47 U.S.C. 332(c)) is amended by adding at the end the following:

"(9) WIRELESS CONSUMER PRIVACY PROTECTION.—

"(A) IN GENERAL.—A provider of commercial mobile services, or any direct or indirect affiliate or agent of such a provider, may not include the wireless telephone number information of any subscriber in any wireless directory assistance service database unless—

"(i) the mobile service provider provides a conspicuous, separate notice to the subscriber informing the subscriber of the right to be included in any wireless directory assistance service; and

"(ii) the mobile service provider obtains express prior authorization from the subscriber to include the wireless telephone number information of any subscriber in any wireless directory assistance service database unless—

"(A) IN GENERAL.—A provider of commercial mobile services, or any direct or indirect affiliate or agent of such a provider, shall remove the wireless telephone number information of any subscriber from any wireless directory assistance service database upon request by that subscriber and without any cost to the subscriber;

"(B) COST-FREE DE-LISTING.—A provider of commercial mobile services, or any direct or indirect affiliate or agent of such a provider, may not charge any subscriber for removing the wireless telephone number information of any subscriber from any wireless directory assistance service database upon request by that subscriber and without any cost to the subscriber.

"(C) WIRELESS ACCESSIBILITY.—A provider of commercial mobile services, or any direct or indirect affiliate or agent of such provider, may not charge any subscriber for removing the wireless telephone number information from any wireless directory assistance service database unless such subscriber, separate from any authorization to be added, has not been subsequently withdrawn.

"(D) PROTECTION OF WIRELESS PHONE NUMBERS.—A telecommunications carrier shall not disclose to any third party the contents of any wireless telephone number information of any subscriber which has not been subsequently withdrawn.

"(E) PUBLICATION OF DIRECTORIES PROHIBITED.—A provider of commercial mobile services, or any direct or indirect affiliate or agent of such a provider, may not publish, in printed, electronic, or other form, or sell or otherwise make available to any third party the contents of any wireless directory assistance service database, or any portion or segment thereof unless—

"(i) the mobile service provider provides a conspicuous, separate notice to the subscriber informing the subscriber of the right not to be listed; and

"(ii) the mobile service provider obtains express prior authorization for listing from such subscriber, separate from any authorization obtained to provide such subscriber with commercial mobile service, or any calling plan or service associated with such commercial mobile service, and such authorization has not been subsequently withdrawn.

"(F) NO CONSUMER FEE FOR RETAINING PRIVACY.—A provider of commercial mobile services may not charge any subscriber for exercising any of the rights under this paragraph.

"(G) STATE AND LOCAL LAWS PREEMPTED.—To the extent that any State or local government imposes requirements on providers of commercial mobile services, or any direct or indirect affiliate or agent of such providers, that are inconsistent with the requirements of this paragraph, such paragraph preempts such State or local requirements.

"(H) DEFINITIONS.—In this paragraph:

"(I) CALLING PARTY'S IDENTITY.—The term 'calling party's identity' means the telephone number of the calling party or the name of subscriber to such telephone, or an oral or text message which provides sufficient information to enable a commercial mobile service subscriber to determine who is calling.

"(II) UNLISTED COMMERCIAL MOBILE SERVICE SUBSCRIBER.—The term 'unlisted commercial mobile service subscriber' means a subscriber to commercial mobile services who has not provided express prior consent to commercial mobile service provider to be included in a wireless directory assistance service database.

"(III) WIRELESS TELEPHONE NUMBER INFORMATION.—The term 'wireless telephone number information' means the telephone number, electronic address, and any other identifying information by which a calling party may reach a subscriber through commercial mobile services, and which is assigned by a commercial mobile service provider to such subscriber, and includes such subscriber's name and address.

"(IV) WIRELESS DIRECTORY ASSISTANCE SERVICE.—The term 'wireless directory assistance service' means any service for connecting calling parties to a subscriber of commercial mobile service when such calling parties themselves do not possess such subscriber's wireless telephone number information.

"By Mrs. CLINTON:

S. 1351. A bill to amend title 10, United States Codes, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era; to the Committee on Armed Services.

S. 1351. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era, be printed in the RECORD.

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

S. 1351

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 "Cold War Medal Act of 2005."

SEC. 2. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:
§1135. Cold War service medal

“(a) MEDAL AUTHORIZED.—The Secretary concerned shall issue a service medal, to be known as the ‘Cold War service medal’, to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, etc., and shall be issued without charge to any person.

(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War service medal:

(1) A person who—

(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

(B) completed the person’s initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

(C) has not received a discharge less favorable than honorable or a re- lease from active duty with a characterization of service less favorable than honorable.

(2) A person who—

(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

(B) completed the person’s initial service obligation as an officer or, if discharged or separated from such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than honorable.

(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any person.

(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person described in subsection (b) dies before being issued the Cold War service medal, the medal shall be issued to the person’s representative, as designated by the Secretary concerned.

(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued shall be replaced without charge.

(f) APPLICATION FOR MEDAL.—The Cold War service medal shall be issued upon receipt of a written application concerning such application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as practicable.

(h) DEFINITION.—In this section, the term ‘Cold War’ means the period beginning on December 26, 1991, and ending at the end of December 26, 2011.

(Cl) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by adding at the end the following new item:

“1135. Cold War service medal.”

By Mr. SPECTER (for himself, Mr. KENNEDY, and Mr. JEFFORDS):

S. 1352. A bill to provide grants to States for improved workplace and community transition training for incarcerated youth offenders; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Improved Workplace and Community Transition Training for Incarcerated Youth Offenders Act of 2005, which is legislation designed to enhance educational opportunities and reduce recidivism for adult and juvenile offenders. Following the repeal of Pell Grant eligibility for incarcerated individuals, I worked to create the Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders program. This program is aimed at providing postsecondary education and workplace and community transition training for incarcerated youth offenders while in prison, as well as employment counseling and other services that continue when the individual is released.

This legislation, which I am introducing today, builds upon my earlier efforts by increasing flexibility and accountability within the Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders program. This legislation is a positive step forward in providing realistic rehabilitation by increasing access to the current program for incarcerated youth offenders.

With over two million incarcerated adults, the United States has the highest incarceration rate in the world. The National Adult Literacy Study indicates that the majority of prison inmates either are illiterate or have marginal reading, writing, and math skills. This year more than 650,000 inmates will be released from United States prisons. Most of these adults and juveniles will leave correctional institutions having received little to no education and no more skilled than when they arrived. Frustrated by a lack of marketable skills, burdened with a criminal record, and released without transitional services, nearly two-thirds of released prisoners are re-arrested for either a felony or a serious misdemeanor within three years of release. It should come as no surprise that an individual who is released and who is illiterate or lacks the necessary skills to get a job returns to a life of crime.

The key to preventing recidivism has proven to be educational access and opportunity. A Correctional Educational Association report published findings from a study of education programs provided in correctional facilities. The findings show a remarkable decrease in recidivism for those inmates who participated in education programs while incarcerated. The study also shows that the higher the education level reached by the offender, the lower the resulting recidivism.

Most incarcerated youth offenders will one day return back to their communities, so this legislation is about making sure they have an opportunity to turn their lives around before they are released. It is about focusing on literacy and training in order to reduce recidivism and prevent incarcerated youth offenders from becoming career criminals. I believe that criminal offenders, especially juveniles, should be given a chance at rehabilitation and gainful employment. This chance can only come through education.

This legislation would authorize $30 million to provide incarcerated youth offenders, age 18 and older, up to 25 years old who are eligible for parole or release within 5 years, an opportunity to acquire postsecondary education while incarcerated, as well as employment counseling and other services that continue for up to five years after they are released. Currently, the Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders program provides formula grant funding to State correctional education agencies to provide postsecondary education and related services to incarcerated youth offenders up to 25 years of age. This legislation would increase eligibility for incarcerated youth offenders to individuals 35 years of age to allow more individuals to participate in the program, as the average age of inmates in most States is 35.

This legislation also aims to increase flexibility with regard to the delivery of postsecondary education and related services to incarcerated youth offenders. To that end, this legislation would raise the allowable expenditure permitted for each youth offender to the maximum Federal Pell Grant level. The current program limits expenditures per youth offender to $1,500 for tuition and books, and an additional $300 for related services. Under this legislation, State correctional education agencies have increased flexibility to address the unique needs of each inmate due to the elimination of the caps on funding, which currently dictate the specific amounts permitted to be used for tuition and books, and related services.

Additionally, this legislation requires State correctional education agencies to more thoroughly evaluate the effectiveness of the goals and objectives of the program by tracking and reporting specific and quantified student outcomes referenced to the outcomes of non-program participants. Increased accountability included in this legislation will allow a more in-depth study of the impact of education and job training on key goals such as, knowledge and skill attainment, employment attainment, job retention, advancement, and recidivism rates. Recognizing the impact that education and job training can have on incarcerated youth offenders, it is my sincere hope that this legislation will encourage incarcerated individuals to achieve independence and gain the skills necessary to become productive members of society upon their release. With realistic rehabilitation, including literacy and training, after we can stop the cycle of catch-and-release.

I urge my colleagues to join me in cosponsoring this legislation, and urge its swift adoption.
By Mr. REID (for himself, Mr. WARNER, Ms. MURkowski, Mr. COCHRAN, Mr. CORZINE, Ms. STAEBENOW, Mr. BINGAMAN, Mr. DURBIN, and Mr. VITTER):

S. 1333. A bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise to introduce the ALS Registry Act. I am pleased that Senators WARNER, STAEBENOW, MURkowski, BINGAMAN, COCHRAN, DURBIN, VITTER, and CORZINE are joining me as original cosponsors of this important legislation.

ALS is a fatal, progressive disease where the nerve cells that connect the brain and spinal cord to the muscles slowly die. As the disease progresses, patients slowly lose control of their muscles. Through it all, patients remain aware of what is happening to their bodies because ALS does not affect the mind. The harsh reality of ALS is that a person can expect to live on average only two to five years from the time the first signs of the disease appear.

Lou Gehrig brought Amyotrophic Lateral Sclerosis (ALS) to the public’s attention more than 65 years ago and his courage put a human face on this terrible disease. Each of us has a Lou Gehrig back in our home State—someone we know that courage is the face of ALS. Over the years, I have worked closely with the Nevada ALS Association and have met with many Nevadans who have been touched by this devastating illness. One of these Nevadans was a man by the name of Steve Rigazio who was invited to testify before the Labor/HHS/Education Appropriations Subcommittee in May of 2000. Steve was at the height of his career when he was diagnosed with ALS. Steve continued through the ranks of the Nevada Power Company, the largest utility company in the State, for 16 years until he became President. He coached and played recreational hockey and at one point played semi-pro baseball. After his diagnosis, Steve continued to show up at work at 6 a.m. for as long as he could. Steve Rigazio died of ALS on December 27, 2001 at the age of 47 and left behind a family that included a wife, two children and hundreds of friends. The ALS Steve Rigazio Victoria Courage Award was named in his honor as a living testimony to the life of this special man.

Sadly, every year approximately 5,600 Americans will learn they have ALS. There is no cure for ALS and there is only one FDA approved drug to specifically treat ALS. That drug extends life for only a few months and only works in 20 percent of patients.

ALS has proven particularly hard for scientists and doctors to tackle for a number of reasons; including the fact that there is also not a centralized place where data on the disease is collected and no one place for patients to go to find out about clinical trials and new research findings. Currently, there is only a patchwork of data about ALS that does not include the entire U.S. population and only includes limited data for specific purposes, such as to determine the relationship between military service and the disease. Perhaps the most obvious example of the limitations of current surveillance systems and registries is that we do not know with certainty how many people are living with ALS in the United States after 20 years. After the discovery of ALS, estimates on its prevalence still vary by as much as 100 percent—from a low of about fifteen thousand patients to as many as thirty thousand.

The legislation I am introducing today would create an ALS registry at the Centers for Disease Control and Prevention and will aid in the search for a cure to this devastating disease. The registry will collect data concerning the incidence and prevalence of ALS in the U.S.; the environmental and occupational factors that may contribute to the disease; the age, race or ethnicity, gender and family history of individuals diagnosed; and other information essential to the study of ALS.

The registry will also provide a secure method to put patients in contact with scientists conducting clinical trials and scientists studying the environmental and genetic causes of ALS.

A national registry will help our Nation’s researchers and clinicians with the tools and information they need to make progress in the fight against ALS. The data made available by a registry will potentially allow scientists to identify causes of the disease, and maybe even lead to the discovery of new treatment, a cure for ALS, or even a way to prevent the disease in the first place.

The establishment of a registry will bring new hope to thousands of patients and their families that ALS will no longer be a death sentence. No one wants to wait another 65 years before a cure is found. I urge my colleagues to support the swift passage of the ALS Registry Act.

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. 1333

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “ALS Registry Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Amyotrophic Lateral Sclerosis (referred to in this section as “ALS”) is a fatal, progressive neurodegenerative disease that affects motor nerve cells in the brain and the spinal cord.

(2) The average life expectancy for a person with ALS is 2 to 5 years from the time of diagnosis.

(3) The cause of ALS is not well understood.

(4) There is only one drug currently approved by the Food and Drug Administration for the treatment of ALS, which has thus far shown only modest effects, prolonging life by just a few months.

(5) There is no known cure for ALS.

(6) More than 5,000 individuals in the United States are diagnosed with ALS annually and as many as 30,000 individuals may be living with ALS in the United States today.

(7) Studies have found relationships between ALS and environmental and genetic factors, but those relationships are not well understood.

(8) Scientists believe that there are significant ties between ALS and any motor neuron diseases.

(9) Several ALS disease registries and databases exist in the United States and throughout the world, including the SODI database, the National Institute of Neurological Disorders and Stroke repository, and the Department of Veterans Affairs ALS Registry.

(10) A single national system to collect and store information on the prevalence and incidence of ALS in the United States does not exist.

(11) The establishment of a national registry will help—

(A) identify the incidence and prevalence of ALS in the United States;

(B) collect data important to the study of ALS;

(C) promote a better understanding of ALS;

(D) promote research into the genetic and environmental factors that cause ALS;

(E) provide a means for patients to contact scientists researching the environmental and genetic factors that cause ALS as well as those engaged in clinical trials; and

(F) enhance efforts to find treatments and a cure for ALS.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 290q et seq.) is amended by adding at the end the following:

“SEC. 3990. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—Not later than 6 months after the receipt of the report described in subsection (b)(2)(A), the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with a national voluntary health organization with experience serving the population of individuals with amyotrophic lateral sclerosis (referred to in this section as ‘ALS’), shall—

“(A) develop a system to collect data on ALS, including information with respect to the incidence and prevalence of the disease in the United States; and

“(B) establish a national registry for the collection and storage of such data and to include a population-based registry of cases of ALS in the United States.

“(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to—

“(A) gather data concerning—

“(i) ALS, including the incidence and prevalence of ALS in the United States;

“(ii) ethnic, environmental and occupational factors that may be associated with the disease;

“(iii) the age, race or ethnicity, gender, and family history of individuals who are diagnosed with the disease; and

“(iv) other matters as recommended by the Advisory Committee established under subsection (b)

“(B) establish a secure method to put patients in contact with scientists studying...
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June 30, 2005

the environmental, and genetic causes of
motor neuron disease or conducting clinical
trials on therapies for motor neuron disease.

(a) ADVISORY COMMITTEE.—

(B) DUTIES.—Not later than 60
days after the date of the enactment of this
section, the Secretary, acting through the
Director of the Centers for Disease Control and
Prevention, shall establish a committee to be
known as the Advisory Committee on the
National ALS Registry (referred to in this
section as the ‘‘Advisory Committee’’). The
Advisory Committee shall be composed of
at least one member, to be appointed by
the Secretary, acting through the Director
of the Centers for Disease Control and Pre-
vention, from among each of the following:

(A) National voluntary health associa-
tions that focus solely on ALS that have a
demonstrated experience in ALS research,
care, and patient services;

(B) The National Institutes of Health, to
include, upon the recommendation of the Di-
rector of the National Institutes of Health,
representatives from the National Institute
of Neurological Disorders and Stroke and the
National Institute of Environmental Health
Sciences;

(C) the Department of Veterans Affairs;

(D) The Agency for Toxic Substances and
Disease Registry;

(E) The Centers for Disease Control and
Prevention;

(F) Patients with ALS or their family
members;

(G) Clinicians who have worked with data
registries;

(H) Epidemiologists with experience in
data registries;

(I) Geneticists or experts in genetics who
have worked with the genetics of ALS or
other neurological diseases;

(J) Statisticians;

(K) Ethicists;

(L) Patients;

(M) Other individuals with an interest in
developing and maintaining the National
ALS Registry.

(2) DUTIES.—The Advisory Committee
shall conduct a study and make rec-
mendations to the Secretary concerning—

(a) the development and maintenance of
the National ALS Registry;

(b) the type of information to be col-
lected and stored in the Registry;

(c) the manner in which such data is to
be collected;

(d) the use and availability of such data
including guidelines for such use; and

(e) the collection of information about
diseases of motor neurons that primarily affect
motor neurons that are considered essential
to furthering the study and cure of ALS.

(3) REPORT.—Not later than 6 months
after the date on which the Advisory Com-
mittee is established, the Advisory Com-
mittee shall submit a report concerning the
study conducted under paragraph (2) that
contains the recommendations of the Advi-
sory Committee with respect to the results
of such study.

(c) GRANTS.—Notwithstanding the rec-
ommendations of the Advisory Committee
under subsection (b), the Secretary, acting
through the Director of the Centers for Dis-
ease Control and Prevention, may award
grants to, and enter into contracts and coop-
erative agreements with, public or private
nonprofit entities for the collection, anal-
ysis, and reporting of data on ALS.

(d) COORDINATION.—In establishing the
National ALS Registry under subsection (a), the
Secretary shall consult with the Director of the
Centers for Disease Control and Pre-
vention, shall—

(A) identify, build upon, expand, and co-
ordinate among existing data and surveil-
sance systems, surveys, registries, and other
Federal public health and environmental in-
frastructures, including:

(i) the Department of Veterans Affairs
ALS Registry;

(ii) the DNA and Cell Line Repository of
the National Institute of Neurological Dis-
orders and Stroke Human Genetics Resource
Center;

(iii) Agency for Toxic Substances and
Disease Registry;

(iv) State-based ALS registries, including
the Massachusetts ALS Registry;

(v) the National Vital Statistics System; and

(vi) any other existing or relevant data-
bases that collect or maintain information
on those motor neuron diseases rec-
commended by the Advisory Committee es-
ablished in subsection (b); and

(B) provide for public access to an elec-
nontic national database that accepts data
from State-based registries, health care pro-
fessionals, and others as recommended by
the Advisory Committee established in sub-
section (b) in a manner that protects per-
sonal privacy consistent with medical pri-

vacy regulations.

(2) COORDINATION WITH NIH AND DEPART-
MENT OF VETERANS AFFAIRS.—Notwith-
standing the recommendations of the Advi-
sory Committee established in subsection
(b), the Secretary shall ensure that epide-
miological and other types of information
obtained under subsection (a) is made avail-
able to the National Institutes of Health and
the Department of Veterans Affairs.

(f) DEFINITION.—For the purposes of this
section, the term ‘‘national voluntary health
association’’ means a national non-profit or-
organization with chapters or other affiliated
organizations in States throughout the
United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to carry
out this section, $25,000,000 for fiscal year
2006, and such sums as may be necessary for
each of fiscal years 2007 through 2010.

By Mr. FEINGOLD (for himself, Mr.
GRASSLEY, Mr. KENNEDY, Mr.
LIEBERMAN, Mr. CORZINE, and Mr.
WYDEN)

S. 1354. A bill to establish commis-
sions to review the facts and cir-
cumstances surrounding injustices suf-

fered by European Americans, Euro-

pean Latin Americans, and Jewish ref-
ugees during World War II; to the Com-
mittee on the Judiciary.

Mr. FEINGOLD. Mr. President, today
I introduce the Wartime Treatment
Study Act. This bill would create two
fact-finding commissions: one commis-
sion to review the U.S. government’s
mismanagement and treatment of
german Americans, Italian Americans,
and Jewish refugees during World War II;
and another commission to review the U.S.
government’s treatment of Jewish ref-
ugees fleeing Nazi persecution during
World War II. This bill is long overdue.

I am very pleased that my distin-
guished colleagues, Senators GRASS-
LEY, KENNEDY, LIEBERMAN, CORZINE,
and WYDEN, have joined me as cosponsors
of this important bill. I thank them for
their support.

The victory of America and its allies
during World War II was a tri-
umph for freedom, justice, and human
rights. The courage displayed by so
many Americans, of all ethnic origins,
should be a source of great pride for all
Americans.

But, as so many brave Americans
fought against enemies in Europe and the
Pacific, the U.S. government was curtail-
ing the freedom of people here at home.
While it is, of course, the right of every
nation to protect itself from enemies,
the U.S. government must respect the basic freedoms for
which so many Americans have given
their lives to defend. War tests our
principles and our values. And as our
nation’s recent experience has shown,
this is done the harder when our fears
are high and our principles are tested most,
that we must be even more vigilant to guard against
violations of the Constitution or of
basic freedoms.

Americans are aware of the fact
that, during World War II, under
the authority of Executive Order 9066,
our government forced more than
100,000 ethnic Japanese from their
homes into internment camps dur-
ing World War II. Japa-

nese Americans were forced to leave
their homes, their livelihoods, and
their communities and were held be-
hind barbed wire and military guard by
their own government. Through the
work of the Commission on the
Wartime Relocation and Internment of
Civilians, created by Congress in 1980, this
shameful event finally received the of-

ficial acknowledgement and condemna-
tion it deserved. Under the Civil Lib-
erties Act of 1988, people of Japanese
ancestry who were subjected to reloca-
tion or internment later received an
apology and reparations on behalf of
the people of the United States.

While I commend our government for
finally recognizing and apologizing for
the mistreatment of Japanese Ameri-
cans during World War II, I believe
that it is time that the government
also acknowledge the mistreatment ex-
perienced by many German Americans,
Italian Americans, as well as Latin American ancestry who were subjected to reloca-
tion or internment, during World War II.

I believe that most Americans are
unaware that, as was the case with
Japanese Americans, approximately
130,000 ethnic Germans, including
Europeans, were taken from their
homes and placed in internment camps
during World War II. We must learn from our history and ex-

plore why we turned on our fellow Americans and failed to protect basic freedoms.
A second commission created by this bill will review the treatment by the U.S. government of Jewish refugees who were fleeing Nazi persecution and genocide. We must review the facts and determine how our restrictive immigration policies failed to provide a fair chance to Jewish refugees fleeing the persecution of Nazi Germany. The United States turned away thousands of refugees, delivering many refugees to their deaths at the hands of the Nazi regime. As mentioned earlier, there has been a measure of justice for Japanese Americans who were denied their liberty and property. It is now time for the U.S. government to complete an accounting of this period in our nation’s history. It is time to create independent, fact-finding commissions to conduct a full and through review of the treatment of all European Americans, European Latin Americans, and Jewish refugees during World War II.

Up to this point there has been no justice for the thousands of German Americans, Italian Americans, and other European Americans who were branded “enemy aliens” and then taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps.

There has been no justice for Latin Americans of European descent who were shipped to the United States and sometimes repatriated or deported to hostile, war-torn European Axis powers, often in exchange for Americans being held in those countries.

Finally, there has been no justice for the thousands of Jews, like those aboard the German vessel the St. Louis, who sought refuge from hostile Nazi treatment but were callously turned away at America’s shores.

Although the injustices to European Americans, European Latin Americans, and Jewish refugees occurred many years ago, it is never too late for Americans to learn from these tragedies. We should never allow this part of our nation’s history to repeat itself. And, while we should be proud of our nation’s triumphs in World War II, we should not let that justifiable pride blind us to the treatment of some Americans by their own government.

I urge my colleagues to join me in supporting the Wartime Treatment Study Act. The time for a full accounting of this tragic chapter in our nation’s history.

I ask that the full text of the Wartime Treatment Study Act be printed in the RECORD.

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

S. 1354

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 “Wartime Treatment Study Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States successfully fought the spread of Nazism and fascism by Germany and Japan.

(2) Nazi Germany persecuted and engaged in genocide against Jews and certain other nationalities. By the end of World War II, 6,000,000 Jews had perished at the hands of Nazi Germany. United States Government policies, however, restricted entry to the United States to Jewish and other countries who sought safety from Nazi persecution.

(3) While we were at war, the United States treated the Japanese American, German American, and Italian American communities as suspect.

(4) The United States Government should conduct an independent review to assess fully and accurately these actions. Congress has previously reviewed the United States Government’s wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(5) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to hostile, war-torn European Axis nations, many to be exchanged for Americans held in those nations.

(6) Pursuant to policy coordinated by the United States with Latin American countries, many European Latin Americans, including German and Austrian Jews, were captured, shipped to the United States and interned. Many were later repatriated, repatriated or deported to hostile, war-torn European Axis nations during World War II, most to be exchanged for Latin Americans and Latin Americans held in those nations.

(7) Millions of European Americans served in the armed forces and thousands sacrificed their lives in the United States.

(8) The wartime policies of the United States Government were devastating to the Italian Americans and German American communities and their families. The detrimental effects are still being experienced.

(9) Prior to and during World War II, the United States Government permitted Jewish refugees who were fleeing persecution and sought safety in the United States. During the 1930’s and 1940’s, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(11) Time is of the essence for the establishment of commissions, because of the increasing destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government. Many who suffered have already passed away and will never know of this effort.

SEC. 3. DEFINITIONS.

In this Act:

(1) During World War II.—The term “During World War II” refers to the period between September 1, 1939, through December 31, 1945.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term “European American” refers to United States citizens and permanent resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanians, and Bulgarians.

(B) ITALIAN AMERICANS.—The term “Italian Americans” refers to United States citizens and permanent resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term “German Americans” refers to United States citizens and permanent resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term “European Latin Americans” refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

TITLE I—COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this title as the “European American Commission”).

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian American, and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel expenses incurred by them in the performance of their duties.

SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review
the United States Government’s wartime treatment of European Americans and Euro-
pean Latin Americans as provided in sub-
section (b).

(b) SCOPE OF REVIEW.—The European American Commission’s review shall include the fol-
lowing:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II that violated the civil liberties of European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24), Presidential Proclamations 2325, 2327, 2655, 2962, Executive Orders 9066 and 9070, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, intern-
territory, exchange, or deportation of Euro-
pean Americans and European Latin Ameri-
cans. This review shall include an assess-
ment of the underlying rationale of the United States Government’s decision to de-
velop related programs and policies, the in-
formation the United States Government re-
cieved or acquired suggesting the related programs and policies were necessitated by the perceived benefit of enacting such programs and policies, and the immediate and long-
term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A review of United States Government action with respect to European Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24) and Executive Order 9066 during World War II, including registration require-
ments, travel and property restrictions, ex-
territory, internment, exclusion, policies relat-
ing to the families and property that exclud-
es and internees were forced to aban-
don, and the terms and type of employment). ex-
cludees and internees were forced to aban-
don, internee employment by American com-
panies (including a list of such companies
and request the attendance and testimony of
members or such subcommittee or member
of any department, agency, or bureau of the
European American Commission and furnish all
information that the European American
Commission to the extent per-
mitted by law, including information col-
lected as a result of Public Law 86–317 and
Public Law 87–662, of the Pri-
avcy Act (5 U.S.C. 552a(b)(9)), the European American Commission shall be deemed to be a
committee of jurisdiction.

SEC. 104. ADMINISTRATIVE PROVISIONS.

The European American Commission is au-
thorized to—

(1) appoint and fix the compensation of
such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and with regard to the provisions of chapter 51 and subchapter III of chapter 33 of such title relating to clas-
sification and General Schedule pay rates, except that no employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5302 of such title;

(2) obtain the services of experts and con-
sultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Gov-
ernment employee, and such detail shall be
without reimbursement or interruption of
other activities necessary to the discharge of
to the families and property that
of the United States.

(4) A recommendation of appropriate rem-
edy, including such remedies as can be
corrected by acts of Congress or other appro-
 priate legislative action or judicial or other official action, the United States
Commission shall hold public hearings in
such cities of the United States as it
determines appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 60 days after the United
of the first meeting called pursuant to section 101(e).

SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the
Committee on the Judiciary of the Senate, may, for the purpose of carrying out the provisions of this title, hold such hear-
(4) enter into agreements with the Admin-
istrator of General Services for procurement
of property or services, for which payment shall be
made by
(5) make contracts with Federal or
agency, including recommendations for making

(6) enter into contracts with Federal or
State agencies, private firms, institutions, and
agencies for the conduct of research or surveys, the preparation of reports, and other
activities necessary to the discharge of the
duties of the Commission, to the extent or in such amounts as are provided in appro-
riation Acts.

SEC. 105. FUNDING.

Of the amounts authorized to be appro-
riated to the Department of Justice, $50,000 shall be available to carry out this title.

SEC. 106. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.
SEC. 203. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) In general.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books and other documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) Government information and cooperation.—The Jewish Refugee Commission may acquire directly from the head of any department, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission determines will be of assistance in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information that is a result of Public Law 96–317 and Public Law 106–451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the Jewish Refugee Commission shall be deemed to be an “agency” within the meaning of that Act.

SEC. 204. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, governing appointments in the competitive service; and

(2) obtain the services of experts and consultants in accordance with the provisions of section 5108 of such title.

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privileges;

(4) enter into contracts with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) purchase supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, and the publication of reports and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 205. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $500,000 shall be available to carry out this title.

SEC. 206. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. GRASSLEY, Mr. BAUCUS, Mr. DODD, Mr. ALEXANDER, Mr. HARKIN, Mr. ISAKSON, Ms. MIKULSKI, Mr. DEWINE, Mr. JEFFORDS, Mr. HATCH, Mrs. MURRAY, Mr. REED, Mr. ALLEN, Mr. BURNS, Mr. CRAPO, Mr. DEMINT, Mr. SANTORUM, Mr. THOMAS, and Ms. CANTWELL):

S. 1355. A bill to enhance the adoption of health information technology and to improve the quality and reduce the costs of healthcare in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, no matter who we are, where we live or which Party we belong to, one thing we have in common and all of us have been, and will again be patients under the care of a health professional who we may, or may not, have visited before for treatment.

If we have already established a relationship with the doctor who is about to treat us, our problems will either be minimized, or will not exist. But, if this is our first experience with a physician or a specialist, how can we be certain that he or she has all the information that is necessary to prescribe a course of treatment and begin our care?

These are the kind of thoughts that run through every patient’s mind as we sit in the waiting room, wondering if the high tech equipment that surrounds us is also reflected in our physician’s access to our lab reports and previous examinations. In other words, is there any way for our doctors to get to know us, before we’ve even set foot in their examining room?

It’s ironic that we live in a world where the latest news, sports and weather can make their way from the newspaper to my cell phone, but providing access to my medical records to my doctor is a much longer and tedious process. This needs to change and it needs to change now.

We can all see how the information revolution has had a dramatic impact on virtually every industry in the United States. Its ability to promote efficiency has helped to reduce costs and increase effectiveness whenever it has been applied. It is now time to bring that technology to bear on our healthcare system.

At present, healthcare expenditures are growing faster than the overall economy. In 2003, we spent more than $1.7 trillion on healthcare. By 2014, that number is expected to reach $3.1 trillion. Clearly we need to find ways to increase the efficiency of our health care system and reduce the costs associated with it.

We have all heard it said that, when it comes to our health care system, you can’t maintain the current standards of quality and control or reduce costs at the same time. While the implementation of a health information technology system may not dramatically reduce costs, it will help move us further down the road of controlling costs.

If we could manage a quick trip to the future, and pay a visit to the doctor’s office when a health information technology system is put in place, we would see some dramatic changes have been made in the ability of our doctor to diagnose, treat and provide warnings of current and future medical problems.

In that future, when I arrived at my next doctor’s office I gave the nurse at the front desk my key fob. She took a moment to swipe it past their computer access link. It is soon downloading my medical information and compiling a “health report” that focuses on any trends that are developing as the previous results of my examinations are charted and compared.

Then, as I sit in the waiting room, my physician is already consulting those records and monitoring my current and previous test results which are available to him by the swipe of a graph that he has pulled up on his computer screen. With the simple swipe of a mechanical key my future doctor has...
been able to unlock my complete medical history, and examined the results of all the tests I had taken over the years, regardless of where I had received care.

If my doctor was concerned about my cholesterol, for example, he could pull up a complete history of blood tests that will enable my physician to track my blood chemistry and note any changes in my cholesterol level over the years.

Later, if my doctor considers writing a prescription for a new drug or medication, he will have the ability to first view all medications I am currently taking in order to make an informed decision regarding any potentially dangerous interactions or adverse side effects that might occur as a result of the new prescription.

Such a system will enable doctors to spend less time gathering information and quizzing patients about past health problems and spend more time listening and ensuring their health care needs are met.

President Bush and Secretary of the Department of Health and Human Services Michael Leavitt have made their support for this clear. They recognize that widespread use of information technology has the potential of saving this country billions of dollars that are now spent on duplicative tests, unnecessary inpatient admissions, and the costs associated with adverse drug effects. Some estimates suggest that, when an information technology system is established and put into operation, for each dollar we spend on this new technology we will save as much as four dollars in reduced costs. In a system with such high, increasing costs every dollar we can save is magnified.

Fortunately, this is not something that will have to wait for someday until it is technologically possible and practical. There are already medical pioneers in the field who are putting the tools together and working on the network that will be needed to provide for rapid and complete transmission of our medical history when it is needed.

One of these innovators currently lives in my home State of Wyoming, in Big Piney, in fact.

The story of Dr. William Close is quite a remarkable one. With a wide and varied background that includes his love for the outdoors and a taste for classical music, Dr. Close has spent his life ensuring that the latest possible technologies were being used to address the health care needs of people all over the world.

Prior to settling down in Wyoming, Dr. Close spent 16 years in Africa battling the illnesses and dealing with the medical problems faced by a nation with a large population of patients, and not enough doctors to go around. His first year there he was one of only three doctors in a 2,000-bed hospital.

It was during those days that Dr. Close determined to find a way to bring the tools of modern technology to the diagnosis and treatment of disease. Faced with such a huge patient population, he needed a tool that would make the compiling of information and its interpretation easier.

His work led to the creation of a unique system for doctors to input a series of symptoms and come up with a possible diagnosis. It turned out to be such a valuable tool that it was able to be used on Palm Pilots, which made it an invaluable program for use on the go.

Upon his return to the United States he continued to work on the development of his computer application so he could track a patient’s medical history over several visits, rather than focus on each appointment as a unique set of data. That enabled Dr. Close to spot problems before they became serious and to treat trends before they became life threatening.

Dr. Close has now logged more than 50 years of service and, although he’s officially retired, he still finds time to see patients in his office. He still makes house calls, too. That’s a rare thing in most States, but a welcome part of life in Wyoming. He continues to work at what he calls his ‘gentle, limited practice’ as he continues to provide an example for other health care providers and health information systems on how to maximize health care choices and treatments for his patients by getting to know their needs of his patients by tracking their past history so he can help create a plan that will minimize a patient’s risk for future health problems.

These are the kinds of things that are possible, if we commit to working together with our nation’s health care providers to establish a network of information that will address the needs of the people of our country. I have been pleased to work with my ranking member on the HELP Committee, Senator Kennedy, and the chair and ranking member of the Finance Committee, Senators Grassley and Baucus, on this and other complementary legislation that will promote the use of health information technology today, not tomorrow. We have been putting a considerable amount of time and effort into the crafting of these bills to ensure that they will increase efficiencies, make our health care system more effective and responsive, and provide better care to all as patients.

As with most things, there will be a learning curve. As with most health care systems, there will be a transition period where the old system and the new system will be working side by side.

For most Americans, their first and primary concern is the privacy of their records. That is an important provision of the bill and we have included strong language to ensure the privacy and security protection of patients were guaranteed under HIPAA, the Health Insurance Portability and Accountability Act, are preserved. As that medical oath says so well, first, do no harm.
(7) Pharmacist.—The term ‘pharmacist’ has the meaning given that term in section 804 of the Federal Food, Drug, and Cosmetic Act.

(8) Qualified Health Information Technology.—The term ‘qualified health information technology’ means a computerized system (including hardware, software, and training) that—

(A) protects the privacy and security of health information and properly encrypts such health information;

(B) maintains and provides permitted access to patients’ health records in an electronic format;

(C) incorporates decision support software to reduce medical errors and enhance healthcare quality;

(D) is consistent with the standards recommended by the collaborative; and

(E) provides for the reporting of quality measures.

(9) State.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Outlying Areas, the Virgin Islands, the American Samoa, and the Northern Mariana Islands.

SEC. 2903. 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 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) ensures that patients’ health information is secure and protected;

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

(3) reduces healthcare costs resulting from inefficiency, medical errors, inappropriate care, and incomplete information;

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

(5) promotes a more effective marketplace, greater competition, and increased choice through the wider availability of accurate information on healthcare costs, quality, and outcomes;

(6) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of healthcare information;

(7) improves public health reporting and facilitates the early identification and rapid response to public health threats and emerging infectious diseases, including bioterror events and infectious diseases emerging for which there is no vaccine or effective treatment;

(8) facilitates health research; and

(9) promotes prevention of chronic diseases.

(10) Duties of the National Coordinator.—The National Coordinator shall—

(1) serve as the principal advisor to the Office concerning the development, application, and use of health information technology;

(2) serve as the principal advisor to the Secretary concerning the development, application, and use of health information technology;

(3) facilitate the adoption of a national system for the electronic exchange of health information technology;

(4) facilitate the adoption and implementation of standards for the electronic exchange of health information to reduce cost and improve healthcare quality; and

(5) submit the reports described under section 2904(b).

(11) Details of Federal Employers.—

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

(B) Effect of detail.—Any detail of personnel under paragraph (1) shall—

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

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

(12) Acceptance of Details.—Notwithstanding any other provision of law, the Office may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

(13) 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. 2904. AMERICAN HEALTH INFORMATION COLLABORATIVE.

(a) Establishment.—Not later than 60 days after the date of enactment of this title, the Secretary, subject to the provisions of this title, shall establish the public-private American Health Information Collaborative (referred to in this section as the ‘Collaborative’).

(b) Composition.—The Collaborative shall be composed of—

(1) the Secretary, who shall serve as the chairperson of the Collaborative;

(2) the Secretary of Defense, or his or her designee;

(3) the Secretary of Veterans Affairs, or his or her designee;

(4) the National Coordinator for Health Information Technology; and

(5) the Director of the National Institute of Standards and Technology; and

(c) Members.—

(1) United States Government Entities.—The Collaborative shall make recommendations to identify uniform national policies to the Federal Government and private entities to support the widespread adoption of health information technology, including—

(1) protecting the privacy and security of personal health information;

(2) measures to protect unauthorized access to health information;

(3) measures to ensure accurate patient identification;

(4) methods to facilitate secure patient access to health information;

(5) recommendations for a nationwide architecture that achieves interoperability of health information technology systems; and

(6) other policies determined to be necessary by the Collaborative.
SEC. 2905. IMPLEMENTATION AND CERTIFICATION OF HEALTH INFORMATION STANDARDS.

(a) Implementation.—

(1) IN GENERAL.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure uniform and consistent certification of any standard for the electronic exchange of health information voluntarily adopted by private entities in technical conformance with such standards adopted under this title.

(2) IMPLEMENTATION ASSISTANCE.—The Secretary may recognize a private entity or entities as a source of technical assistance to private entities in the implementation of the standards adopted under this title.

(b) CERTIFICATION.—

(1) IN GENERAL.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure and certify that hardware, software, or support services that claim to be in compliance with any standard for the electronic exchange of health information adopted under this title have established and maintained such compliance with technical conformance with such standards.

(2) CERTIFICATION ASSISTANCE.—The Secretary may recognize a private entity or entities as a source of technical assistance to private entities in the implementation of the standards adopted under this title.

(c) ACTION BY THE PRESIDENT.—Upon receipt of a recommendation from the Collaborative under subsection (d)(2), the President shall review and if appropriate, provide for the adoption by the Federal Government of such recommended standards.

(d) STANDARDS.—

(1) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) a State shall—

(A) propose and commit funds for a State plan for the implementation of data sharing and interoperability measures;

(B) adopt the standards adopted by the Federal Government under subsection (e);

(C) describe barriers to the adoption of such a nationwide system; and

(D) contents of the plan shall be provided for under subsection (d).

(2) CONTENTS.—A strategic plan under subsection (d) shall include—

(A) a description of the criteria and methods established for the distribution of funds to States established by the Federal Government under section 2904(d); and

(B) the amount recommended to be appropriated for each of fiscal years 2006 through 2010.

SEC. 2906. COMPETITIVE GRANTS TO FACILITATE THE WIDESPREAD ADOPTION OF HEALTH INFORMATION TECHNOLOGY.

(a) IN GENERAL.—The Secretary may award competitive grants to eligible entities to facilitate the purchase and enhance the utilization of qualified health information technology systems to improve the quality and efficiency of health care.

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

(1) submit a written application at such time, in such manner, and containing such information as the Secretary may require;

(2) submit to the Secretary a strategic plan for the implementation of data sharing and interoperability measures; and

(3) be a—

(A) not for profit hospital; or

(B) group practice (including a single physician); or

(C) another healthcare provider not described in subparagraph (A) or (B).

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) a State shall—

(1) submit a written application at such time, in such manner, and containing such information as the Secretary may require;

(2) submit to the Secretary a strategic plan for the implementation of data sharing and interoperability measures; and

(3) be a—

(A) eligible entities that will use grant funds for the development of State loan programs to facilitate the widespread adoption of health information technology; and

(B) eligible entities that will use grant funds to develop a competitive grant program for the development of State loan programs to facilitate the widespread adoption of health information technology.

SEC. 2907. GRANTS TO STATES FOR THE DEVELOPMENT OF STATE LOAN PROGRAMS TO FACILITATE THE WIDESPREAD ADOPTION OF HEALTH INFORMATION TECHNOLOGY.

(a) IN GENERAL.—The Secretary may award competitive grants to States for the establishment of State programs for loans to healthcare providers to facilitate the purchase and enhance the utilization of qualified health information technology.

(b) ELIGIBILITY.—To be eligible to receive a competitive grant under this section, a State shall establish a qualified health information technology loan fund (referred to in this section as a ‘‘State loan fund’’) and comply with the other requirements contained in this section. A grant to a State under this section shall be deposited in the State loan fund established by the Secretary.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) a State shall—

(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(2) submit a description of the criteria and methods established for the distribution of funds to States established by the Federal Government under section 2904(d); and

(3) comply with the other requirements contained in this section. A grant to a State under this section shall be deposited in the State loan fund established by the Secretary.

(d) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) a State shall—

(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(2) submit to the Secretary a strategic plan for the implementation of data sharing and interoperability measures; and

(3) comply with the other requirements contained in this section. A grant to a State under this section shall be deposited in the State loan fund established by the Secretary.

SEC. 2908. ELIGIBILITY FOR GRANTS TO STATES.

(a) IN GENERAL.—The Secretary may award competitive grants to States for the establishment of State programs for loans to healthcare providers to facilitate the purchase and enhance the utilization of qualified health information technology.

(b) ELIGIBILITY.—To be eligible to receive a competitive grant under this section, a State shall establish a qualified health information technology loan fund (referred to in this section as a ‘‘State loan fund’’) and comply with the other requirements contained in this section. A grant to a State under this section shall be deposited in the State loan fund established by the Secretary.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) a State shall—

(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(2) submit to the Secretary a strategic plan for the implementation of data sharing and interoperability measures; and

(3) comply with the other requirements contained in this section. A grant to a State under this section shall be deposited in the State loan fund established by the Secretary.

SEC. 2909. USE OF FUNDS.

(a) IN GENERAL.—The Secretary may award competitive grants to States for the establishment of State programs for loans to healthcare providers to facilitate the purchase and enhance the utilization of qualified health information technology.

(b) ELIGIBILITY.—To be eligible to receive a competitive grant under this section, a State shall establish a qualified health information technology loan fund (referred to in this section as a ‘‘State loan fund’’) and comply with the other requirements contained in this section. A grant to a State under this section shall be deposited in the State loan fund established by the Secretary.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) a State shall—

(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(2) submit to the Secretary a strategic plan for the implementation of data sharing and interoperability measures; and

(3) comply with the other requirements contained in this section. A grant to a State under this section shall be deposited in the State loan fund established by the Secretary.
section may be used by a healthcare provider to facilitate the purchase and enhance the utilization of qualified health information technology.

(B) AVAILABILITY OF INFORMATION.—A State shall make publicly available the identity of any non-Federal entity, or any private sector entity under subparagraph (A) and may issue letters of commendation or make other awards (that have no financial value) to any such entity.

(5) RESERVATION OF AMOUNTS.—A State may reserve not to exceed 40 percent of the amounts in the State loan fund to issue loans to recipients who serve medically underserved areas.

(6) MACHING REQUIREMENTS.—

(B) IN GENERAL.—The Secretary may not make a loan under subsection (a) to a State unless the State agrees to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward the costs of the State program to be implemented under the grant in an amount equal to not less than $1 for each $1 Federal funds provided under the grant.

(7) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—In determining the amount of non-Federal contributions that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

(8) PREFERENCE IN AWARDING GRANTS.—

(a) General Authority.—The Secretary may give a preference in awarding grants under this section to States that adopt value-based purchasing programs to improve health care quality; and

(b) Use of Funds.—Grants under this section may be used for administrative expenses.

(9) REPORTS.—The Secretary shall annually submit to the Committee on Appropriations of the Committee on the Budget of the House of Representatives and the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, a report summarizing the activities of the Secretary from each State that receives a grant under this section.

(10) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—For the purpose of making grants under subsection (a), there is authorized to be appropriated $30,000,000 for fiscal year 2012, such sums as may be necessary for each of fiscal years 2013 through 2016.

(B) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall meet the following requirements:

(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

(2) submit to the Secretary a strategic plan for integrating qualified health information technology systems in the clinical education of health professionals. Such plans shall be made on a competitive basis and pursuant to peer review.

(C) REPORTS.—The Secretary shall, to the extent feasible, ensure that—

(1) makes the results of such evaluations available to the public; and

(2) evaluates the projects funded under this section.

(11) QUALITY MEASUREMENT SYSTEMS.

(a) IN GENERAL.—The Secretary shall develop and implement a demonstration project to be funded under the grant in an amount that is not less than $1 for each $2 Federal funds provided under the grant.

(b) USE OF FUNDS.—The Secretary shall use funds provided under this section to support the following:

(1) MEASURES.—Subject to paragraph (b), the Secretary shall select measures of quality to be used by the Secretary under the systems.

(2) REPORTS.—In selecting the measures to be used under each system pursuant to paragraph (a), the Secretary shall, to the extent feasible, ensure that—

(A) in general, the measures are evidence-based, reliable and valid, and feasible to collect and report.
``(ii) such measures include measures of process, structure, beneficiary experience, efficiency, and equity; 
``(iii) such measures include measures of overuse, underuse, and misuse of healthcare items and services; and 
``(iv) such measures include— 
``(A) with respect to the initial year in which such measures are used, one or more elements of a qualified health information technology system as defined in section 2901; and 
``(B) with respect to subsequent years, additional elements of qualified health information technology systems as defined in section 2901.

``(3) MAINTENANCE.—The Secretary shall, as determined appropriate, in no case more often than once during each 12-month period, update the quality measurement systems developed under subsection (a), including through—
``(A) the addition of more accurate and precise measures of improvement of the systems and the retiring of existing outdated measures under the systems; and 
``(B) the refinement of the weights assigned under the systems.

``(c) REQUIRED CONSIDERATIONS IN DEVELOPING AND UPDATING THE SYSTEMS.—In developing and updating the quality measurement systems under this section, the Secretary shall—
``(1) consult with, and take into account the recommendations of, the entity that the Secretary has an arrangement with under subsection (e); 
``(2) consult with provider-based groups and clinical specialty societies; and 
``(3) into account any—
``(A) the demonstrations required under this Act; 
``(B) the demonstration program under section 1866A of the Social Security Act; 
``(C) the demonstration program under section 1866C of such Act; 
``(D) any other demonstration or pilot program conducted by the Secretary relating to measuring and rewarding quality and efficiency of care; and 
``(E) the reports by the Institute of Medicine of the National Academy of Sciences under section 238(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

``(d) REQUIRED CONSIDERATIONS IN IMPLEMENTING THE SYSTEMS.—In implementing the quality measurement systems under this section, the Secretary shall take into account the recommendations of public-private entities—
``(1) that are established to examine issues of data collection and reporting, including the feasibility of collecting and reporting data on measures; and 
``(2) that involve representatives of health care providers, consumers, employers, and other individuals and groups that are interested in quality of care.

``(e) ARRANGEMENT WITH AN ENTITY TO PROVIDE ADVICE AND RECOMMENDATIONS.—
``(1) ARRANGEMENT.—On and after July 1, 2006, the Secretary shall have in place an arrangement with an entity that meets the requirements described in paragraph (2) under which such entity provides the Secretary with advice on, and recommendations with respect to, development and updating of the quality measurement systems under this section, including the assigning of weights to the measures under subsection (b)(2).

``(2) ENTITY DESCRIBED.—The requirements described in paragraph (2) under which such entity provides the Secretary with advice on, and recommendations with respect to, development and updating of the quality measurement systems under this section, including the assigning of weights to the measures under subsection (b)(2), are—

``(A) The entity is a private nonprofit entity governed by an executive director and a board.

``(B) The members of the entity include representatives from—
``(i) health plans and providers receiving reimbursement under this title for the provision of items and services, including health plans and providers being reimbursed primarily on a cost basis deemed appropriate by the Secretary; 
``(C) CENTER FOR BEST PRACTICES.

``(1) IN GENERAL.—The Secretary, acting through the Director, shall develop a Center for Best Practices to provide technical assistance and develop support and accelerate the efforts of States and healthcare providers to adopt, implement, and effectively use health information technology.

``(2) PURPOSES.—The purpose of the Center is—
``(i) providing for the widespread adoption of interoperable health information technology; 
``(ii) providing for the establishment of local and regional health information networks to facilitate the development of interoperability across healthcare settings; 
``(iii) the development of solutions to barriers to the exchange of electronic health information; or 
``(iv) other activities identified by the Secretary.

SEC. 3. CENTER FOR BEST PRACTICES.

``(A) IN GENERAL.—In carrying out paragraph (1), the Director shall establish a voluntary for Best Practices referred to in this subsection as the ‘Center’ for States and healthcare stakeholders seeking to facilitate mutual learning and accelerate the development and adoption of health information technology. The Center shall support activities to meet goals, including—

``(i) providing for the widespread adoption of interoperable health information technology; 
``(ii) providing for the establishment of regional and local health information networks to facilitate the development of interoperability across healthcare settings; 
``(iii) the development of solutions to barriers to the exchange of electronic health information; or 
``(iv) other activities identified by the Secretary.

``(B) PURPOSES.—The purpose of the Center is—
``(i) provide a forum for the exchange of knowledge and experience; 
``(ii) accelerate the transfer of lessons learned from the operation of public-private sector initiatives, including those currently receiving Federal financial support; 
``(iii) assemble, analyze, and widely disseminate evidence and experience related to the adoption, implementation, and effective use of health information technology; 
``(iv) assure the timely provision of technical and expert assistance from the Agency and its contractors; 
``(v) accelerate the pace of health information technology innovation and development; and 
``(vi) provide technical assistance to entities developing applications for demonstration grants under subsection (b).

``(C) SUPPORT FOR ACTIVITIES.—To provide support for the activities of the Center, the Director shall—

``(i) modify the requirements, if necessary, that apply to the National Resource Center for Health Information Technology to provide the necessary infrastructure to support the duties and activities of the Network and facilitate information exchange across the public and private sectors; and 
``(ii) expand the Agency’s focus on the adoption, implementation, and effective use of health information technology through the development and support of practical implementation guidance based upon existing knowledge and support for rapid-cycle implementation research to address questions for which existing knowledge is insufficient; and 
``(iii) develop the capacity to identify and widely share in a timely manner innovative approaches to advancing health information technology adoption and its impact on the improvement of the quality, safety, and efficiency of health care.
("(3) Technical assistance telephone number or website.—The Secretary shall establish a toll-free telephone number or Internet website to provide healthcare providers with a single point of access for commercial use;

("(A) learn about Federal grants and technical assistance services related to health information technology;

("(B) develop and use qualified health information software that has been certified to be in compliance with the standards adopted by the Federal Government under section 2904 and is available for commercial use;

("(C) receive referrals to regional and local health information networks for assistance with health information technology;

("(D) participate in the uniform and consistent implementation of standards; and

("(E) disseminate additional information determined by the Secretary to be helpful to such providers;

("(4) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

SEC. 4. HEALTH INFORMATION NETWORK DEMONSTRATION PROGRAM.

Section 914 of the Public Health Service Act (42 U.S.C. 2904) as amended by subsection (b), is further amended by adding at the end the following:

"(e) Health Information Network Demonstration Program.—

"(1) In General.—The Director may establish a demonstration program under which grants or contracts shall be awarded to support health information network planning, implementation, and evaluation activities.

"(2) Eligibility.—To be eligible to receive a grant or contract under the demonstration program under paragraph (1), an entity shall—

"(A) submit to the Director an application at such time, in such manner, and containing such information as the Director may require;

"(B) submit to the Director a strategic plan for the implementation of data sharing and interoperability measures across the various health care settings within the proposed network;

"(C) be a public or nonprofit private entity that is developing a network or potential network that includes healthcare providers and group health plans in a defined area of geographic proximity or organizational affinity and that may include for profit entities so long as such an entity is not the grantee;

"(D) demonstrate, where appropriate, the full extent of the network that includes healthcare providers and group health plans in a defined area of geographic proximity or organizational affinity, and that may include for profit entities;

"(F) demonstrate active participation in the best practice network described in subsection (d);

"(G) demonstrate compliance with the data standards and technical policies adopted by the Federal Government under section 2904(e);

"(H) submit to the Secretary a report on the degree to which such entity has achieved the measures under section 2905;

"(I) demonstrate financial need; and

"(J) agree to provide matching funds in accordance with paragraph (4).

"(3) Use of Funds.—

"(A) In General.—Amounts received under a grant or contract under this subsection shall be used to establish and implement a regional or local health information network.

"(B) Limitation.—Amounts received under a grant or contract under this subsection may not be used to purchase a health information technology system that is not a qualified health information technology system or any equipment, item, information, right, license, intellectual property, software, training, or service used to promote such a system.

"(4) Matching Requirement.—To be eligible to receive a grant or contract under this subsection an entity shall contribute non-Federal funds to the costs of carrying out the activities for which the grant or contract is awarded in an amount equal to $1 for each of $2 of Federal funds, provided under the grant or contract.

"(5) Authorization of Appropriations.—

There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2006, $70,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

SEC. 5. EXCEPTION TO FEDERAL ANTI-KICKBACK AND STARK LAWS FOR THE PROVISION OF PERMITTED SUPPORT.

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

"(1) in paragraph (3)—

"(i) in subparagraph (G), by striking and "and"; and

"(ii) by adding at the end the following new paragraph:

"(4) permitted support.—

"(A) definition of permitted support.—Subject to subparagraph (B), in this section, the term "permitted support" means the provision of any equipment, item, information, right, license, intellectual property, software, training, or service used for developing, implementing, operating, or facilitating the use of systems designed to improve the quality of health care and to promote the electronic exchange of health information.

"(B) Exception.—The term "permitted support" shall not include the provision of—

"(i) any support that is determined in a manner that is related to the volume or value of any referrals or other business generated between the parties for which payment may be made in whole or in part under a Federal health care program;

"(ii) any support that has more than incidental utility or value to the recipient beyond the exchange of health care information; or

"(iii) any health information technology system, product, or service that is not in compliance with data standards adopted by the Federal Government under section 2904 of the Public Health Service Act.

"(B) Stark.—Section 1871(e) of the Social Security Act (42 U.S.C. 1395nn(e)) is amended by adding at the end the following new paragraph:

"(9) permitted support.—During the 5-year period beginning on the date the Secretary issues the interim final rule under section 5(c)(1) of the Better Healthcare Through Information Technology Act, the provision, with or without charge, of any permitted support (as defined in section 1128B(b)(4)).

"(C) Regulations.—In order to carry out the amendments made by this section, the Secretary of Health and Human Services shall issue an interim final rule with comment period by not later than the date which is 180 days after the date of enactment of this Act; and

"(2) the Secretary shall issue a final rule by not later than the date that is 180 days after the date that the interim final rule under paragraph (1) is issued.

Mr. KENNEDY. Mr. President, It is a privilege to join Senator Enzi, Senator Grassley, Senator Baucus and many other distinguished colleagues in the Senate to introduce legislation that will help to modernize our health care system with information technology. The United States has the best doctors and hospitals in the world, but we will soon be left behind other industrialized nations if we fail to adopt modern technology. When enacted, this bill will be the first legislation to address the glaring lack of such technology in U.S. health care. Modern information technology can transform health care as profoundly as any medical discovery of the past, and the American people deserve that transformation.

The Institute of Medicine estimates that as many as 98,000 Americans die in hospitals each year because of medical errors—making it the eighth leading cause of death in the United States. Elderly patients are prescribed improper medication in one out of every 12 physician visits. Adult Americans receive recommended care only 50 percent of the time. Nearly 30 percent of health care spending, $300 billion a year, goes for treatments that may not improve health, are redundant, or are even wrong for the patient’s condition. Medical experts agree that most of these shameful statistics could be drastically reduced by modern information technology in doctors’ offices, hospitals, nursing homes, pharmacies, clinical laboratories and public health departments across the country.

It is not just quality of care that improves with use of Health IT—the cost goes down as well. National health care spending now exceeds $1.7 trillion a year—and health spending and health insurance premiums continue to rise at rates much higher than general inflation. The Federal Government estimates that savings in the range of $140 billion a year, close to 10 percent of total health spending, could be achieved through widespread adoption of health IT. These system-wide savings would reduce insurance premiums by $700 a year for every family in America.

States, including Massachusetts, are leading the way toward a fully interconnected health IT system, with cutting edge projects being conducted by organizations such as the
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Mr. REED. Mr. President, I join several of my colleagues in introducing the Better Healthcare Through Information Technology Act. This bill represents a strong step forward in modernizing our health care system and paving the way to greater efficiency and quality in the delivery of care.

Health care is becoming an enormous drain on employers, employees, and the Nation as a whole. More Americans are uninsured, and premiums for health insurance are increasing at an unsustainable rate of 20, 30, and even 40 percent per year. Health care reform is the huge concerns of the American people and our Nation’s businesses. Indeed, the fact that companies like GM are losing competitiveness and laying off 25,000 workers, in part due to health costs, is a strong sign that our current health care system is flawed.

Solving these challenges will require new, bold policy initiatives to make health care coverage more affordable for employers, employees, and all Americans. Change must be considered in our approach to health care reform. As a start, there are numerous improvements that can—and should—be made to fully pull the industry into the information age with the widespread adoption of information technology. It is unfortunate, but not surprising, that many of our Nation’s other systems, such as our banking systems, are decades ahead in providing a seamless national network facilitating nearly instantaneous and universal access to information. It is high time for this body to act to modernize our health system as well, for its adoption of IT systems has the promise to improve quality while simultaneously reducing costs.

There are significant barriers to the adoption of IT by health care providers, including often-prohibitive costs of capital expenditures needed for hardware and software and a lack of uniform standards for the electronic exchange of information. Systems are prohibitively expensive for many physician practices and there is no guarantee of interoperability with the systems used at a local hospital, lab, or pharmacy.

The Better Healthcare Through Information Technology Act addresses many of these barriers. It codifies existing efforts by the government to foster the use of health IT. It establishes a public-private collaborative to build consensus on a single set of standards. To ensure that these standards will then be embraced, our bill requires Federal procurement of information technology, and data collection by Federal agencies to comply with them.

A similar collaborative on a local scale already exists in Rhode Island. The Rhode Island Quality Institute links providers, hospitals, insurers, government, businesses, and the academic community in the pursuit of improving health care quality. I commend the Rhode Island Quality Institute for its statewide efforts to make Rhode Island a "learning lab," and I believe that the bill we are introducing today will support these and similar efforts around the country.

To do this, our legislation recognizes and aims to address the financing challenges faced by providers. The bill establishes a number of competitive grants and facilitates State loan programs that are designed to get quality health IT systems in the hands of doctors, hospitals, and clinics. Other provisions, including modifications to Federal anti-kickback and Stark laws and the establishment of a toll-free telephone number or Web site to assist physicians, will accelerate the implementation and adoption of health IT.

The combination of uniform standards, help for physicians to purchase health IT systems, and improved exchange of electronic information through a national system will ultimately move us toward a conversion to Electronic Medical Records. Records will seamlessly follow the patient and improve evidence-based medicine by allowing aggregate data in the determination of best treatment practices. Decision support systems will provide doctors with the most up-to-date evidence-based recommendations available.

Perhaps most importantly, though, the use of IT offers the hope of reducing the thousands of medical errors each year that add to both unnecessary pain and suffering and the cost of health care. Computerized Provider Order Entry, or CPOE, could alone bring enormous savings to the health care system by reducing medication errors in hospitals and clinics.

Systemic errors such as these account for many medical errors identified by the Institute of Medicine in their seminal study on this topic that estimated up to 98,000 avoidable deaths from medical errors each year. It will take government action and investment to bring about the technological sophistication and interoperability necessary to substantially reduce the incidence of these errors.
I want to thank Senators ENZI, KENNEdY, DODD, and others for their efforts on this bill. I look forward to continuing to work with each of them and the rest of my colleagues to bring our Nation’s health system into the 21st century.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. ENZI, and Mr. KENNY):

S. 1356. A bill to amend title XVIII of the Social Security Act to provide incentives for the provision of high quality care under the medicare program; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join Senator BAUCUS in introducing the Medicare Value Purchasing (MVP) Act of 2005. Senator BAUCUS shares my strong commitment to ensuring the vitality of the Medicare program for generations of beneficiaries to come. Two years ago, we worked in a bipartisan manner to establish the first ever Medicare prescription drug benefit, to create new coverage choices under the Medicare Advantage program, and to cover more preventive screening tests. The Medicare Modernization Act transformed Medicare benefits and choices.

Over the past 40 years, Medicare has made immeasurable differences in the lives of our Nation’s seniors and disabled citizens by providing benefits with access to care. The gaps that we are introducing today will ensure that they continue not only to have that access, but also have access to good care. Some folks might think I am saying that beneficiaries don’t receive good care today. Nothing could be further from the truth. I know that physicians, hospitals, nurses and other providers across the country work every day to provide quality care. But just like all Medicare beneficiaries have the same benefits, all Medicare beneficiaries get the best quality care possible. And today, that’s just not the case; there is tremendous room for improvement.

A May 2005 Commonwealth Fund review of more than four hundred studies and data sets painted a mixed picture on the quality of care received by Medicare beneficiaries. The analysis found that many improvements are occurring—breast cancer screening rates have tripled and many patients with diabetes in the United States are able to keep them healthy. At the same time, the review showed that in some parts of the country, beneficiaries get recommended treatments, such as immunizations, but in other parts they don’t. They found that improvements in care for Medicare beneficiaries have not kept pace with improvements among other groups. For example, between 1988 and 1994, the percent of forty-five-year-olds to sixty-four-year-olds whose blood pressure was controlled, increased from 33 percent to 40 percent. Among Medicare beneficiaries, it stayed the same—just 24 percent. They also zeroed in on the need to strengthen programs to care for beneficiaries with a chronic illness. Research shows that twenty percent of Medicare beneficiaries have five or more chronic illnesses. Caring for these beneficiaries accounts for nearly 70 percent of Medicare spending.

One of the study’s most disturbing findings was the States with higher spending per Medicare beneficiary tended to rank lower on twenty-two quality-of-care indicators. According to the researchers, this might reflect practice patterns that favor intensive, costly care rather than “effective” care. Simply stated, spending more, does not necessarily translate into better quality care for beneficiaries. Of the $300 billion Medicare dollars spent last year, I think it is safe to say that in many cases we—beneficiaries and taxpayers—did not get the absolute best value. Not even close.

Why is that the case? In part, it is because of the way we pay for care. I am proud to say that back in 1999, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003—commonly known as the Medicare Modernization Act—required Medicare beneficiaries to pay more towards the cost of their prescription drugs. In simplest terms, this means that Medicare beneficiaries who have access to drugs that cost more will pay more towards that cost. This change has helped to slow the growth of Medicare spending, but it hasn’t solved the problem of discrimination against lower quality care. This is not a partisan issue. In fact, something we all agree on is that Medicare beneficiaries should have access to the care they need to get well and stay well. But in many instances, that means the choice is between good care and lower quality care. This is because Medicare doesn’t pay for good care, and Medicare beneficiaries don’t have the same incentives to receive good care as their private counterparts. The notion that Medicare beneficiaries should pay more towards the cost of their prescription drugs is not new. The 1997 Balanced Budget Act required Medicare beneficiaries to pay more towards the cost of their prescription drugs.

In 2002, President Bush signed into law the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. As a result of this legislation, millions of Medicare beneficiaries have access to prescription drug coverage through Medicare’s voluntary prescription drug benefit. This legislation is a milestone achievement, improving access to prescription drug coverage for millions of Medicare beneficiaries across America. But while this legislation has provided needed prescription drug coverage, it has also added to the overall cost of Medicare.

Overall, this perverse situation could disadvantage the hospital that delivers higher quality care to beneficiaries because it doesn’t generate revenue, which could compromise its ability to compete against other hospitals. This situation just does not make sense; neither to me, nor should it to beneficiaries. Providing lower quality care costs the Medicare program money while providing higher quality care can penalize providers financially. It is the exact opposite of what we want and need for Medicare and beneficiaries. Of course, our Nation is blessed with millions of dedicated and qualified health care providers who care deeply about the quality of care they provide to their patients. What we have is a systemic failure of Medicare payment systems to reward quality and provide the incentives to help us invest in health care information technology and other efforts to improve health care quality. This bill creates the financial incentives that reward those providers who deliver that quality care today, and to those who make improvements where they are needed.

The MVP Act seeks to remedy this situation and to implement the IOM’s and MedPAC’s recommendations by creating quality payments under Medicare for physicians and other providers, hospitals, health plans, skilled nursing facilities, home health, and end stage renal disease facilities. Senator BAUCUS and I know that it is a pretty ambitious strategy. We also recognize that this substantial departure from current payment practices cannot and should not happen overnight. MA will consideration of which quality measures that the Centers for Medicare and Medicaid Services (CMS) should use in making quality-based payments will take some time. Providers will play a significant role in determining which measures to use. This is important—we need to make sure that the measures are valid and reliable. In addition, providers will need some time to become more proficient in collecting and reporting quality data for payment purposes.

The MVP Act builds on the small steps made in the Medicare Modernization Act by establishing reporting incentives in its early years. Under the MMA, hospitals that report ten quality measures receive a full payment update, those that don’t report, receive a smaller update. This approach has been successful. In 2005, 99 percent of hospitals reported the data and CMS has seen improvements in quality among the participating hospitals. Under the MVP Act, using the data from these reporting years, CMS will give providers a new way of thinking about the link between quality payments will begin. This will allow providers the chance to fine tune their quality practices and data reporting...
capabilities before payments will be determined based on a specific provider’s quality measures.

For each provider group and facility, as well as Medicare Advantage plans under our legislation, CMS will then begin to make quality payments from a pool that initially will equal one percent of their Medicare payments. Over five years, quality payments will increase to two percent of total payments. Payments will be awarded for meeting performance thresholds and to those who demonstrate a level of improvement specified by CMS. This approach recognizes that we need to offer incentives to a broad base of providers—who perform well today deserve recognition; those that might not be performing well, but have improved, also should be recognized.

Finally, CMS will report publicly on how various providers, facilities, and plans do with respect to quality. This information will help empower beneficiaries when making their healthcare decisions and when making informed choices.

Our bill recognizes that the private sector has made a lot of progress in developing and adopting quality measures. Several voluntary and purchasing projects underway around the country. We don’t want to reinvent the wheel—we want to build on these initiatives. These private projects, along with its own projects, can help inform CMS for Medicare and Medicaid Services (CMS) as it works out technical details to implement quality-based payments using the framework established by the MVP Act.

This framework is consistent with the thinking of CMS on quality-based payments as expressed by Administrator Mark McClellan. It also is consistent with principles endorsed today by more than twenty of the Nation’s leading consumer, employer, and labor organizations. In announcing the principles, Peter Lee, president and CEO of the Pacific Business Group on Health, said, “We must move beyond a system that is performance-blind to one that rewards better quality and gives consumers tools to make informed choices.”

Now some folks may think that Medicare shouldn’t take on this issue—that the health care system for the private sector to do it alone. I respectfully disagree with that view. Medicare is the single largest purchaser of health care in the Nation. The IOM in “Leadership by Example” expressed its opinion that Federal Government health care programs can significantly influence how care is provided by the private sector. The Commonwealth Fund researchers share this view—that adopting quality payments in Medicare can influence the level of quality in all health care, not just care for the elderly.

And there’s a lot of health care to be influenced. Our Nation spent $1.3 trillion on health care last year. Health care spending is expected to reach more than 15 percent of the gross domestic product. But just like in Medicare, we are not always getting the best value for those dollars. That $1.3 trillion in spending translated to a 37th place ranking for the United States compared to around the world, in quality, according to the World Health Organization (WHO). Spending more and more money without achieving commensurate improvements in quality is simply wasteful and unsustainable.

Medicare is just one month shy of its fortieth anniversary—a tremendous milestone. It has positively affected the lives of millions of seniors and disabled citizens. We set a goal for ourselves forty years ago—to improve access to care. Providers and policymakers came together to make that a reality. It is time for a new goal, a new challenge—to ensure that Medicare beneficiaries and all Americans get the health care they deserve as a nation, we get the highest value for our health care dollars. The MVP Act of 2005 provides us with a road map to live up to that challenge. I urge my colleagues to join me and Senator Baucus in advancing this important legislation.

Mr. BAUCUS. Mr. President, I rise as a co-sponsor of the “Medicare Value Purchasing Act of 2005.”

This bill will establish a new program for Medicare to link a portion of Medicare’s reimbursement for health care services to the quality of that care. This bill takes a crucial step towards improving the value of our health care dollar as well as the safety and quality of our Nation’s health care system.

Last week, I gave a statement in this Chamber about America’s place in the world. I am proud of our Nation; I am proud of our enterprise spirit, our energy, our diversity, and the hope for a better future that our efforts are rooted. I am proud of this country, but I am disappointed in the state of our health care system and in the impact it is having on the lives of our fellow citizens, as well as on the economy and ultimately on our place in the world. As I look to the future, I see a stronger America, but I know we must work hard to make sure that vision is realized.

We hear about the problem of increasing health care costs nearly every day—in newspaper headlines and in casual conversations. Per capita spending on health care in America is nearly 2½ times the average in the industrialized world. We spend over $5,000 per person on health care, and premiums for employer-sponsored insurance are rising five times faster than inflation.

With all this money going into health care, one might assume we had the best health care in the world. But that assumption is wrong. Despite spending more per capita than any other developed nation, the World Health Organization ranks the United States 37th in health care quality. As many as 98,000 patients die each year as a result of medical errors, and research has shown that in some cases more care, more specialists, and more treatments, actually result in worse outcomes for the patient. Thus, we are not getting high-quality care for the dollars spent, and due to the nature of our health care system much of this burden is borne by employers. For the first time, the Big Three automakers are beginning to change premiums to make it easier for workers and retirees, because they can’t afford the cost of health care. All told, GM estimates that they will spend about $6 billion in 2005 on health care. This translates into $1,525 for every vehicle they sell. That is more than the company spends on steel.

By comparison, Toyota’s health care costs are about $1,000 less per vehicle. It is not surprising, therefore, that a recent survey of business leaders found that 67 percent of top financial Officers in the United States feel that it is very important for Congress to address the cost of health care. Their European and Asian counterparts did not cite the costs of health care among their top concerns.

No other industry tolerates the level of disrepair that can be found in the U.S. health care system today. Many of my colleagues in the Senate agree that in order to improve the system, we must take aggressive steps to establish standards and policies around this important issue, improve our infrastructure, and to make initial investments in hardware, software, and training. I applaud my colleagues Senator Enzi and Senator Kennedy for introducing important legislation on this topic today, the “Health Information Technology and Quality Improvement Act of 2005.”

Building a Health Information Infrastructure will facilitate the provision of high-quality care. But we also must build a reward system for providers and patients nationwide, from Manhattan, NY to Manhattan, MT. We must take aggressive steps to establish standards and policies around this important issue, and to make initial investments in hardware, software, and training. I applaud my colleagues Senator Enzi and Senator Kennedy for introducing important legislation on this topic today, the “Health Information Technology and Quality Improvement Act of 2005.”

Building a Health Information Infrastructure will facilitate the provision of high-quality care. But we also must begin rewarding quality in the way we reward other critical industries, such as the Big Three automakers. The health care payment policies typically do not include mechanisms designed to encourage quality of care. Medicare does not distinguish between paying for care that is necessary and that which might be unnecessary or inappropriate.

As a result, I worked with Senator Grassley to design a program that will tie a portion of Medicare reimbursement for hospitals, physicians, health plans, renal dialysis facilities, and home health agencies to the quality of care provided in these settings. Payment for these providers, as well as for Skilled Nursing Facilities, would also be linked to reporting data on...
quality of care and, after the first year of the program, to making this data available to the public.

The Medicare Value-Based Purchasing program would begin paying for value in the health care system—good patient outcomes, quality and value of care, evidence-based medicine, and increased transparency. We have learned a lot from programs such as this that have begun on a smaller scale in the private sector, and we hope that taking this step for improvement in health care will scale the entire health care system toward a system of high-quality, high-value health care.

But designing a program like this one is not easy, and I want to be clear on this point: I don’t believe Congress should determine how the quality of health care is measured. That is why my bill sets up a system of stakeholder involvement at every step in the development and implementation of a Quality Measurement System for Medicare. Knowing what measures of health care quality are appropriate for each provider group, in implementing a system of data collection and analysis, and in updating the measurement system in accordance with changing science and technology, payers, providers, and many other groups are the key experts who should be involved in the details of a health care quality system—not Congress.

But it is our job to lay out some of the parameters for the system, and to provide the Secretary of Health and Human Services with the authority to follow them and create this new program. It is also our job to oversee such a program once it is enacted and implemented. Over the last year or so, we have met with provider groups, consumer organizations, researchers and policy experts, and many of the individuals who have built and participated in private-sector programs to drive quality improvement in health care.

As I mentioned, our bill sets up a process by which a quality measurement system is developed in consultation with stakeholders and is uniquely tailored for the different groups of providers who participate in Medicare. This system should measure the quality of health care in a variety of ways, looking at processes of care, health information technology infrastructure, patient outcomes, patient experience of care, resource use, and equity. For some groups of providers, only a very few measures of health care quality will be available when the program begins. These providers should not be penalized for that, but rather rewarded for reporting and improving the quality of the care they provide, according to those measures. We may start small in some cases, but we can get the ball rolling.

The bill sets up a two-phase approach to quality improvement. In the first phase, the annual update to a provider’s reimbursement is tied to reporting data on quality of care. This data would be on the measures included in the Medicare Quality Measurement System which has been developed by the Secretary with stakeholder involvement. Some providers—such as hospitals, Medicare Advantage Plans, and renal dialysis facilities, are already reporting quality of care to Medicare and might move more quickly to the second phase of the program.

In the second phase, those providers who report on quality of care to the Secretary will be able to participate in value-based purchasing, where a portion of total payments to participants in each provider group is taken to form a quality pool. The funds in this pool are then reallocated to award providers who demonstrate high-quality care, or who show that they are improving. In theory, this sets up a system in which all providers could receive money back out of the pool—in essence it is a system that will “raise all boats.” Following the recommendations of the Medicare Payment Advisory Commission, the portion of payments tied to quality in this second phase will be 1 percent in the first year of the program for each provider group, and will increase to 2 percent over five years.

In addition to setting up this program, the “Medicare Value Purchasing Act of 2005” includes additional measures to facilitate quality improvement in the health care system, such as a provision to reduce the legal barriers to health IT adoption that are present in the Federal anti-kickback and Stark laws. It also includes several studies to look more closely at the true costs of health care, and the benefits—both human and financial—that can be gained from improving quality. The information generated by these studies will be critical in moving forward with value-based purchasing, allowing us to more accurately predict the program-wide savings from efforts to improve quality. Given that the Medicare Part D Trust Fund is insolvent in 2020 decades earlier than Social Security—identifying these savings will be critical to preserving access, to care for Medicare beneficiaries and adequate reimbursement for providers.

Senator GRASSLEY and I set out to write a bill that would address value-based purchasing, set up a system of measuring quality of care in Medicare, and encourage the adoption of health information technology. We set out to write a bill that would begin with the bill introduced by Senators ENZI and KENNEDY, which American companies are not at a competitive disadvantage in the world because of health care costs. I call on my colleagues to support the important steps toward that vision that will be taken under the pieces of this legislation introduced today.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KOHL, Mr. DURBIN, Mr. FEINGOLD, Mrs. CLINTON, Mr. DONNOLON, and Mr. SCHUMER).

S. 1357. A bill to protect public health by clarifying the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed for human consumption and to enhance inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements,
sanitation requirements, and the performance standards; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today I am introducing the Meat and Poultry Pathogen Reduction Act of 2005. This legislation—commonly known as Kevin's Law—is dedicated to the memory of 2-year-old Kevin Kowalcyk, who died in 2001 after eating a hamburger contaminated with E. coli 0157:H7 bacteria. The purpose of this bill is to provide the American people with an assurance that the meat and poultry products they consume are safe from foodborne illness. The need for this legislation is clear.

The second, even more crucial, principle was that plants nationwide must be shut down until they create a corrective action plan to meet the new standards. So far, USDA has only issued one Pathogen Performance Standard, for Salmonella. The vast majority of meat and poultry products have fallen substantially short in the U.S. have been able to meet the new standard, so it is clearly workable. In addition, USDA reports that Salmonella levels for meat and poultry products have fallen substantially. Therefore the Salmonella standard has been successful. The Supreme Court has upheld the right of decisions to threaten to destroy this success because they restrict USDA's ability to penalize meat and poultry plants that violate a pathogen standard.

The other major problem is we have an industry dead set on striking down USDA's authority to enforce meat and poultry pathogen standards. Ever since the original Supreme Beef decision, I have spent untold hours trying to find a compromise that will allow us to enforce science-based standards for pathogens in meat and poultry products. I have introduced bills to address this issue and I have worked with industry leaders trying to reach a reasonable compromise. However, it is clear that attempts to address industry concerns, industry has continually backtracked and moved the finish line. Many times, I have made changes in my legislation to address their "pressing" concern of the meat and poultry industry. I have gone back and say we hadn't gone far enough. We have to look out for the consumers of meat and poultry so our children, our families are not put at increased risk of getting ill or dying, because some in the industry want to backtrack on food safety.

I plan to seek every opportunity to get this language enacted. I think it is essential, both to ensuring the modernization of our food safety system, and protecting consumers that we are making progress in reducing dangerous pathogens. I hope that both houses of Congress will be able to act to pass this legislation without delay. The effectiveness of our meat and poultry inspection system and the public's confidence in it are at stake.

Mr. KOHL. Mr. President, I am pleased to join my colleagues in cosponsoring the Meat and Poultry Pathogen Reduction and Enforcement Act, also referred to as Kevin's Law. Foodborne disease is a very serious concern for American consumers. According to CDC estimates, 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths occurred every year in the United States from foodborne diseases; sadly, the majority of these fatal incidents involve children.

Barbara Kowalcyk, a constituent of mine, has been a true pioneer in fighting to protect Americans from the harmful effects of foodborne pathogens. Her success in fighting the battle against Salmonella and other other pathogen in the United States have been able to meet the new standard, so it is clearly workable. In addition, USDA reports that Salmonella levels for meat and poultry products have fallen substantially. Therefore the Salmonella standard has been successful. The Supreme Court has upheld the right of decisions to threaten to destroy this success because they restrict USDA's ability to penalize meat and poultry plants that violate a pathogen standard.

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director of the Fish and Wildlife Service instructed scientists on his staff to ignore the latest genetic data when determining protections for endangered species.

In 2002, a professor invited to join an NIH advisory committee was called and asked for his views on a number of political issues, including whether he supported abortion rights and whether he had voted for President Bush. The professor—who had not voted for President Bush—was not appointed to the committee.

These are disturbing examples of the intrusion of politics into science. We rely on science to give us objective facts, not political spin. The Restore Scientific Integrity Act will help protect science from political interference.

The Act prohibits Federal employees from obstructing or censoring federally funded scientific research and from disseminating scientific information known to be false or misleading.

The legislation prohibits the use of political litmus tests when appointing experts to serve on scientific advisory committees, and it strengthens protections against conflicts of interest.

The bill extends whistleblower protections to federal employees who report allegations of political interference with scientific integrity.

The bill establishes that peer review processes should be established by science-based agencies, not by the Office of Management and Budget.

And, the legislation directs the White House to prepare an annual report on scientific integrity in the federal agencies.

These are common sense provisions that help protect government science from political interference. I ask my colleagues to join me in supporting this legislation.

By Mr. SESSIONS (for himself, Mr. CRAIG, Mr. INHOFE, and Mr. ISAKSON):

S. 1362. A bill to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I rise today to introduce the Homeland Security Enhancement Act of 2005. I am pleased to be joined by Senator CRAIG and Mr. ISAKSON, who cosponsored an earlier version of the bill in the 108th Congress, and who are original sponsors of this year’s legislation. Our bill takes the lead in encouraging a culture of cooperation among all levels of immigration law enforcement—Federal, State, and local—stronger immigration law enforcement system that is inclusive of all law enforcement officers, has adequate detention bedspace, uses unified databases for information sharing from one level of law enforcement to another, and has adequate detention bedspace.

These elements are a necessary foundation for any future comprehensive immigration reform and I am pleased that the need for this foundation was recently recognized by Senators KYL and CORNYN in the release of the enforcement principles of the immigration bill they are currently drafting. Changes in substantive immigration law are surely needed, but unless an effective enforcement mechanism is included, the new rules will also collapse under a rising tide of illegality.

More than that, the bill supports our police forces or about forcing them to the commandeering of State and local law enforcement. Establishing an effective partnership between the 700,000 State and local law enforcement officers and our Federal immigration officers will be a test of our Nation’s will to establish an effective and enforceable legal scheme for immigration enforcement.

I care very deeply about the ability of State and local law enforcement to voluntarily aid the Federal government in the enforcement of immigration law. As a result, I also care very deeply about removing barriers to that voluntary assistance. The need for this voluntary assistance has only grown stronger over the last year and a half, since I first introduced this legislation in the Senate. Over the course of that time, we have made progress in reforming our immigration laws to create a system that is as enforceable as it is generous and workable. Creation of an enforceable immigration system will undoubtedly require increased manpower, increased information sharing, and bedspace to hold those we apprehend.

This legislation targets all three of these essential enforcement components, and will go a long way toward reforming our current enforcement system—the system that is currently allowing people to remain in the U.S. for indefinite time periods, regardless of how they came here.

Let me be clear, this bill is not about the commandeering of State and local police forces or about forcing them to dedicate resources toward immigration law enforcement when they have other priorities. It is simply about welcoming assistance in the realm of immigration law enforcement if they choose to give it. We know that Americans strongly value our heritage as a Nation of immigrants. Americans openly welcome legal immigrants. Americans feel that State and local governments should be aiding the Federal Government in stopping illegal immigration.

A RoperASW poll published in March of 2005 titled “Americans Talk About Illegal Immigration” found that 88 percent of Americans agree, and 68 percent “strongly” agree, that Congress should require state and local government agencies to notify the INS, now ICE, that local and State law enforcement when they determine that a person is here illegally or has presented fraudulent documentation. Additionally, 85 percent of Americans agree, and 62 percent strongly agree that Congress should pass a law requiring State and local governments and law enforcement agencies, to apprehend and turn over to the INS illegal immigrants with whom they come in contact.

Those numbers speak volumes about the desiderus of the American population. It is important to note that these responses were collected in response to questions about requiring State and local immigration enforcement action. It is very likely that a poll on this bill, as that is about voluntary State and local action, would yield even stronger support.

America’s strength is based on its commitment to the rule of law. Inscribed on the front of the Supreme Court Building just down the street are the words, “Equal Justice Under Law.” In the world of immigration laws, the current facade of enforcement that holds no real consequences for law breakers is both dangerous and irresponsible. If the only consequence of coming to this country illegally is a social label, then our immigration laws are but a brightly painted sepulcher full of dead bones, for it is impossible to be a nation governed by the rule of law, if our laws have no real effect on the lives of the people they govern.

Our illegal alien population was at a record high two years ago and the numbers continue to climb. The lack of immigration enforcement in our country has now reached 12 million illegal aliens living in the U.S. with another estimated 800,000 illegal aliens joining them every year—that is on top of the more than 1 million that legally immigrate each year. These numbers make it easy for criminal aliens and abscandlers to disappear inside our borders.

Of the 8-10 million illegal aliens present today, the Department of Homeland Security has estimated that 450,000 are “alien absconders”—people that have been issued final deportation orders but have not shown up for their hearings. An estimated 40,000 absconders join that number every year.

An estimated 86,000 of them are criminal illegal aliens—people convicted of crimes that committed in the U.S. who should have been deported, but have slipped through the cracks and are still here.

The next number is perhaps the most concerning—3,000 illegal alien children that are being born within our borders are from one of the countries that the State Department has designated to be a “state of terrorism.”
The number of illegal aliens outweighs the number of federal agents whose job it is to find them within our borders by 5,000 to 1. The enforcement arm of the old INS, now called The Bureau of Immigration and Customs Enforcement, ICE, has just over 20,000 interior officers inside the borders. Leaving the job of interior immigration enforcement solely to them will guarantee failure. If each interior agent investigated, arrested, prosecuted, and deported an illegal alien every day, it would take 14 years to deport the current illegal alien population.

State and local police, a force 700,000 strong, are the eyes and ears of our communities. They are sworn to uphold the law. They police our streets and neighborhoods every day. Their role is absolutely critical to the success of our immigration system.

For that critical role to be effective, a few very important things need to happen: 1. State and local law enforcement must have clear authority to voluntarily act; 2. the NCIC Immigration Violators File needs to contain all critical immigration information so that officers have quick roadside access to critical immigration information; 3. Immigration officers have to take custody of illegal aliens apprehended by State officers, they can not continue to ignore State and local requests for assistance; 4. the Institutional Removal Program has to be expanded so that criminal aliens are detained after their State sentences until deportation, instead of being released back into the community just to be searched for by Federal officials at a later date; and 5. critically needed Federal bed space has to be given to DHS so that the practice of “catch and release” can be ended and effective removal can begin.

The Homeland Security Enhancement Act that Senator Craig, Senator Enzi and I are introducing today will do all of those things.

Let me tell you about a few of the problems in immigration enforcement that started my interest in this area and prompted me to author this bill, to push for the hearing on April 22 of 2004 in the Senate Judiciary Committee titled “State and Local Authority to Enforce Immigration Law: Evaluating a Unified Approach for Stopping Terrorists”, and to author a law review article in the April 2005 issue of the Stanford Law Review titled “The Growing Role for State and Local Law Enforcement in the Real of Immigration Law.”

A few years ago, police chiefs and sheriffs in Alabama began to tell me that they had been shut out of the immigration enforcement system and that they felt powerless to do anything about Alabama’s growing illegal immigrant population.

At town hall meetings and conferences with police, I heard the same story—“When we come across illegal aliens in our normal course of duty, we have given up calling because the INS tells us we have to have 15 or more illegal aliens in custody or they will not even come pick them up.”

Even worse, Alabama police were routinely told that the aliens could not be detained until the INS could manage to come pick them up. And they had just to let just to let them go! They were being told this, even though I believed that the legal authority of State and local officers to voluntarily act on violations of immigration law was pretty clear and there is any doubt that State and local officers have this authority, Congress needs to remove that doubt which is exactly what this bill will do.

Only two U.S. Circuit Courts of Appeal have expressly ruled on State and local law enforcement authority to make an arrest on an immigration law violation. In 1983, the Ninth Circuit, while not mentioning a preexisting general authority, held that nothing in Federal law precludes the police from enforcing the provisions of the Immigration and Naturalization Act. Gonzales v. City of Peoria, 722 F.2d 468 (9th Cir. 1983).

The Ninth Circuit has reviewed this question on several occasions concluding squarely that a “state trooper has general investigatory authority to inquire into possible immigration violations.” United States v. Salinas-Calderon, 726 F.2d 1298, 1301 n.3 (10th Cir. 1984). As the Tenth Circuit has described it, there is a “preexisting general authority of state or local police officers to investigate and make arrests for violations of Federal law, including immigration laws.” United States v. Vasquez-Alvarez, 176 F.3d 1294, 1295 (10th Cir. 1999).

Again, in 2001, the Tenth Circuit reiterates that “state and local police officers [have] implicit authority within their respective jurisdictions ‘to investigate and make arrests for violations of Federal law, including immigration laws.” United States v. Santana-Garcia, 284 F.3d 1188, 1194 (citing United States v. Vasquez-Alvarez, 176 F.3d 1294, 1295).

None of these Tenth Circuit holdings drew any distinction between criminal violations of the INA and civil provisions of the INA that render an alien deportable. It appears that the Ninth Circuit started the confusion regarding the distinction between civil and criminal violations in Gonzales v. City of Peoria by asserting in dicta that the civil provisions of the INA are a persuasive regulatory scheme, and therefore only the Federal Government has the power to enforce them. See Gonzales v. City of Peoria, 722 F.2d 468 (9th Cir. 1983).

This confusion was, to some extent, fostered by an erroneous 1996 opinion of the Office of the Inspector General of the Department of Justice, the relevant part of which has since been withdrawn by OLC.

Why was the Federal agency responsible for interior immigration enforcement telling my police chiefs in Alabama to let illegal aliens go free?

To be fair, ICE still does not have the manpower or detention space to take custody and detain all illegal aliens. With less than 20,000 appropriated detention beds, ICE tells us over and over again that they do not have the bed space to detain all the illegal aliens that they apprehend; instead, they are forced to give first priority to detaining the worst of the worst individuals such as convicted felon aliens.

It is shocking to me that even though we know that detention is a key component of effective enforcement, we do not even detain all illegal aliens that have been convicted of crimes for removal.

Last February, in a report titled “The Immigration and Naturalization Service’s Removal of Aliens Issued Final Orders,” the Department of Justice Inspector General found that 87 percent of those not detained before removal never got deported. Even in high risk categories, the IG found that only fractions of non-detained violators are sentenced to removal—34 percent of those with criminal records and 6 percent of those from “state sponsors of terrorism.” These percentages have not changed since 1996, when the last IG report issued on the ability to remove aliens showed that 89 percent of aliens with final deportation orders that are not detained are never removed.

Just this month, during a joint hearing of the Judiciary Committee Immigration and Terrorism Subcommittees titled “The Southern Border in Crisis: Resources and Strategies to Improve National Security” we learned that in some jurisdictions such as Harlingen Texas—“no show” rates for immigration hearings are 78 percent. Those numbers speak for themselves about our efficiency in the realm of immigration enforcement.

The American people deserve better, they deserve to know that our laws will be enforced in substance and in practice.

But we can not lay all the blame on DHS—they can only detain illegal aliens that they have space to detain. We know that DHS is using all of the bed space that they have and that it is not enough. But they tell us that they are releasing people that should be detained because there is no more room. The Homeland Security Enhancement Act would add critical bed space DHS needs to fulfill its mission of interior enforcement.

The third problem that was brought to my attention and motivated my desire to introduce this bill, is the inadequate way we share immigration information with State police. We have databases full of information on criminal aliens and aliens with final deportation orders, but that information is not directly available to State and local police. They have to make a special request for information from the Immigration center in Vermont just to see if an illegal alien is a wanted by DHS.

The Hart Rhudman Report, “America Still Unprepared—America Still In Danger,” found that one problem America still confronts is that 700,000 local and State police officers continue to operate in a virtual intelligence vacuum, without access to terrorist
leave the country, has signed a legal document promising to leave, has over-stayed their visa, or has had their visa revoked.

Understanding the value of getting immigration information to State and local police comes from understanding that they do so will come into contact with the dangerous illegal aliens on a day-to-day basis.

Three 9/11 hijackers were stopped by State and local police in the weeks proceeding 9/11. Hijacker Mohammad Atta, believed to have flown American Airlines Flight 77 into the World Trade Center’s north tower, was stopped twice by police in Florida. Hijacker Ziad S. Jarrah was stopped for speeding by Maryland State Police two days before 9/11. And, Hani Hanjour, who was on the flight that crashed into the Pentagon, was stopped for speeding by police in Arlington, Virginia. Local police can be our most powerful tool in the war against terrorism.

The D.C. Snipers were caught because of the fingerprint collected by local police. John Lee Malvo was identified when the fingerprint collected from a magazine at the scene of the liquor store murder and robbery in Montgomery, Alabama matched with the fingerprint found at INS detention centers in Washington State. Had both law enforcement entities not done their job by taking prints, it is possible that the identity of John Lee Malvo could have been a mystery for weeks longer.

In New York a 42-year-old woman sitting on a park bench with her boyfriend was dragged away and gang-raped by five deportable illegal immigrants. Although 4 of the 5 had State criminal convictions and 2 had served jail time, the INS claims they were not deported as the law requires.

56 illegal aliens were caught by State and local police, and convicted of molestation and child abuse, long before their deportation. To date, the Immigration Violators File of the NCIC contains just over 150,000 entries and only 39,000 of those are alien absconders. This file should be greatly and rapidly expanded. At the very least, the NCIC should contain information on all illegal aliens who have received final orders of departure, all illegal aliens who have signed voluntary departure agreements, and all aliens who have had their visas revoked. In truth, the NCIC should contain information on all violations of immigration law.

If State and local police are not accessing the immigration information we have worked hard to make available, we must find a way to get the information to them, through systems they are used to using. Our bill will get information to them through the system they are already using—the NCIC.

Our bill will ensure that when an NCIC roadside check is done on an individual pulled over for speeding, police will know immediately if the individual has already been ordered to leave the country, has signed a legal
Perhaps the most egregious assertion made by opponents of effective enforcement is the allegation that State and local law enforcement officers will use their inherent enforcement authority as a license to engage in racial profiling, and discretion. Specifically, the National Council of La Raza strongly opposes State and local law enforcement participation because it claims such involvement is "likely to result in increased racial profiling, misconduct, and disenfranchisement. This argument is curious because it would effectively grant more protection to non-citizens here illegally than to citizens, who are subject to review by State and Federal law enforcement officers for violations of Federal law. It is curious logic to say that we trust our police to enforce laws against citizens but not against non-citizens here illegally. State and local police are trained to protect the civil rights of all types of suspects and defendants and they do so every day in this country. In Alabama, State troopers receive annual training on racial profiling. In New York, the NYC Police Department's operations Overtly strictly prohibits racial profiling in law enforcement actions. If Alabama and New York are consistent in how they instruct and train their State and local police with regards to racial profiling, it is safe to assume that the rest of the Nation is as well.

Under this bill, State and local police will have to respect the civil rights of illegal aliens the same way they respect the civil rights of all people against whom they enforce the law. State and local police will continue to be held responsible for violations of civil rights; this bill does not change that fact.

The Opposition will say that this bill is expensive; that it costs too much. It is always expensive to enforce the law. I do not think this bill is overly expensive. We have made it as cost affordable as we can by electing to use resources already available to us—utilities closed down under the Defense Base Closure Realignment Act of 1990 and law enforcement officers across America already out on our streets doing their jobs. Law enforcement is not an area where it pays to pinch pennies. In immigration enforcement, it costs us too much not to enforce the law. It is time that Congress take responsibility for providing DHS with the resources they need to do the job we have given them.

When it comes to immigration enforcement in America, the rule of law is not prevailing. If we are serious about securing the homeland, we simply must be serious about immigration enforcement.

It is time to talk about the big picture—time to be honest about what it will really take to fix our broken immigration system. In most cases, we don’t need tougher immigration laws, we just need to utilize our existing resources and use some new resources to enforce the laws we already have.

If State and local police are confused about their authority to enforce immigration laws, that authority needs to be clarified. This bill will do that. If State and local police cannot access immigration background information on individuals quickly enough, we should enact a law that makes that information more accessible through expanding use of the NCIC. If DHS is not taking custody of illegal aliens being apprehended by State and local police, we need to make it possible for them to do so. This bill will address the practice of “catching and releasing” illegal aliens. If we do not have enough detention space to hold people that break the law, then we need more detention space. This bill gives DHS 50 percent more bedspace for immigration enforcement. If illegal aliens are being released back into the community after their prison sentences instead of being deported, we need to fix the system that releases them. This bill will extend the Institutional Removal Program that custody is transferred from the State prison to Federal officials at the end of the alien’s prison sentence.

Once again I would like to thank Senator CRAIN and Senator INHOFF for joining with me to introduce this legislation, and I would like to thank Congressman NORWOOD for introducing companion legislation in the House.

It is imperative that we take critical steps toward regaining control of our borders and the enforcement foundation for necessary immigration reforms. This bill is a critical step in the right direction. I encourage my colleagues to study this bill and join us in working to pass the Homeland Security Enforcement Act of 2005.

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. 1362

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Homeland Security Enforcement Act of 2005”.

SEC. 2. STATE DEFINED.

In this Act, the term “State” has the meaning given that term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

SEC. 3. FEDERAL AFFIRMATION OF IMMIGRATION LAWS, INSTALLMENT OF STATES AND POLITICAL SUBDIVISIONS OF STATES.

Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

SEC. 4. STATE AND LOCAL LAW ENFORCEMENT PROVISIONS REGARDING ALIENS.

(a) VIOLATIONS OF FEDERAL LAW.—A statute or policy or practice of a law enforcement officer of a State, or of a political subdivision of a State, from enforcing Federal immigration laws or from assisting in cooperating with Federal immigration law enforcement in the course of carrying out the law enforcement duties of the officer or from providing information to an official of the United States Government regarding the immigration status of an individual who is believed to be illegally present in the United States is in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644).

(b) PROVISION OF INFORMATION REGARDING APPREHENDED ILLEGAL ALIENS.—

(1) IN GENERAL.—In compliance with section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644), States and localities should provide to the Secretary of Homeland Security the information listed in subsection (c) on each alien apprehended or arrested in the jurisdiction of the State or locality who is believed to be in violation of an immigration law of the United States. Such information should be provided regardless of the reason for the apprehension or arrest of the alien.

(2) TIME LIMITATION.—Not later than 10 days after an alien described in paragraph (1) is apprehended, information as to whether the alien is a citizen of the United States shall be provided under paragraph (1) should be provided in such form and in such manner as the Secretary of Homeland Security may, by regulation or guideline, require.

(c) INFORMATION REQUIRED.—The information listed in this subsection is as follows:

(1) The name of the alien.

(2) The address or place of residence of the alien.

(3) A physical description of the alien.

(4) The date, time, and location of the encounter with the alien and reason for stopping, detaining, apprehending, or arresting the alien.

(5) If applicable, the driver’s license number, if any, issued to the alien, and the State of issuance of such license.

(6) If applicable, the type of any other identification document issued to the alien, any designation number contained on the identification document, and the issuing entity for the identification document.

(7) If applicable, the license plate number, make, and model of any automobile registered to, or driven by, the alien.

(8) A photo of the alien, if available or readily obtainable.

(9) The fingerprints of the alien, if available or readily obtainable, including a full set of 10 rolled fingerprints if available or readily obtainable.

(d) REIMBURSEMENT.—The Secretary of Homeland Security shall reimburse States and localities for all reasonable costs, as determined by the Secretary of Homeland Security, that are incurred by the States or localities as a result of providing information required by this section.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996—
(A) TECHNICAL AMENDMENT.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(i) in subsections (a), (b)(1), and (c) by striking “Immigration and Naturalization Service” and inserting “Department of Homeland Security”; and

(ii) in the heading by striking “IMMIGRATION AND NATURALIZATION SERVICE” and inserting “DEPARTMENT OF HOME-

LAND SECURITY”.

(2) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—

(a) IN GENERAL.—Section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644) is amended—

(i) by striking “Immigration and Naturalization Service” and inserting “Department of Homeland Security”; and

(ii) in the heading by striking “IMMIGRA-

TION AND NATURALIZATION SERVICE” and inserting “DEPARTMENT OF HOME-

LAND SECURITY”.

(b) CONFORMING AMENDMENT.—Section 2 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) is amended by striking the item related to section 434 and inserting the following:

“Sec. 434. Communication between government agencies and the Department of Homeland Security.”

(f) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated such sums as are necessary to provide the reimbursements required by subsection (d).

SEC. 5. CIVIL AND CRIMINAL PENALTIES AND FORFEITURE FOR ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

(a) ALIENS UNLAWFULLY PRESENT.—Title II of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)) is amended by adding after section 275 the following:

“Criminal penalties for unlawful presence in the United States.”

“Sec. 275A. (a) IN GENERAL.—In addition to any other civil or criminal penalties available under title 18, United States Code, imprisonment not more than 1 year, or both.

(b) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a violation of subsection (a) if the alien was present in the United States at the time of entry of the order of removal, or if the alien was present in the United States at the time of detention of the alien, or if the alien was present in the United States at any time prior to the entry of the order of removal.

(b) INCREASE IN CRIMINAL PENALTIES FOR ILLEGAL ENTRY.—Section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1225(a)) is amended by striking “6 months,” and inserting “1 year.”.

SEC. 6. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the

Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Director may have related to—

(A) any alien against whom a final order of removal has been issued;

(B) any alien who is subject to a voluntary departure agreement;

(C) any alien who has remained in the United States beyond the alien’s authorized period of stay; or

(D) any alien whose visa has been revoked.

(2) REQUIREMENT TO PROVIDE AND USE INFORMATION.—The information described in paragraph (1) shall be provided to the National Crime Information Center, and the Center shall enter the information into the Immigration Violators File of the National Crime Information Center database, regardless of whether—

(A) the alien received notice of a final order of removal;

(B) the alien has already been removed; or

(C) sufficient identifying information is available for the alien, such as a physical description of the alien.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 544(b) of title 28, United States Code, is amended—

(A) IN GENERAL.—In addition to paragraphs (3) and (4), by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following:

“(4) IN GENERAL.—The Immigration and Naturalization Service, the Department of Justice, the Federal Bureau of Investigation, and the Immigration and Naturalization Service shall, to the maximum extent practicable, request the transfer of appropriate portions of military installations approved for use in support of enforcement under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in acquisition of detention facilities in the United States, regardless of whether—

(A) there have been existing installations for such purposes; or

(B) there are insufficient facilities in the United States for such purposes.”

(c) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated such sums as are necessary to carry out this section.


(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall construct or purchase, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a total of not less than 10,000 individuals at any time, for aliens detained pending removal or a decision on removal of such alien from the United States.

(2) DETERMINATION OF LOCATION.—The location of any detention facility acquired or constructed pursuant to subsection (a)(1) shall be determined by the Under Secretary for Border and Transportation Security and Customs Enforcement.

(b) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring detention facilities under this subsection, the Secretary of Homeland Security shall, to the maximum extent practicable, request the transfer of appropriate portions of military installations approved for use in support of enforcement under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with the provisions of this subsection.

(c) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that illegal aliens incarcerated in Federal facilities pursuant to this subsection are held in facilities which provide an appropriate level of security.

(d) REQUIREMENT FOR SECURITY EDUCATION.—The Secretary of Homeland Security shall establish a regular and continuing education for the prompt transfer of apprehended illegal aliens from the custody of the Immigration and Naturalization Service and local government agencies to Federal custody.
SEC. 9. IMMIGRATION LAW ENFORCEMENT TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.

(a) Training Manual and Pocket Guide.—

(1) Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish—

(A) a training manual for law enforcement personnel of a State or political subdivision of a State to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens in the United States (including the transportation of such aliens across State lines to detention centers and the identification of fraudulent documents); and

(B) an immigration enforcement pocket guide for law enforcement personnel of a State or political subdivision of a State to provide guidance and reference for such personnel in the course of duty.

(2) Availability.—The training manual and pocket guide established in accordance with paragraph (1) shall be made available to all State and local law enforcement personnel.

(3) Applicability.—Nothing in this subsection shall be construed to require State or local law enforcement officers available through as many means as possible, including residential training at the Center for Domestic Preparedness of the Department of Homeland Security, onsite training held at State or local police agencies or facilities, on-line training courses by computer, teleconferencing and video display (DVD) of a training course or video course.

(b) Authorization of Appropriations for the Domestic Preparedness of the Department of Homeland Security.—

(1) General.—The Secretary of Homeland Security shall continue to operate and implement the program known on the date of enactment of this Act as the Institutional Removal Program which—

(A) identifies removable criminal aliens in Federal and State correctional facilities; and

(B) makes such aliens not released into the community.

(2) Expansion.—The Institutional Removal Program shall be extended to all States. Any State that receives Federal funds for the implementation of criminal aliens shall—

(A) cooperate with Federal officials who carry out the Institutional Removal Program;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey such information to the Federal officials who carry out the Institutional Removal Program as a condition for receiving such funds.

(c) Authorization for detention after completion of criminal alien investigation.—The Institution Removal Program which—

(A) identifies removable criminal aliens in Federal and State correctional facilities; and

(B) makes such aliens not released into the community.

(3) Policy on detention in State and local detention centers.—

(A) The Secretary of Homeland Security shall ensure that an alien arrested for violation of Federal, State, or local criminal law in the course of enforcing such immigration law.

SEC. 11. PLANS OF DETENTION FOR ALIENs DE- TAINED PENDING EXAMINATION OR DECISION ON REMOVAL.

(a) In General.—Section 241(g) of the Immigration and Nationality Act (8 U.S.C. 1231(g)) is amended by adding at the end the following:

"(3) POLICY ON DETENTION IN STATE AND LOCAL DETENTION FACILITIES.—In carrying out paragraph (1), the Secretary of Homeland Security shall ensure that an alien arrested under section 238(a) is detained, pending the alien being taken for the examination described in that section, in a State or local prison, jail, detention center, or other comparable facility, if—

"(A) such a facility is the most suitable located Federal, State, or local facility available for such purpose under the circumstances;

"(B) an appropriate arrangement for such use of the facility can be made; and

"(C) such facility satisfies the standards for the housing, care, and security of persons held in State or local detention facilities maintained by State or local governments.

(b) Detention Facility Suitability.—Notwithstanding any other provision of law, a facility described in section 241(g)(3)(C) of the Immigration and Nationality Act, as added by subsection (a), is adequate for detention of persons being held for immigration enforcement purposes;
(2) arrest such victim or witness for a violation of the immigration laws of the United States; or
(3) enforce the immigration laws of the United States.

SEC. 14. SEVERABILITY.
If any provision of this Act, including any amendment made by this Act, or the application of such provision to any person or circum- stance, is held invalid, the remainder of this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be af-fected by such invalidation.

By Mr. BAUCUS (for himself, Mr. JEFFORDS, and Mr. KERRY):
S. 1363. A bill to amend the Internal Revenue Code of 1986 to prevent divi-dends received from corporations in tax havens from receiving a reduced tax rate; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I am pleased to be joined by my two friends and Finance Committee colleagues, Senator JEFFORDS and Senator KERRY, in filing legislation to close a loophole in the tax code.

Jobs and Growth Tax Relief and Reconciliation Act of 2003 provided for lower rates of taxation on dividend income. Formerly, taxpayers paid ordinary income rates on dividend income. Now, a new dividend income rate is imposed if the company is based in a U.S. pos-sible meeting academic standards, or where there is great difficulty demon-strating that teachers are highly qualified. The grants also allow funds for outreach to encourage recruitment in inner city and rural areas.

By Mr. REED:
S. 1364. A bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes; to the Committee on Health, Education, Labor, and Pen-sions.

Mr. REED. Mr. President, today I am introducing the Preparing, Recruiting, and Retaining Education Professionals, PRREP, Act to improve education and student achievement through high-quality preparation, induction, and professional development for teachers, early childhood providers, principals, and administrators.

As Congress turns to the reauthoriza-tion of the Higher Education Act, we must ensure that educators receive the training and support necessary to thrive in our Nation’s early childhood programs, elementary schools, and sec-ondary schools. Improving teacher quality is the single most effective measure we can take to increase stu-dent achievement.

Under the No Child Left Behind Act we took an important step toward demanding that all of the Na-tion’s children are taught by highly qualified teachers. To meet the law’s defini-tion, teachers are generally re-quired to hold a bachelor’s degree, be fully-qualified to teach, and to dem-onstrate content knowledge of the sub-jects they teach. The deadline is looming, and the States are struggling to get all of their teachers deemed highly qualified by the coming school year.

This struggle will not end at the ini-tial deadline. Teacher turnover regu-larly drains schools of their most im-portant resource, qualified educators. Higher standards for teacher cren-tials are essential, but at the same time, the nation’s highest priority is for schools to staff their classrooms. This is a critical moment for us to tackle persistent teacher attrition and to foment teacher retention. At the same time, we have an opportunity to streamline the development of educators so they not only have the credentials, but also the skills and training to be truly effective in the classroom. By strengthening the State, partnership, and recruitment grants in Title II of the Higher Education Act, my legisla-tion will accomplish both of these im-portant goals.

Teacher attrition undermines teach-er quality and creates teacher short-ages. According to the National Com-mission on Teaching and America’s Fu-ture, one-third of beginning teachers leave the profession within 3 years, and nearly one-half leave within 5 years. In high poverty schools turnover rates are even worse. Approximately one-third higher than the average for all teachers. A recent study in New York found that teachers who leave are likely to have greater skills than those who stay.

The Preparing, Recruiting, and Retaining Education Professionals Act fo-cuses recruitment activities where high teacher turnover and shortages exist, where students are having trou-ble meeting academic standards, or where there is great difficulty demon-strating that teachers are highly qualified. The grants also allow funds for outreach to encourage recruitment in inner city and rural areas.

Teachers consistently cite lack of ad-ministrative support as a primary rea-son for leaving a school and teaching altogether. My legislation would create a year-long clinical learning experience for prospective teachers, and establish a three-year residency program for new teachers that provides comprehensive induction. The legislation also includes measures to develop leaders and mentors among principals so they can provide the most effective instructional leader-ship and classroom support for teach-ers during induction and beyond. Re-search consistently shows that induc-tion programs increase the number of teachers who leave their schools or the profession. Comprehensive induction programs can cut that number by half or more.

Furthermore, my legislation pro-motes professional development throughout a teacher’s career and strengthens teacher preparation pro-grams so that teachers will reach their maximum potential to positively affect student achievement. A focus on sci-ence, technology, engineering, and mathematics is essential to ensure that all students, and students with different learning styles or other special learning needs. The legislation also stresses the ability to integrate technology into the classroom, strategies to effec-tively use assessments to improve in-struction, and an understanding of how to co-municate with and involve parents in their children’s education.

My legislation further focuses on teaching skills and learning strategies by including in the partnership grants academic departments such as psychol-ogy, human development, or one with comparable expertise in the disci-plines of teaching, learning, and child and adolescent development. It also en-sures that States hold institutions of higher education accountable for pro-vide alternative routes to State certifi-ca-tion equally accountable for pre-paring highly qualified teachers and
highly competent early childhood education providers.

The State, partnership, and recruitment grants are currently funded at only $68 million a year—far too small of an investment for this critical enterprise. The stakes are too high, not just in terms of meeting the highly qualified requirements of No Child Left Behind, but for real students in real classrooms. My bill significantly boosts this funding, authorizing $500 million for these critical programs.

The PRREPP Act is supported by a diverse array of education organizations, including the American Association of Colleges for Teacher Education, American Psychological Association, Council for Exceptional Children, National Association of Elementary School Principals, National Association of Secondary School Principals, National Association of State Directors of Special Education, National Association for the Education of Young Children, National Council of Teachers of English, National Council of Teachers of Mathematics, and National PTA.

I urge my colleagues to join me in this essential endeavor by cosponsoring this legislation and working for its inclusion in the reauthorization of the Higher Education Act.

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

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

S. 1961
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 "Preparing, Recruiting, and Retaining Education Professionals Act of 2005".

SEC. 2. PURPOSES; DEFINITIONS.

Section 301 of the Higher Education Act of 1965 (20 U.S.C. 1021) is amended to read as follows:

"SEC. 201. PURPOSES; DEFINITIONS.

The purposes of this part are to—

 '(1) improve student achievement;

 '(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing ongoing professional development activities;

 '(3) encourage partnerships among institutions of higher education, early childhood education programs, elementary schools or secondary schools, local educational agencies, State educational agencies, teacher organizations, and nonprofit educational organizations;

 '(4) hold institutions of higher education and all other teacher preparation programs (including programs that provide alternative routes to teacher preparation) accountable in an equivalent manner for preparing—

 ' (A) strong teaching skills, are highly qualified, and are trained in the effective uses of technology in the classroom; and

 ' (B) new credentials in early childhood education programs who are highly competent;

 '(5) recruit and retain qualified individuals, including individuals from other occupations, who are strong teaching force, are highly qualified for early childhood education programs or in elementary schools or secondary schools;

 '(6) improve the recruitment, retention, and capacities of principals to provide instructional leadership and to support teachers in maintaining safe and effective learning environments;

 '(7) expand the use of research to improve teaching and learning by teachers, early childhood education providers, principals, and faculty; and

 '(8) enhance the ability of teachers, early childhood education providers, principals, administrators, and faculty to communicate with, work with, and involve parents in ways that improve student achievement.

 '(b) DEFINITIONS.—In this part:

 '(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

 ' (A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction;

 ' (B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

 '(2) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means a family child care program, center-based child care program, prekindergarten program, school program, or other out-of-school program that is licensed or regulated by the State serving 2 or more unrelated children from birth until school entry, or a Head Start program carried out under the Head Start Act or an Early Head Start program carried out under section 945A of that Act.

 '(3) EXEMPLARY TEACHER.—The term 'exemplary teacher' means an individual who has demonstrated a high level of professional accomplishment, who is recognized in a team with faculty, mentors, and the overall formalized program.

 '(4) FACULTY.—

 ' (A) IN GENERAL.—The term 'faculty' means individuals in institutions of higher education who are responsible for preparing teachers;

 ' (B) INCLUSIONS.—The term 'faculty' includes professors of education and professors in academic disciplines such as the arts and sciences, psychology, and human development.

 '(5) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency that serves an early childhood education program, elementary school, or secondary school located in an area in which—

 ' (A)(i) 15 percent or more of the students served by the agency are from families with incomes below the poverty line;

 ' (ii) there are more than 5,000 students served by the agency from families with incomes below the poverty line;

 ' (iii) there are less than 600 students in average daily attendance in all the schools that are served by the agency and all of whose schools are designated with a school locale code of 7 or 8, as determined by the Secretary; and

 ' (B)(i) there is a high percentage of teachers who are not highly qualified; or

 ' (ii) there is a chronic shortage, or annual turnover rate of 20 percent or more, of highly qualified teachers.

 '(6) HIGH-NEED SCHOOL.—The term 'high-need school' means an early childhood education program, public elementary school, or public secondary school that—

 ' (A)(i) in which there is a high concentration of students from families with incomes below the poverty line; or

 ' (ii) that is a part of a public elementary school or public secondary school, is identified as in need of school improvement or corrective action pursuant to section 1116 of the Elementary and Secondary Education Act of 1965; and

 ' (B) in which there exists—

 ' (i) in the case of a public elementary school or public secondary school, a persistent and chronic shortage, or annual turnover rate of 20 percent or more, of highly qualified teachers; and

 ' (ii) in the case of an early childhood education program, a persistent and chronic shortage of early childhood education providers who are highly competent.

 '(7) HIGHLY COMPETENT.—The term 'highly competent' when used with respect to an early childhood education provider means a provider—

 ' (A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

 ' (B) with—

 ' (i) a baccalaureate degree in an academic major in the arts and sciences; or

 ' (ii) an associate's degree in a related educational area; and

 ' (C) who has demonstrated a high level of knowledge and use of evidence-based practices and procedures in the relevant areas associated with quality early childhood education.

 '(8) HIGHLY QUALIFIED.—

 ' (A) IN GENERAL.—Except as provided in subparagraph (B), the term 'highly qualified' has the meaning given in the term in section 982 of the Elementary and Secondary Education Act of 1965.

 ' (B) SPECIAL EDUCATION TEACHERS.—When used with respect to a special education teacher, the term 'highly qualified' has the meaning given in the term in section 982 of the Individuals with Disabilities Education Act.

 '(9) INDUCTION.—The term 'induction' means a formalized program designed to provide support for, improve the professional performance of, and promote the retention in the teaching field of, beginning teachers, and that—

 ' (A) shall include—

 ' (i) mentoring;

 ' (ii) structured collaboration time with teachers in the same department or field;

 ' (iii) structured meeting time with administrators; and

 ' (iv) professional development activities; and

 ' (B) may include—

 ' (i) reduced teaching loads;

 ' (ii) support of a teacher team;

 ' (iii) orientation seminars; and

 ' (iv) regular evaluation of the teacher inductee, the mentors, and the overall formalized program.

 '(10) MENTORING.—The term 'mentoring' means a process by which a teacher mentor who is an exemplary teacher, either alone or in a team with faculty, provides active support for prospective teachers and new teachers through a system for integrating evidence-based practice, including rigorous, supervised training in high-quality teaching settings. Such support includes activities specifically designed to promote—

 ' (A) knowledge of the scientific research on, and assessment of, teaching and learning;

 ' (B) development of teaching skills and skills in evidence-based educational interventions;

 ' (C) development of classroom management skills;

 ' (D) a positive role model relationship where academic assistance and exposure to new experiences is provided; and

 ' (E) ongoing supervision and communication regarding the prospective teacher's development of teaching skills and continued support for the new teacher by the mentor, other teachers principals, and administrators.
“(11) PARENT.—The term ‘parent’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(12) PARENTAL INVOLVEMENT.—The term ‘parental involvement’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(13) 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(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

“(14) PROFESSIONAL DEVELOPMENT.—

“(A) except as provided in subparagraph (B), the term ‘professional development’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(B) EARLY CHILDHOOD EDUCATION PROVIDERS.—The term ‘professional development’ when used with respect to an early childhood education provider means knowledge and skills in all domains of child development (including cognitive, social, emotional, physical, and approaches to learning) and pedagogy of young children from birth until entry into kindergarten.

“(15) TEACHING SKILLS.—The term ‘teaching skills’ means skills—

“(A) foundational discipline of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

“(B) that require an understanding of the learning process itself, including an understanding of—

(i) the use of teaching strategies specific to the subject matter;

(ii) the application of ongoing assessment of student learning, particularly for evaluating instructional practices and curricula;

(iii) ensuring successful learning for students with individual differences in ability and instructional needs;

(iv) effective classroom management; and

(v) effective ways to communicate with, work with, and involve parents in their children’s education.

SEC. 3. STATE GRANTS.

Section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022) is amended to read as follows:

“SEC. 202. STATE GRANTS.

“(a) IN GENERAL.—From amounts made available under section 211(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to carry out the activities described in subsection (d).

“(b) ELIGIBLE STATE.—

“(1) DEFINITION.—In this part, the term ‘eligible State’ means—

(A) a State educational agency; or

(B) an entity or agency in the State responsible for teacher certification and preparation activities.

“(2) CONSULTATION.—The eligible State shall consult with the Governor, State board of education, State educational agency, State agency for higher education, State agency with responsibility for child care, prekindergarten, or other early childhood education programs, and other State entities that provide professional development and teacher preparation for teachers, as appropriate, with respect to the activities assisted under this section.

“(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

“(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

(i) meets the requirements of this section and other relevant requirements for States under this title;

(ii) describes how the eligible State intends to use funds provided under this section in accordance with State-identified needs;

(iii) describes the eligible State’s plan for continuing the activities carried out with the grant once Federal funding ceases;

(iv) describes how the eligible State will coordinate activities authorized under this section with other Federal, State, and local personnel preparation and professional development programs; and

(v) contains other information and assurances as the Secretary may require.

“(d) USES OF FUNDS.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, and to ensure that current and future teachers are highly qualified and possess strong teaching skills and knowledge to assess student academic achievement, by carrying out 1 or more of the following:

(1) REFORMS.—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for, and assist such programs in, preparing all teachers who have strong teaching skills and are highly qualified or early childhood education providers who are highly competent. Such reforms shall include—

(A) State program approval requirements that are sufficiently rigorous and that hold institutions of higher education with teacher preparation programs accountable for, and assist such programs in, preparing all teachers who have strong teaching skills and are highly qualified or early childhood education providers who are highly competent.

(B) State program approval requirements regarding curriculum changes by teacher preparation programs that improve teaching skills based on evidence—

(i) about the disciplines of teaching and learning, including effective ways to communicate with, work with, and involve parents in their children’s education; and

(ii) about understanding and responding effectively to students with special needs, including students with disabilities, limited-English-proficient students, students with low literacy levels, and students with different learning styles or other special learning needs;

(C) State program approval requirements for teacher preparation programs to have in place mechanisms to measure and assess the effectiveness and impact of teacher preparation programs, including on student achievement;

(D) assurances from institutions that such institutions have a program in place that provides a year-long clinical experience for prospective teachers;

(E) collecting and using data, in collaboration with institutions of higher education, State educational agencies, charter schools, and entities that provide teacher certification, to assess teacher retention rates, by school, to evaluate and strengthen the effectiveness of the State’s teacher support system; and

(F) developing methods and building capacity for teacher preparation programs to assess the retention rates of the programs’ graduates and to use such information for continuous improvement.

(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Ensuring the State’s teacher certification or licensure requirements are rigorous so that they ensure strong teaching skills and are highly qualified.

(3) ALTERNATIVE ROUTES TO STATE CERTIFICATION.—Carrying out programs that provide prospective teachers with alternative or nontraditional routes to professional teacher certification and to State certification for well-prepared and qualified prospective teachers, including—

(A) programs at schools of arts and sciences, schools or departments of education within institutions of higher education, or at nonprofit educational organizations with expertise in producing highly qualified teachers that include instruction in teaching skills; and

(B) a selective means for admitting individuals into such programs;

(3) providing intensive support, including induction, during the initial teaching experience;

(4) developing, expanding, or improving alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college graduates with records of academic distinction, that have a proven record of effectiveness and that ensure that current and future teachers possess strong teaching skills and are highly qualified; and

(5) providing support in the disciplines of teaching and learning to ensure that prospective teachers—

(i) have an understanding of evidence-based effective teaching practices;

(ii) have knowledge of student learning methods; and

(iii) possess strong teaching skills, including effective ways to communicate with, work with, and involve parents in their children’s education.

(4) STATE CERTIFICATION RECIPROCITY.—Establishing and promoting reciprocity of certification or licensing between or among States for general and special education teachers and principals, except that no reciprocity agreement developed pursuant to this paragraph or developed using funds provided under this part may lead to the weakening of any State certification or licensing requirement that is shown through evidence-based research to ensure teacher and principal quality and student achievement.

(5) RECRUITMENT AND RETENTION.—Developing and implementing effective mechanisms to ensure that local educational agencies, schools, and early childhood education programs are able to effectively recruit and retain highly qualified teachers, highly competent early childhood education providers, and principals, and provide access to ongoing professional development opportunities for teachers, early childhood education providers, and principals, and including activities described in subsections (d) and (e) of section 304.

(6) SOCIAL PROMOTION.—Development and implementation of efforts to address the problem of social promotion and to prepare teachers, principals, administrators, and parents to effectively address the issues raised by the practice of social promotion.

SEC. 4. PARTNERSHIP GRANTS.

Section 203 of the Higher Education Act of 1965 (20 U.S.C. 1023) is amended to read as follows:

“SEC. 203. PARTNERSHIP GRANTS.

“(a) GRANTS.—From amounts made available under section 211(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to carry out the activities described in subsections (d) and (e).

“(b) DEFINITIONS.—

“(1) ELIGIBLE PARTNERSHIP.—In this part, the term ‘eligible partnership’ means an entity that—

(A) shall include—

(i) a partner institution;

(ii) a school or department of arts and sciences within the partner institution under clause (i);
(iii) a school or department of education within the partner institution under clause (i); (iv) a department of psychology within the partner institution under clause (i); (v) a department of human development within the partner institution under clause (i); (vi) a department with comparable expertise in the disciplines of teaching, learning, and child and adolescent development within the partner institution under clause (i); (vii) a high-need local educational agency; and (viii) a high-need local educational agency under clause (v); or (vii) a consortium of schools of the high-need local educational agency under clause (v); and (v) (B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education, or a combination of urban, suburban, or rural schools, a public or private nonprofit educational organization, a business, a teacher organization, or an educational agency, the State board of education, or a consortium of such institutions, that has not been designated section 208(a) and the teacher preparation program of which demonstrates that—

(A) graduates from the teacher preparation program who intend to enter the field of teaching shall have strong performance on State-determined qualifying assessments and are highly qualified; or (B) the teacher preparation program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, to possess strong teaching skills, and— (i) in the case of prospective elementary school and secondary school teachers, to become highly qualified; and (ii) in the case of prospective early childhood education providers, to become highly competent; (c) APPLICATION.—Each eligible partnership described in paragraph (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. The application shall— (1) contain a needs assessment of all the partners with respect to the preparation, ongoing training, and professional development of each group of education providers, general and special education teachers, and principals, the extent to which the program prepares new teachers with strong teaching skills, a description of how the partnership will coordinate strategies and activities with other teacher preparation or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement and parental involvement; (2) contain a resource assessment that describes the resources available to the partnership, including the integration of funds from other related sources, the intended use of the funds, including a description on how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends; (3) contain a description of— (A) how the partnership will meet the purposes of this part, in accordance with title I of the needs assessment required under paragraph (1); (B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e) based on the needs identified in paragraph (1) with the goal of improving student achievement; (C) the partnership’s evaluation plan pursuant to section 206(b); (D) how the partnership will work with, over the term of the grant, principals and teachers in the classrooms of the high-need local educational agency included in paragraph (1) to— (i) prepare, develop, and assess new, innovative instructional leadership and management skills of principals and provide effective support for principals, including new principals; (ii) implement, or enhance a year-long, rigorous, and enriching preservice clinical program component; (G) the in-service professional development strategies and activities to be supported; and (H) how the partnership will collect, analyze, and use data on the retention of all teachers, early childhood education providers, or principals in schools located in the geographic area in which the partnership to evaluate the effectiveness of its educator support system; (4) contain a certification from the partnership that it has reviewed the application and determined that the grant proposal will comply with subsection (i); (5) include, for the residency program described in subsection (d)(3)— (A) a demonstration that the schools and departments within the institution of higher education that are part of the residency program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in the science of teaching and learning; (B) a demonstration of capability and commitment to evidence-based teaching and accessibility to, and involvement of, faculty and policy documents and involvement offered to staff and documented experience with university collaborations; (C) a description of how the residency program will implement an induction period to support all new teachers through the first 3 years of teaching in the further development of their teaching skills, including use of mentors who are trained and compensated by such program for their work with new teachers; and (D) a description of how faculty involved in the residency program are able to substantially participate in an early childhood education program or an elementary or secondary classroom setting, including release time and related workload credit for their participation; and (6) include an assurance that the partnership has mechanisms in place to measure and analyze the effectiveness of the activities to be undertaken, including on student achievement. (d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to carry out the following activities, as applicable to the setting of early childhood education providers, or principals, in accordance with the needs assessment required under subsection (c)(1); (1) REFORMS.—Implementing reforms within teacher preparation programs, where needed, to hold the programs accountable for preparing teachers who are highly qualified or early childhood education providers who are highly competent and for promoting strong teaching skills, including integrating evidence-based methods and practices into the curriculum, which curriculum shall include parental involvement training and programs designed to successfully integrate technology into teaching and learning. Such reforms shall include— 

(A) teacher preparation program curriculum changes that improve, and assess the effectiveness of, all new teachers develop teaching skills; (B) use of scientific knowledge about the disciplines of teaching and learning so that all prospective teachers— (i) understand evidence-based teaching practices; (ii) have knowledge of student learning methods; and (iii) possess teaching skills that enable them to meet the learning needs of all students; (C) assurances that all teachers have a sufficient base of scientific knowledge to understand and respond effectively to students with diverse learning needs, such as instruction to diverse student populations, including students with disabilities, limited-English proficient students, students with low literacy levels, and students with different learning styles or other special learning needs; and (D) assurances that the most recent scientifically based research, including research relevant to particular fields of teaching, is incorporated into professional development activities used by faculty; and (E) working with and involving parents in their children’s education to improve the academic achievement of their children and in the teacher preparation program reform process. (2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and providing sustained and high-quality preservice clinical education programs to further develop the teaching skills of all general education teachers and special education teachers, at schools within the partnership, at the school or department of education within the partner institution, or at evidence-based practice school settings. Such programs shall— (A) incorporate a year-long, rigorous, and enriching activity or combination of activities, including— (i) clinical learning opportunities; (ii) field experiences; and (iii) supervised practice; and (B) be offered over the course of a program on preparation or the partnership (that may be developed as a 5th year of a teacher preparation program) for prospective general and special education teachers, including mentoring in instructional skills, classroom management skills, collaboration skills, and strategies to effectively assess student progress and achievement, and substantially increase the closely supervised time between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs, elementary schools, or secondary schools, and providing support, including preparation time and release time, for such interaction. (3) RESIDENCY PROGRAMS FOR NEW TEACHERS.—Creating a residency program that provides an induction period for all new general education and special education teachers for such teachers’ first 3 years. Such program shall— (A) incorporate the strong science of the teaching and learning in the classroom, provide high-quality induction opportunities (including mentoring), provide opportunities for dissemination and research on educational practices, and provide for opportunities to engage in professional
development activities offered through professional associations of educators. Such programs shall draw directly upon the expertise of teacher mentors, faculty, and researchers that (i) are predictive of, and (ii) provide a setting for integrating evidence-based practice for prospective teachers, including rigorous, supervised training in high-quality teaching settings that promotes the following:

(A) Knowledge of the scientific research on teaching and learning;

(B) Development of skills in evidence-based educational interventions;

(C) Faculty who model the integration of research and practice in the classroom, and the effective use and integration of technology;

(D) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

(E) A forum for information sharing among prospective teachers, teachers, principals, administrators, and participating faculty in the partner institution.

(F) Provision of scientifically based research on teaching and learning generated by entities such as the Institute of Education Sciences and by the National Research Council

(4) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development for experienced general and special education teachers, early childhood education providers, principals, administrators, and faculty that:

(A) improves the academic content knowledge, as well as knowledge to assess student academic achievement and how to use that knowledge to improve instruction, teachers in the subject matter or academic content areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach;

(B) promotes strong teaching skills and an understanding of how to apply scientific knowledge about teaching and learning to their teaching practice and to their ongoing classroom assessment of students;

(C) provides mentoring, team teaching, reduced class sizes, and intensive professional development;

(D) encourages and supports training of teachers and administrators to effectively use and integrate technology—

(i) into curricula and instruction, including training to improve the ability to collect, analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability; and

(ii) to enhance learning by children, including students with disabilities, limited-English proficient students, students with low literacy levels, and students with different learning styles or other special learning needs.

(E) offers teachers, principals, and administrators training on how to effectively communicate with, work with, and involve parents in their children’s education;

(F) creates an ongoing retraining loop for experienced teachers, principals, and administrators, whereby the residency program activities and practices

(i) inform the research of faculty and other researchers; and

(ii) translate evidence-based research findings into practice techniques and improved teacher preparation programs; and

(G) includes the following, for varying periods of time, of experienced teachers—

(i) who are associated with the partnership to early childhood education programs, elementary schools, or secondary schools not associated with the partnership in order to enable such experienced teachers to act as a resource for all teachers in the local educational agency or State; and

(ii) who are not associated with the partnership to early childhood education programs, elementary schools, or secondary schools not associated with the partnership in order to enable such experienced teachers to observe how teaching and professional development occurs in the partnership.

(5) SUPPORT AND TRAINING FOR PARTICIPANTS.—Providing support and training for those individuals participating in the required activities under paragraphs (1) through (4) who are enrolled in, or mentors for prospective, new, and experienced teachers, based on such individuals’ experience. Such support—

(A) may also be provided to the preservice clinical experience participants, as appropriate; and

(B) may include—

(i) release time for such individual’s participation;

(ii) receiving coursework credit and compensation for time teaching in the partnership activity; and

(iii) stipends.

(6) LEADERSHIP AND MANAGERIAL SKILLS.—

(A) IN GENERAL.—Developing and implementing field-based experiences, supervised field experiences, and field-based training activities, including teaching strategies and interactive materials for developing skills in classroom management and how to respond to individual student needs, abilities, and backgrounds, to early childhood education providers and teachers in elementary schools or secondary schools that are not associated with the partnership.

(B) Knowledge of the scientific research and practice in the classroom, and the effective use and integration of technology.

CONGRESSIONAL RECORD — SENATE
June 30, 2005

SEC. 5. RECRUITMENT GRANTS

Section 204 of the Higher Education Act of 1965 (20 U.S.C. 1024) is amended to read as follows:

(SEC. 204. RECRUITMENT GRANTS.)

Program authorized.—From amounts made available under section 211 of the Higher Education Act of 1965 (20 U.S.C. 1024), the Secretary is authorized to award grants to certain local educational agencies to support the recruitment of teachers and support the recruitment of teachers.

(a) PROGRAM AUTHORIZED.—From amounts made available under section 211(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to carry out an activity described in this section.

(b) ELIGIBLE APPLICANT DEFINED.—In this part, the term ‘eligible applicant’ means—

(1) an eligible State described in section 202(b) that has—

(A) a high teacher shortage or annual turnover rate; or

(B) high teacher shortage or annual turnover rates of 20 percent or more in high-need local educational agencies; or

(2) has a high-need local educational agency described in section 202(b) that—

(A) serves not less than 1 high-need local educational agency with high teacher shortage or annual turnover rates of 20 percent or more; and

(B) serves schools that demonstrate great difficulty meeting State challenging academic content standards; or

(3) demonstrates great difficulty meeting the requirements that teachers be highly qualified.

(c) ELIGIBLE APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agency;

(2) a description of how the eligible applicant will recruit and retain highly qualified teachers or other qualified individuals, including principals and special education providers, or both, who are enrolled in, accepted to, or plan to participate in
teacher preparation programs or professional development activities, as described under section 203, in geographic areas of greatest need, including data on the retention rate, by score, for teachers in schools located within the geographic areas served by the eligible applicant; 

(3) a description of the activities the eligible applicant will carry out with the grant; and

(4) a description of the eligible applicant’s plan for continuing the activities carried out with the grant once Federal funding has ceased.

Required Uses of Funds.—An eligible applicant receiving a grant under this section shall use the grant funds—

(A) to award scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

(B) to provide support services, if needed, to enable scholarship recipients to complete postsecondary education programs;

(C) for follow-up services (including induction opportunities, mentoring, and professional development activities) provided to former scholarship recipients during the first 3 years of the applicant’s residency program; or

(D) in the case where the eligible applicant also receives a grant under section 203, for support and training for mentor teachers who participate in the residency program or who participate in the residency program; or

(2) to develop and implement effective mechanisms, including a professional development system and career ladders, to ensure that professionals in the field of teacher preparation programs and postsecondary education programs; and early childhood education programs are able to effectively recruit and retain highly competent early childhood education providers who at-

ccept the grant once Federal funding ceases.

(4) describe the areas of academic emphasis described in paragraph (3).

(5) describe activities, including implementation and assessment strategies, and professional development activities described in sections 202, 203, and 204, as appropriate. In recommending applications to the Secretary for funding under this part, the peer review panel—

(A) with respect to grants under section 202, give priority to eligible States that—

(i) have initiatives to reform State professional development systems and career ladders, to ensure the ability of—

(ii) high-need schools, and early childhood education programs are able to effectively re- 

A place to carry out the grant once Federal funding ceases.

(a) ALLOWABLE USE OF FUNDS.—An eligible applicant receiving a grant under this section may use the grant funds to carry out the following:

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Committee on Labor and Human Resources” and inserting “Committee on Education, Labor, and Pensions”; and

(B) in paragraph (2), by striking “, including,” and all that follows through the period and inserting “as a highly qualified teacher,”; and

(C) in paragraph (3)—

(i) by striking “highly,” and

(ii) by striking the period at the end and inserting “that meet the same standards and criteria of State certification or licensure programs.”;

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

(4) TEACHER AND PROVIDER QUALIFICATIONS.—

(A) ELEMENTARY AND SECONDARY SCHOOL COMPETENT.—Increasing the percentage of ele- 

mentary school and secondary school classes taught by teachers—

(i) who have strong teaching skills and are highly qualified and possess strong teaching 

(ii) who have completed preparation programs that provide such teachers with the scientific knowledge about the disciplines of teaching, learning, and assessment that are necessary for the development and understanding of subject matter or special education;

(iii) who have a description of the eligible applicant’s plan for continuing the activities carried out with the grant once Federal funding ceases.

(3) EVALUATION AND PRIORITY.—The peer review panel shall evaluate the applicants’ proposals to reform the current and future teaching force through program and certification reforms, teacher preparation program activities (including implementation and assessment strategies), and professional development activities described in sections 202, 203, and 204, as appropriate. In recommending applications to the Secretary for funding under this part, the peer review panel shall—

(A) with respect to grants under section 202, give priority to eligible States that—

(i) have initiatives to reform State professional development systems and career ladders, to ensure the ability of—

(ii) high-need schools, and early childhood education programs are able to effectively re- 

A place to carry out the grant once Federal funding ceases.

(a) ALLOWABLE USE OF FUNDS.—An eligible applicant receiving a grant under this section may use the grant funds to carry out the following:

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Committee on Labor and Human Resources” and inserting “Committee on Education, Labor, and Pensions”; and

(B) in paragraph (2), by striking “, including,” and all that follows through the period and inserting “as a highly qualified teacher,”; and

(C) in paragraph (3)—

(i) by striking “highly,” and

(ii) by striking the period at the end and inserting “that meet the same standards and criteria of State certification or licensure programs.”;

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

(4) TEACHER AND PROVIDER QUALIFICATIONS.—

(A) ELEMENTARY AND SECONDARY SCHOOL COMPETENT.—Increasing the percentage of ele- 

mentary school and secondary school classes taught by teachers—

(i) who have strong teaching skills and are highly qualified and possess strong teaching 

(ii) who have completed preparation programs that provide such teachers with the scientific knowledge about the disciplines of teaching, learning, and assessment that are necessary for the development and understanding of subject matter or special education;

(iii) who have a description of the eligible applicant’s plan for continuing the activities carried out with the grant once Federal funding ceases.

(3) EVALUATION AND PRIORITY.—The peer review panel shall evaluate the applicants’ proposals to reform the current and future teaching force through program and certification reforms, teacher preparation program activities (including implementation and assessment strategies), and professional development activities described in sections 202, 203, and 204, as appropriate. In recommending applications to the Secretary for funding under this part, the peer review panel shall—

(A) with respect to grants under section 202, give priority to eligible States that—

(i) have initiatives to reform State professional development systems and career ladders, to ensure the ability of—

(ii) high-need schools, and early childhood education programs are able to effectively re- 

A place to carry out the grant once Federal funding ceases.
“(C) provides enhanced instructional leadership and management skills for principals;’’;

(2) in subsection (b) —

(A) in the matter preceding paragraph (1), by striking ‘‘for’’ and inserting ‘‘for teachers, early childhood education providers, or principals, as appropriate, according to the needs analysis required under section 203(c)(1), for’’; and

(B) by striking paragraphs (1) through (6) and inserting the following:

‘‘(1) increased demonstration by program graduates of teaching skills grounded in scientific knowledge about the disciplines of teaching and learning;

‘‘(2) increased student achievement for all students as measured by the partnership, including mechanisms to measure student achievement due to the specific activities conducted by the partnership;

‘‘(3) increased teacher retention in the first 3 years of a teacher’s career based, in part, on teacher retention data collected as described in section 208(c)(3);’’;

(3) in subsection (d), by striking ‘‘not less than the following’’;

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

(5) increased percentage of elementary school and secondary school classes taught by teachers who are highly qualified;

(6) increased percentage of early childhood education programs classes taught by providers who are highly competent;

(7) increased percentage of early childhood education programs classes taught by providers who demonstrate clinical judgment, communication, and problem-solving skills resulting from participation in a residency program;

(8) increased percentage of highly qualified special education teachers;

(9) increased number of general education teacher candidates in working with students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs;

(10) increased number of teachers trained in technology; and

(11) increased number of teachers, early childhood education providers, or principals prepared to work effectively with parents.’’;

and

(3) in subsection (a), as redesignated by paragraph (2)—

(A) by striking ‘‘subparagraph (B)’’; and

(B) by inserting ‘‘subparagraphs (B) through (F),’’ after ‘‘paragraphs (A) through (G),’’.

(4) in subsection (b)(1), as redesignated by paragraph (2)—

(A) by striking ‘‘not later than 18 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter’’;

(B) by striking ‘‘subsection (b)’’ and inserting ‘‘subsection (c)’’;

(C) by striking ‘‘Committee on Labor and Human Resources’’ and inserting ‘‘Committee on Health, Education, Labor, and Pensions’’; and

(D) by striking ‘‘not later than 9 months after the date of enactment of the Higher Education Amendments of 1998’’;

(E) in subsection (c)(1), as redesignated by paragraph (2)—

(A) by striking ‘‘(9) of subsection (b)’’ and inserting ‘‘(10) of subsection (a)’’; and

(B) by striking ‘‘made available not later than 2 years 6 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter’’ and inserting ‘‘made available annually’’; and

(3) in subsection (c)(1), as redesignated by paragraph (2)—

(A) by striking ‘‘(9) of subsection (b)’’ and inserting ‘‘(10) of subsection (a)’’; and

(B) by striking ‘‘made available not later than 2 years 6 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter’’ and inserting ‘‘made available annually’’; and

(4) in subsection (c)(1), as redesignated by paragraph (2)—

(A) by striking ‘‘not later than 18 months after the date of enactment of the Higher Education Amendments of 1998’’;

(B) by striking ‘‘(9) of subsection (a)’’; and

(C) by inserting ‘‘and entities’’ after ‘‘prospective teachers’’;

‘‘(D) by inserting ‘‘prospective teachers’’; and

(2) by redesigning subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

‘‘(b) TEACHER QUALITY PLAN.—In order to receive funds under this Act, a State shall submit a State teacher quality plan that—

‘‘(1) details how such funds will ensure that all teachers are highly qualified; and

‘‘(2) indicates whether each teacher preparation program in the State has not been designated as low-performing under subsection (a) of sufficient quality to meet all State standards and produce highly qualified teachers with the knowledge and skills needed to teach effectively in the schools of the State.’’;

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking ‘‘of this Act’’; and

(B) in paragraph (2), by striking ‘‘of this Act’’.

SEC. 10. ACADEMIES FOR FACULTY EXCELLENCE.


(1) by redesigning section 210 as section 211; and

(2) by inserting after section 209 the following:

‘‘SEC. 210. ACADEMIES FOR FACULTY EXCELLENCE.

‘‘(a) PROGRAM AUTHORIZED.—From amounts made available under subsection (e), the Secretary is authorized to award grants to eligible entities to enable such entities to create Academies for Faculty Excellence.

‘‘(b) ELIGIBLE ENTITY.—In this section:

‘‘(1) IN GENERAL.—The term ‘eligible entity’ means a consortium comprised of institutions of higher education that—

‘‘(A) award doctoral degrees in education; and

‘‘(B) are partner institutions (as such term is defined in section 203).

‘‘(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ may include the following:

‘‘(A) Institutions of higher education that—

‘‘(i) do not award doctoral degrees in education; and

‘‘(ii) are partner institutions (as such term is defined in section 203).

‘‘(B) Nonprofit entities with expertise in preparing highly qualified teachers.

‘‘(c) APPLICATION.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

‘‘(1) a description of how the eligible entity will provide professional development that is grounded in scientifically based research to faculty;

‘‘(2) evidence that the eligible entity is well versed in current scientifically based research related to teaching and learning across content areas and fields;

‘‘(3) a description of the assessment that the eligible entity will undertake to determine the most critical needs of the faculty who will be served by the Academies for Faculty Excellence; and

‘‘(4) a description of the activities the eligible entity will carry out with grant funds received under this section, how the entity will include faculty in the activities, and how the entity will conduct these activities in collaboration with programs and projects that receive Federal funds from the Institute of Education Sciences.

‘‘(d) REQUIRED USE OF FUNDS.—Each eligible entity that receives a grant under this
section shall use the grant funds to enhance the caliber of teaching undertaken in preparation programs for teachers, early childhood education providers, and principals and other through the establishment and maintenance of a postdoctoral system of professional development by carrying out the following:

(1) Recruitment.—Recruit a faculty of experts who are knowledgeable about scientifically based research related to teaching and learning, who have direct experience working with, submitting and students in school settings, who are capable of implementing scientifically based research to improve teaching practice and student achievement, and who are capable of providing professional development to faculty and others responsible for preparing teachers, early childhood education providers, principals, and administrators.

(2) Professional Development Curriculum.—Develop a series of professional development curricula to be used by the Academies for Faculty Excellence and disseminated broadly to prepare preparation programs nationwide.

(3) Professional Development Experiences.—Support the development of a range of ongoing professional development experiences (including the use of the Internet) for faculty development that such faculty will be knowledgeable about effective evidence-based practice in teaching and learning. Such experiences shall promote joint faculty activities that link content and pedagogy.

(4) Development Programs.—Provide fellowships, scholarships, and stipends for teacher educators to participate in various faculty development programs offered by the Academies for Faculty Excellence.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.”.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 211 of the Higher Education Act of 1965, as redesignated by section 10, is amended—

(1) by striking “part $300,000,000 for fiscal year 1999” and inserting “part, other than section 210, $500,000,000 for fiscal year 2006”;

(2) by striking “4 succeeding” and inserting “5 succeeding”; and

(3) in paragraph (1), by striking “45” and inserting “20”.

(4) in paragraph (2), by striking “45” and inserting “60”;

(5) in paragraph (3), by striking “10” and inserting “20”.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mr. SMITH, and Mr. SCHUMER):

S. 1366. A bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am pleased to be joined by Senators SNOWE, KERRY, SMITH, and SCHUMER in re-introducing legislation we call the Public Good IRA Rollover Act to allow taxpayers to make tax-free distributions from their individual retirement accounts (IRAs) for gifts to charity. I think that the charitable IRA rollover approach in this legislation, which has received strong support from the charitable community, will encourage significant new giving.

As a Nation, we often look to a strong network of charities, large and small, to offer financial and other support to families and individuals who need help when government assistance is unavailable. That is why I think it’s critically important for Congress to do everything we can to help encourage the work of worthy charities.

Unfortunately, we have tried but failed in the past several years to pass major legislation that would be helpful to the Nation’s charities. This legislation has stalled, in part, because of the efforts of the Senate Finance Committee to add controversial measures that undermine the bipartisan support needed to enact this kind of legislation into law.

One of the non-controversial tax incentives included in the Senate’s version of that legislation is our measure that would permit individuals to make gifts to charities from their IRAs without adverse tax consequences. I have previously described on the Senate floor that charities are frequently asked by people about using their IRAs to make charitable gifts. However, I’m told that many donors decide not to make a gift from their IRAs after they are told about the potential tax consequences under current law.

The Public Good IRA Rollover Act would eliminate that double-tax. Specifically, the bill we are introducing today would allow individuals to make tax-free distributions to charities from their IRAs at the age of 70 1/2 for direct tax consequences under current law.

The Public Good IRA Rollover Act would eliminate that double-tax. Specifically, the bill we are introducing today would allow individuals to make tax-free distributions to charities from their IRAs at the age of 70 1/2 for direct tax consequences under current law.

The Bush administration also supports charitable IRA rollovers. In his FY 2007 budget submission, President Bush has proposed, once again, to allow individuals to make certain tax-free charitable IRA distributions after age 65. While the President’s charitable IRA proposal has merit, the Public Good IRA Rollover Act is superior in one important respect: By allowing tax-free life-income gifts from an IRA. Life-income gifts involve the donation of assets to a charity, where the giver retains an income stream from those assets for life. Life-income gifts are an important tool for charities to raise funds, and would receive a substantial boost if they could be made from IRAs. But life-income gifts are not part of the administration’s proposal. Again, the Public Good IRA Rollover Act permits individuals to make tax-free life-income gifts at the age of 59 1/2.

When the Senate Finance Committee crafts charitable giving tax incentive legislation in the 109th Congress, I hope they will adopt once again the IRA charitable rollover approach used in the Public Good IRA Rollover Act.

The benefits of this approach are two-fold. First, the life-income gift provision in our bill would stimulate additional charitable giving. The evidence also suggests that people who make life-income gifts often become more involved with charities. They serve as volunteers, urge their friends and colleagues to make donations, and frequently set up additional provisions for charity in their life-time giving plans and at death. Second, this approach comes at little or no extra cost to the government when compared to other major charitable IRA rollover proposals.

In closing, I urge my Senate colleagues to review and consider cosponoring this bill. With your help, we can help enact into law tax-free IRA rollover provisions that a senior official from a major charity once said would be “the single most important piece of legislation in the history of public charitable support in this country.”

By Mr. ALEXANDER (for himself, Mr. REID, Mr. DEWINE, and Mrs. CLINTON):

S. 1367. A bill to provide for recruiting, selecting, training, and supporting national teacher corps in underserved communities; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, today I am joining with Senator REID, Senator DEWINE, and Senator CLINTON to introduce a bill to authorize funding for the Teach for America program. Teach for America, TFA, calls upon our Nation’s most promising future leaders, recent college graduates of all backgrounds and academic majors, to spend two years teaching in schools in lower income areas, usually inner cities or rural communities. Our legislation authorizes up to $250 million so that the highly successful program, which began as a privately funded, non-profit effort, can rapidly expand.

TFA was founded in 1990 by Wendy Kopp, a young woman who had just graduated from Princeton. It served just six communities in that first year. Today it serves 22, and hopes to keep growing. TFA raises more than 75 percent of its operating budget through non-Federal sources, primarily through philanthropic gifts in the communities it serves.

The results of this program have been notable, as reported in a study last year by Mathematica Policy Research, an independent research firm: “Even though Teach for America teachers generally lack any formal teacher training beyond that provided by Teach for America, they produce higher student test scores than the other teachers in their schools—not just other novice teachers or uncertified teachers, but also veterans and certified teachers.”

Probably more exciting than the success of the program in teaching students is the impact it has had on its “corps members.” Teach for America
TFA alumn Jason Kamras, a math teacher in a Washington, D.C., public school, was just named national teacher of the year. Two other alumni, Mike Feinberg and David Feinberg and not named in the article, are probably the most successful set of charter schools in the country; the KIPP academies (Knowledge Is Power Program). Started in Houston and New York, the academies now have a network of 38 schools in low-income communities that demand extra studies by students, balance that with extracurricular activities like martial arts, music, chess, and sports, and—guess what?—have achieved the largest and quickest improvement in learning scores in the country.

Mr. REID. Mr. President, I am proud to join Senator ALEXANDER in introducing this legislation authorizing Teach for America to recruit, select, train, and support its national teacher corps in underserved communities.

Mr. REID. This bill comes at a crucial time. Federal law now requires more from our teachers, yet we have dwindling resources to draw from.

Many local education agencies are finding themselves having to supplement their teacher corps.

Clarks County, NV, is the fifth largest school district in the Nation—in the fastest growing State. As one can only imagine, the influx of new residents has an incredible impact on our public works, especially on our schools.

Clarks County’s outgoing superintendent told me that the district spends close to $1 million annually for teacher recruitment efforts across the country.

Clarks County School District has made great strides in its commitment to reversing the trend of sagging high school graduation rates and college attendance by hiring nearly 2,000 new teachers a year to fill the gaps.

But, last year, the school district did something that several other urban and rural districts around the country did; they partnered with Teach for America in order to augment their quick fix to the country’s declining education programs.

Founded by Wendy Kopp, who conceived the idea for the program in her senior thesis at Princeton, Teach for America recruits some of the Nation’s best college graduates to become teachers in low-performing urban or rural school districts for 2 years.

From the 500 college graduates who began teaching in its inaugural year,
Teach for America has grown to more than 3,100 corps members teaching in 21 regions across the country. Indeed, this highly selective program—in which only 2,000 out of 16,000 applicants accepted in 2003—has a powerful impact on the communities in which it serves.

This legislation authorizes Teach for America to receive $25 million to execute several activities related to teacher readiness, recruitment, and placement. Reports are also required, citing the progress of the Teach for America corps members.

I would not be Senator if it had not been for a couple of dedicated teachers. One teacher was Ms. Dorothy Robinson. Ms. Robinson pulled me out of class one day and said, Harry, I've watched your progress and I really think you should go to college and become a lawyer.

I said, “OK,” and went back to class. That is what I have dedicated myself at the Federal level to ensure that Teach for America and Clark County have the resources they need to continue this partnership.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 185—EXPRESSING THE SENSE OF THE SENATE REGARDING REFORM OF THE UNITED NATIONS**

Mr. SMITH (for himself and Mr. NELSON of Florida) submitted the following resolution, which was:

S. Res. 185

Whereas, on July 28, 1945, the Senate approved the resolution advising and consenting to the ratification of the Charter of the United Nations by a vote of 89 to 2;

Whereas recent events, including the United Nations oil-for-food scandal and sexual misconduct by United Nations peacekeepers, have led to declining public confidence in the United Nations;

Whereas there is broad international agreement that the United Nations must reform its current structures, practices, and institutions in order to better manage the interests of its 191 members and address the current threats to international peace and security;

Whereas the future direction of the United Nations has recently been addressed in the report of the Secretary-General’s High-Level Panel on Threats, Challenges and Change, issued on December 2, 2004, the report of the Secretary-General entitled “In Larger Freedom: Toward Development, Security and Human Rights,” issued on March 21, 2005, and the report of the congressionally mandated Task Force on the United Nations, convened by the United States Institute of Peace (USIP), entitled “American Interests and UN Reform,” issued on June 15, 2005;

Whereas these reports call for comprehensive reform of the United Nations, including overhauling basic management practices and building a more transparent, accountable, efficient, and effective organization;

Whereas these reports highlight the deficiencies in the United Nations human rights bodies, in particular the practice of allowing countries that have violated human rights to sit on the Human Rights Council, which was established to monitor, promote, and enforce human rights;

Whereas these reports highlight many serious problems with the United Nations peacekeeping operations that need to be addressed while the peacekeepers are deployed in critical situations around the world;

Whereas these reports discuss the question of United Nations Security Council reform in an attempt to enhance the credibility of the Council and to enhance its capacity and willingness to act in the face of threats;

Whereas the USIP Task Force emphasized the importance that any reform of the United Nations Security Council must enhance its effectiveness and not in any way detract from its capacity to act in accordance with the Charter of the United Nations; and

Whereas the United Nations has an important role to play in providing a forum for countries to discuss issues and resolve differences and to address the pressing humanitarian issues and security threats of the day; Now, therefore, be it

Resolved, That the Senate—

(1) declares that a credible, effective, and reformed United Nations can play an important role in helping promote global peace and security;

(2) reaffirms that reform of the United Nations Security Council would necessitate a revision of the Charter of the United Nations, which would constitute a treaty revision requiring an affirmative vote in the Senate by a two-thirds majority;

(3) states that the United Nations and its subsidiary bodies and agencies must be reformed, refocused, and made more efficient, and must become more transparent and more accountable;

(4) declares that oversight of the United Nations must be improved, that the management systems and budgeting processes of the institution must be updated and modified, and that protections for whistleblowers employed by the United Nations must be implemented;

(5) states that the United Nations Human Rights Commission should be abolished and replaced by a United Nations Human Rights Council or other body composed of governments that are committed to upholding human rights;

(6) declares that the reforms described above must be implemented before the Senate will consider any Charter change that the United Nations that require the advice and consent of the Senate; and

(7) urges the Secretary of State—

(A) to promote the Secretary of State’s recommendations for reform of the United Nations; and

(B) to consult regularly with the Senate as deliberations on United Nations reform progress.

**SENATE CONCURRENT RESOLUTION 43—WELCOMING THE PRIME MINISTER OF SINGAPORE ON THE OCCASION OF HIS VISIT TO THE UNITED STATES. EXPRESSING GRATITUDE TO THE GOVERNMENT OF SINGAPORE FOR ITS STRONG COOPERATION WITH THE UNITED STATES IN THE CAMPAIGN AGAINST TERRORISM, AND REAFFIRMING THE COMMITMENT OF THE UNITED STATES TO THE CONTINUED EXPANSION OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND SINGAPORE**

Mr. BOND submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

Whereas Singapore is a great friend of the United States;

Whereas the United States and Singapore share a common vision of promoting peace, stability, security, and prosperity in the Asia-Pacific region;

Whereas Singapore is a core member of the Proliferation Security Initiative, an initiative launched by the United States in 2003 to respond to the challenges posed by the proliferation of weapons of mass destruction, and a committed partner of the United States in preventing the spread of weapons of mass destruction;

Whereas Singapore is a leader in the Radiological Detection Initiative, an effort by the United States to develop technology to safeguard maritime security by detecting trafficking of nuclear and radioactive material;

Whereas Singapore will soon be a partner with the United States in the Strategic Framework Agreement for Closer Cooperation in Defense and Security, an agreement which will build upon the already strong military alliance between the United States and Singapore and expand the scope of defense and security cooperation between the 2 countries;

Whereas Singapore responded quickly to provide generous humanitarian relief and financial assistance to the people affected by the tragic tsunami that struck Southeast Asia in December 2004;

Whereas Singapore has joined the United States in the global struggle against terrorism, providing intelligence and offering political and diplomatic support;

Whereas Singapore is the 15th largest trading partner of the United States and the first free trade partner of the United States in the Asia-Pacific region, and the United States is the second largest trading partner of Singapore;

Whereas the relationship between the United States and Singapore extends beyond the current campaign against terrorism and is reinforced by strong ties of democracy, culture, commerce, and scientific and technical cooperation; and

Whereas the relationship between the United States and Singapore encompasses almost every field of international cooperation, including a common commitment to fostering a stronger and more open international trading system; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) welcomes the Prime Minister of Singapore, His Excellency Lee Hsien Loong, to the United States;

(2) expresses profound gratitude to the Government of Singapore for promoting security and prosperity in Southeast Asia and cooperating with the United States in the global campaign against terrorism; and

(3) reaffirms the commitment of the United States to continue strengthening the friendship and cooperation between the United States and Singapore.