AMENDMENT NO. 383

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 383 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 412

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 412 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 420

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 420 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 435

At the request of Mr. PRYOR, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 435 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 448

At the request of Mr. ENSIGN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 448 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

BY Mr. LEAHY (for himself and Mr. CORNYN):

S. 849. A bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join Senator CORNYN in reintroducing the Openness Promotes Effectiveness in our National Government Act'', the ''OPEN Government Act''. This bill contains commonsense reforms to update and strengthen the Freedom of Information Act (FOIA) for all Americans.

Last year, the Senate Judiciary Committee favorably reported an essentially identical bill. Sadly, the full Senate did not consider this legislation before it adjourned last year. But, I hope that the Senate will do its part to reinvigorate FOIA this year, by promptly passing this bill.

During my three decades in the Senate, I have devoted a considerable portion of my work to improving government openness, to make our government work better for the American people. At times, this has been a lonely effort. But, for the past 4 years, I have been delighted to have Senator CORNYN as a partner on this important issue. I thank him for his leadership on preserving and strengthening FOIA.

Now in its fourth decade, the Freedom of Information Act remains an indispensable tool in shedding light on bad policies and government abuses. But, today, FOIA also faces challenges like never before. During the past 6 years, the Bush administration has allowed lax FOIA enforcement and a near obsession with secrecy to undercut the public's right to know. As we celebrate Sunshine Week this week, there is urgent need to update and strengthen our FOIA law.

Chief among the problems with FOIA is the major delays encountered by FOIA requestors. According to a report by the National Security Archive, an independent nongovernmental research institute, the oldest outstanding FOIA requests date back to 1989—before the collapse of the Soviet Union. And, while the number of FOIA requests submitted each year continues to rise, our Federal agencies remain unable—or unwilling—to keep up with the demand. Just recently, the Government Accountability Office found that Federal agencies had 43 percent more FOIA requests pending and outstanding in 2006, than they had in 2002.

Although the Bush administration has taken modest steps to address the growing problem with FOIA delays, that effort has not done nearly enough to correct lax FOIA enforcement by Federal agencies. More than a year after the President's directive to Government agencies to improve their FOIA services, Americans who seek information under FOIA remain less likely to obtain it. For example, a recent study by the Coalition of Journalists for Open Government found that the percentage of FOIA requestors who obtained at least some of the information that they requested from the Government fell by 31 percent last year. These and other shortcomings with the President's FOIA policy demonstrate that the Congress must play an important role in preserving and strengthening FOIA.

The legislation that Senator CORNYN and I introduce today takes several important steps to help Americans obtain timely responses to their FOIA requests and to provide government officials with the tools that they need to ensure that our government remains open and accessible. First, our bill restores meaningful deadlines for agency action by ensuring that the 20-day statutory clock runs immediately upon the receipt of the request and the bill impose real consequences on Federal agencies for missing statutory deadlines. Our bill also clarifies that FOIA applies to agency records that are held by outside private contractors, no matter where these records are located.

In addition, our bill establishes a FOIA hotline service for all Federal agencies, either by telephone or on the Internet, to enable requestors to track the status of their FOIA requests. Finally, our bill enhances the agency reporting requirements under FOIA and improves personnel policies for FOIA officials to enhance agency FOIA performance.

This legislation was drafted after a long and thoughtful process of consultation with individuals and organizations that rely on FOIA to obtain information and share it with the public, including the news media, librarians, and public interest organizations representing all facets of the political spectrum.

This legislation also reaffirms the fundamental premise of FOIA—that government information belongs to all Americans. Again, I thank Senator CORNYN for the time and effort that he has devoted to reinvigorating FOIA, and I urge all Senators to join us in supporting this important open government legislation.

By Ms. SNOWE:

S. 852. A bill to deauthorize the project for navigation, Tenants Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 853. A bill to deauthorize the project for navigation, Northeast Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 854. A bill to modify the project for navigation, Union River, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 855. A bill to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 856. A bill to terminate authorization for the project for navigation, Rockport Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 857. A bill to redesignate the project for navigation, Saco River, Maine, as an anchorage area; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today to reintroduce a series of bills that are important to economic development along our long coastline. Most of these bills were either included in the Water Resources Development Act (WRDA) of 2006 or has passed the Senate as a stand-alone bill. Unfortunately, much to my great disappointment, the larger Corps of Engineers reauthorization legislation did not see action before the Senate adjourned the 109th Congress. My hope is that all of these noncontroversial bills will be included in the WRDA legislation in the 110th Congress.

Importantly, all of my bills are supported by the various townspeople and their officials, and State officials, who view these harbor deauthorizations and river improvements as engines for economic development. The bills also have the support of the New England District of the Corps of Engineers.

The first bill pertains to Tenants Harbor, St. George, ME. Deauthorizing the Federal Navigation Channel (FNC) would be of great help to the town in appropriately managing the Harbor to maximize mooring areas. Over the years there have been mounting problems with the Army Corps of Engineers' mooring permit process as people seeking permits for moorings that have existed for 30 years continue to be notified that the mooring locations are prohibited because they fall within the federal navigational channel.

My second bill concerns Northeast Harbor in Mt. Desert, ME. The language will not only allow for more recreational moorages and commercial activities, it will also be an economic boost to Northeast Harbor, which is surrounded by Acadia National Park, one of the Nation's most visited parks—both by land and by water. The removal of the harbor from the FNC will allow the town to adapt to the high demand for moorings and will allow residents to obtain moorings in a more timely manner. The Harbor has now reached capacity for both moorings and shoreline facilities and has a waiting list of over sixty people, along with commercial operators who have been waiting for years to obtain a mooring for their commercial vessels.

My third bill addresses the Union River in Ellsworth, ME. The bill supports the city of Ellsworth's efforts to revitalize the Union River navigation channel, harbor, and shoreline. The modification called for in my legislation will redesignate a portion of the Union River as an anchorage area. This redesignation will allow for a greater number of moorings in the harbor without interfering with navigation and will further improve the City's revitalization efforts for the harbor area.

My fourth bill, that passed the Senate as a stand-alone bill last year, will make the mooring of an historic windjammer fleet in Rockland Harbor a reality. Originally a strong fishing port, Rockland retains its rich marine heritage, and it is one of the fastest growing cities in the Mid-coast area. Like many of the port cities on the eastern seaboard, Rockland has been forced to confront an assortment of financial and environmental changes, but happily, the city has been able to respond to these challenges in positive and productive ways.

The City of Rockland has hosted the Windjammer fleet since 1955, earning a well-deserved reputation as the Windjammer Capital of the World. Rockland's Windjammers are now National Historic Landmarks, and as such, are vitally important to both the city and the State. The image of The Victory Chimes, one of five vessels slated to be berthed at the new wharf and a vessel whose historical designation I supported, graces the Maine quarter. This beautiful fleet of windjammers symbolizes the great seagoing history of Maine as well as the sense of adventure that we have come to associate so closely with the American experience.

Lermond Cove is perfectly situated in the Rockland Harbor to be the new and permanent home for these cherished vessels. The proposed Windjammer Wharf will also provide a safe harbor from storms, as it is tucked nicely near the Maine State Ferry and Department of Marine Resources piers.

The State of Maine capitalizes on the visual impact of the Windjammers to promote tourism, working waterfronts and the natural beauty that distinguishes our landscape. Over $300,000 is spent yearly by the Maine Windjammer Association to advertise and promote these businesses. Deauthorizing that part of the Federal navigational channel will clearly trigger significant and unrealized economic benefits for the region, providing many beneficial dollars to the local area and the State of Maine. According to the Longwood study, which uses a multiplier of 1.5, the economic impact of this spending is 3.8 million dollars a year. Conservatively, the Windjammers spend over 2.5 million dollars a year in the state.

I want to thank the New England Corps of Engineers for their help in drafting the language and working with the Maine Department of Transportation, which runs the ferry line, and also the Rockland city officials, the Rockland Port District, and the Captains of the Windjammer vessels—Mainers and business people with the vision and commitment needed to complete Windjammer Wharf and create a permanent home for this historic fleet of windjammers in Rockland Harbor.

I am reintroducing my fifth bill for the Town of Rockport—this request came in after the Environment and Public Works Committee passed out the WRDA bill in the last Congress. It would deauthorize a part of the Federal Navigation Channel in Rockport Harbor. The town, located on the active Mid-Coast of Maine, has requested that Congress decommission a 35 foot by 275 foot area directly adjacent to the bulkhead at Marine Park. With this deauthorization, the Town will be able to install permanent pilings to secure a set of new municipal floats, which would replace the current temporary float system.

My sixth bill for reintroduction today is a bill for the City of Saco, Maine that concerns the town's ability to allow the mooring of boats on the Saco River. The bill changes the turning basin into an anchorage while managing a 50-foot channel within the anchorage. The town was not aware that it was in violation because of 21 moorings located in the Saco River Federal Navigational Project. In an effort to eliminate this encroachment, city officials have requested a modification or de-authorization of the Federal Navigational Project to resolve the issue.

The US Army Corps of Engineers suggested language that re-designates the maneuvering basin into an anchorage area that will meet the needs of the community. The language will allow for the legal moorage of boats, the fairway for which would be maintained by the city of Saco as is customary for towns with Federal anchorages. The two mayors of the cities involved along with the Saco Yacht Club have agreed to the Corps' language.

It is my hope that all of these noncontroversial provisions will be included in the Water Resources Development Act of 2007 and I am writing Senator BOXER, the new Chairwoman of the EPW Committee requesting inclusion of my bills in the upcoming WRDA bill. I am pleased to hear that she is also anxious for the WRDA bill to move forward just as quickly as possible. It has been six long years since our last WRDA bill was signed into law—much too long even for the patient people in Maine who want to urgently move forward on economic development for their coastal communities.

Also, I am pleased to be cosponsoring a bill with Senator COLLINS that addresses the project for the mitigation of shore damage at Camp Ellis, ME. The bill authorizes the Secretary of the Army to carry out the project, under the River and Harbor Act of 1968, to mitigate shore damage attributable to the Saco River navigational project, waiving the funding cap requirement for congressional authorization set forth in that Act. The legislation is needed to complete the project as it will cost more than authorized under current law, and is the preferred project by non-Federal interests.

Studies have shown that the Army Corps jetty, built over 100 years ago, has contributed to beach erosion and the loss of more than thirty houses to the sea. The houses in danger currently were once six rows back from the water. When the mitigation project is completed, it is hoped that it will protect the residents, households, and businesses along the shoreline adjacent to the Army Corps jetty in Saco.

By Mr. WYDEN (for himself, Ms. SNOWE, Ms. COLLINS, Mr. ENZI, Mr. MENENDEZ, Mr. INOUYE, Mr. DURBIN, and Mr. SANDERS):

S. 858. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Finance.

Mr. WYDEN. Mr. President, about the most red, white and blue, patriotic action our Nation could take is to develop a new energy policy that reduces our Nation's dependence on foreign oil. And the biggest source of our oil dependence is transportation—the cars, trucks and sport utility vehicles (SUVs) that our citizens drive every day.

That's why I am pleased to be introducing a bill that will help citizens who want to do their part to reduce oil dependence by commuting to work by bicycle. I am joined in sponsoring the Bicycle Commuters Benefits Act of 2007 by Senators SNOWE, COLLINS, DURBIN, MENENDEZ, INOUYE, ENZI and SANDERS.

I know that many people in our country want to do something concrete about our Nation's dependence on oil and gas. As gas prices continue to climb again this spring, more and more people are going to be looking for actions that they can take to free themselves from this dependency. The bill I am introducing today gives Americans more incentive to give up the cars and trucks that they drive to and from work every day and get on their bicycles instead.

According to recent Census reports, more than 500,000 people throughout the United States commute to work by bicycle. They are freeing themselves from sitting in traffic. They are saving energy and overcoming their dependence on oil and gas. They are getting exercise; avoiding obesity and helping us keep our air clean and safe to breathe.

Yet, they are commuting by bicycle at their own expense. Their fellow employees who take mass transit to and from work have an incentive created in the Transportation Equity Act for the 21st Century that enables their employers to pay for their bus or subway ride. And those who commute to work by car or truck can receive tax-free parking benefits provided by their employers. These incentives are great for mass transit commuters or those who drive to work. But they also create a financial disincentive for those riding their bikes to and from their jobs. The Bicycle Commuters Benefits Act of 2007 will eliminate this financial disincentive and level the commuting field for bicyclists.

The bill extends the fringe benefits that employers can offer their employees for commuting by public transit, car or truck to those who ride their bicycles to and from their jobs. Our bill amends the tax code so that public and private employers can offer their employees a monthly benefit payment that will help them cover the costs of riding their bikes, instead of driving and parking their cars where they work. The bill also provides employers the flexibility to set their own level of benefit payment up to a specified amount. That way, employers and their employees can decide how much of an incentive they need to stop driving and start riding their bikes. Those who currently ride the bus and/or subway to work would also gain an extra incentive to ride their bikes. Employers can deduct the cost of their benefit payments from their taxable income. This reduces the taxes that they pay to the Federal Government. And, in turn, employees will receive anywhere from $40–$110 per month as a non-taxable benefit, to help them pay for the costs of riding their bikes.

This is a fair and modest proposal that will reward employees who ride their bikes to and from their jobs.

Our Senate bill is a companion bill to a bill being introduced by my fellow Oregonian, Congressman EARL BLUMENAUER. He has dozens of co-sponsors from both sides of the aisle and every part of the United States eager to offer bicycle commuters the same incentive that I want to offer to those who take mass transit or drive.

In addition, our bill is supported by many regional and national bicycling organizations such as Bikes Belong, Cycle Oregon, the Bicycle Transportation Alliance, the League of American Bicyclists, the Washington Area Bicyclist Association, Transportation Alternatives and hundreds of Capitol Hill employees who commute by bike to work every day.

When you look around our cities, the taxpayers have paid millions of dollars for bike trails in all of America's urban areas and major job markets. Now, bicycle commuters will have an extra incentive to make greater use of this public investment to commute to and from their jobs.

I look forward to working with our colleagues to enact this legislation to reward citizens doing their part to put us on the road to oil independence by biking to work.

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

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

S. 858

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 ''Bicycle Commuters Benefits Act of 2007''.

SEC. 2. EXTENSION OF TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) of the Internal Revenue Code of 1986 (relating to general rule for qualified transportation fringe) is amended by adding at the end the following:

''(D) Bicycle commuting allowance.''.

(b) BICYCLE COMMUTING ALLOWANCE DEFINED.—Paragraph (5) of section 132(f) of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following:

''(F) BICYCLE COMMUTING ALLOWANCE.—The term 'bicycle commuting allowance' means an amount provided to an employee for transportation on a bicycle if such transportation is in connection with travel between the employee's residence and place of employment.''.

(c) LIMITATION ON EXCLUSION.—Subparagraph (A) of section 132(f)(2) of the Internal Revenue Code of 1986 (relating to limitation on exclusion) is amended by striking ''subparagraphs (A) and (B)'' and inserting ''subparagraphs (A), (B), and (D)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 859. A bill to require the Secretary of Energy to award funds to study the feasibility of constructing dedicated ethanol pipelines to increase the energy, economic, and environmental security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HARKIN. Mr. President, today I am introducing the Ethanol Infrastructure Expansion Act of 2007. This bill directs the Department of Energy, DOE, to study and evaluate the feasibility of transporting ethanol by pipeline. I am pleased that my colleague, Senator LUGAR of Indiana, is joining me as a cosponsor of this bill.

There is broad recognition that we need to reduce our almost-complete dependence on oil for energy in our transportation sector. We also understand that there is not a single, simple solution to this dependence. I believe that we need to use energy more efficiently and promote alternatives to petroleum-based fuels in transportation.

The most promising liquid fuel alternative to conventional gasoline today is ethanol. Use of ethanol as an additive in gasoline and in the form of E85 is expanding rapidly, and for good reasons. First of all, as a domestically-produced fuel, ethanol contributes to our national energy security. As a gasoline additive, ethanol provides air quality benefits by reducing auto tailpipe emissions of air pollutants. Because ethanol is biodegradable, its use poses no threat to surface water or groundwater. Finally, the production of ethanol provides national and regional economic and job-growth benefits by using local resources and labor to contribute to critical national transportation energy needs.

My Congressional colleagues and I have recognized the benefits and potential of ethanol and have promoted its expanded production and use in numerous bills, including most recently in the 2005 energy bill. A key provision in that legislation is the renewable fuels standard under which motor vehicle fuel sold in the United States is required to contain increasing levels of renewable fuels. Several other provisions promote the production of ethanol from a broad variety of plentiful and low-cost biomass including corn stover, wheat straw, forest industry wastes woody municipal wastes and dedicated energy crops.

The viability of ethanol is reflected in the rapid expansion of its production

and use, which has increased by more than 20 percent annually for the past several years. Moreover, ethanol's longer-term potential to become a very significant energy source for transportation is gaining attention. A number of studies have concluded that ethanol can contribute 20 to 30 percent or more of our transportation fuel in the future. Several of my Senate colleagues have joined me to introduce S. 23, the Biofuels Security Act of 2007, which calls for increased access to ethanol at the pump and greatly expanded production of flexible-fuel vehicles. The Act also provides a directive for domestic production of renewable fuels to reach 60 billion gallons a year by 2030. I am especially proud of the leadership role that my State of Iowa and communities across rural America are going to play in this expansion.

Given this outlook, it is time for us to consider the full implications of such a transition. One issue that deserves prompt attention is that of ethanol transport. The volumes of ethanol to be shipped in the future strongly suggest that pipeline transport should be considered due to the potential economic and environmental advantages this alternative might offer as compared to shipment by highway, rail tanker, or barge. As production volumes increase, especially in the Midwest, it is likely to be more economical to pump ethanol through pipelines than to ship it in containers across the country. Pipeline shipping could provide for reduced vehicle emissions and superior energy efficiency compared to rail or tanker shipment.

For all of these reasons, we should begin to consider development of an ethanol pipeline network. Given the pace of ethanol's growth, it is likely that our Nation could begin to benefit from pipeline transport of ethanol as early as 2015. The current state of knowledge regarding transport of ethanol by pipeline is limited. Although it is being done in Brazil, a world leader in the production and use of ethanol, challenges remain. The water solubility of ethanol introduces technical and operational issues that affect the shipment of ethanol in multi-product pipelines. Thus, the largest associated research costs will be in the planning, siting, design, financing, permitting and construction of the first ethanol pipelines. This work may well take as long as a decade, perhaps longer. For that reason, we need to begin now to develop a solid understanding of this ethanol transport option.

This bill initiates that process by directing the Department of Energy to conduct ethanol pipeline feasibility studies. It calls for analyses of the technological, economic, regulatory, financial and siting issues related to transporting ethanol via pipelines. A systematic analysis of these issues will provide the substantive information necessary to assess the costs and benefits of this transport alternative. The Act would allow DOE the option of funding private sector studies or conducting the studies on its own. The results of these studies will provide a clearer picture of the benefits and challenges of pipeline transport of ethanol. They will provide critical information, both for the ethanol industry as it contemplates ethanol transport alternatives, and for policy-makers seeking to understand what policies or programs might be appropriate to promote the most cost-effective and environmentally sound ethanol transport into the future.

We have broad agreement on the need to do all that we can to reduce our dependence on oil. We are promoting expanding production and use of renewable fuels in many ways, but we need to take into account the full range of infrastructure issues that broader ethanol use entails. The rapid growth of ethanol production and use necessitates the very near-term study of transporting ethanol by pipeline. I urge my Senate colleagues to join me in passing this important and timely legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 859

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 ''Ethanol Infrastructure Expansion Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the national interest to make greater use of ethanol in transportation fuels;

(2) ethanol is a clean, renewable fuel that provides public health benefits in the form of reduced emissions, including reduced greenhouse gas emissions that cause climate change;

(3) ethanol use provides economic gains to agricultural producers, biofuels producers, and rural areas;

(4) ethanol use benefits the national security of the United States by displacing the use of petroleum, much of which is imported from foreign countries that are hostile to the United States;

(5) ethanol can reduce prices at the pump for motoring consumers by extending fuel supplies and due to the competitive cost of ethanol relative to conventional gasoline;

(6) ethanol faces shipping challenges in pipelines that transport other liquid transportation fuels;

(7) currently ethanol is shipped by rail tanker cars, barges, and trucks, all of which could, as ethanol production expands, encounter capacity limits due to competing use demands for the rail tanker cars, barges, and trucks;

(8) as the United States ethanol market expands in the coming years there is likely to be a need for dedicated ethanol pipelines to transport ethanol from the Midwest, where ethanol generally is produced, to the Eastern and Western United States;

(9) as of the date of enactment of this Act, dedicated ethanol pipelines do not exist in the United States and will be challenging to construct, at least initially;

(10) Brazil has already shown that ethanol can be shipped effectively via pipeline; and

(11) having an ethanol pipeline study completed in the very near term is important because the construction of 1 or more dedicated ethanol pipelines would take at least several years to complete.

SEC. 3. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Energy.

SEC. 4. FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Transportation, shall spend up to $1,000,000 to fund feasibility studies for the construction of dedicated ethanol pipelines.

(b) CONDUCT OF STUDIES.—

(1) IN GENERAL.—The Secretary shall—

(A) through a competitive solicitation process, select 1 or more firms having capabilities in the planning, development, and construction of dedicated ethanol pipelines to carry out the feasibility studies described in subsection (a); or

(B) carry out the feasibility studies in conjunction with such firms.

(2) TIMING.—

(A) IN GENERAL.—If the Secretary elects to select 1 or more firms under paragraph (1)(A), the Secretary shall award funding under this section not later than 120 days after the date of enactment of this Act.

(B) STUDIES.—As a condition of receiving funds under this section, a recipient of funding shall agree to submit to the Secretary a completed feasibility study not later than 360 days after the date of enactment of this Act.

(c) STUDY FACTORS.—Feasibility studies funded under this Act shall include consideration of—

(1) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(2) potential evolutionary pathways for the development of an ethanol pipeline transport system, such as starting with localized gathering networks as compared to major interstate ethanol pipelines to carry larger volumes from the Midwest to the East or West coast;

(3) market risk, including throughput risk, and ways of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in these areas and help ensure the construction of dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the first dedicated ethanol pipelines will require to invest in the pipelines;

(6) ethanol production of 20,000,000,000, 30,000,000,000, and 40,000,000,000 gallons per year by 2020; and

(7) such other factors that the Secretary considers to be appropriate.

(d) CONFIDENTIALITY.—If a recipient of funding under this section requests confidential treatment for critical energy infrastructure information or commercially-sensitive data contained in a feasibility study submitted by the recipient under subsection (b)(2)(B), the Secretary shall offer to enter into a confidentiality agreement with the recipient to maintain the confidentiality of the submitted information.

(e) REVIEW; REPORT.—The Secretary shall—

(1) review the feasibility studies submitted under subsection (b)(2)(B) or carried out under subsection (b)(1)(B); and

(2) not later than 15 months after the date of enactment of this Act, submit to Congress a report that includes—

(A) information about the potential benefits of constructing dedicated ethanol pipelines; and

(B) recommendations for legislation that could help provide for the construction of dedicated ethanol pipelines.

SEC. 5. FUNDING.

There is authorized to be appropriated to the Secretary to carry out this Act $1,000,000 for fiscal year 2008, to remain available until expended.

By Mr. SMITH (for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. BROWN, Ms. STABENOW, Ms. CANTWELL, Mr. LEAHY, Mr. SPECTER, Mr. NELSON of Florida, Mr. COLEMAN, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. DURBIN, Mr. KENNEDY, Ms. COLLINS, Mrs. LINCOLN, Mr. WYDEN, Mr. BAYH, Ms. SNOWE, Mr. SANDERS, and Mr. BINGAMAN):

S. 860. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Early Treatment for HIV Act, or ETHA. I ask unanimous consent that the full text of this bill, along with the numerous letters of support I have received from advocacy organizations, be printed in the RECORD. I am pleased that Senator CLINTON is joining me once again to introduce ETHA. I thank her for the steadfast support she has shown people living with HIV. This terrible illness knows no party affiliation, and I am pleased to say that ETHA's 20 cosponsors span both sides of the aisle.

ETHA provides States the ability to extend Medicaid coverage to low-income, HIV-positive individuals before they develop full-blown AIDS. Today, the unfortunate reality is that most patients must become disabled before they can qualify for Medicaid. Nearly 50 percent of people living with AIDS who know their status lack ongoing access to treatment. In my home State of Oregon, there are approximately 5,700 persons living with HIV/AIDS. It is estimated that approximately 40 percent of these Oregonians are not receiving care for their HIV disease. I believe it is our moral responsibility to do everything we can to ensure that all people living with HIV—regardless of their income or their insurance status—have access to timely, effective treatment.

Unfortunately, safety net programs across the country are running out of money, and as a consequence, they are generally unable to cover all of the people who need assistance paying for their medical care. For instance, Oregon's Ryan White funded AIDS Drug Assistance Program (ADAP) is experiencing significant financial hardship due to years of inadequate funding. As a consequence, the program has been forced to impose burdensome cost-sharing requirements and limit the scope of drugs it covers on its formulary. Fortunately, Oregon's ADAP has not had to resort to service waiting lists, a cost control mechanism that many States have been forced to adopt. As safety net programs like ADAP continue to struggle, ETHA gives States another way to reach out to low-income, HIV-positive individuals.

I believe ETHA represents a promising opportunity to turn the tide against this devastating epidemic. In 2005, there were 220 newly infected HIV cases reported in my home State of Oregon. If we were able to provide even a fraction of those individuals access to early treatment, we could prevent the progression of their condition to full-blown AIDS. Experience has shown that current HIV treatments are very successful in delaying the progression from HIV infection to AIDS, and help improve the health and quality of life for millions of people living with the disease.

Studies conducted by Pricewaterhouse Cooper (PWC) support providing early healthcare to individuals diagnosed with HIV because it has both the potential to save lives and control costs. Specifically, providing individuals coverage through ETHA could reduce the death rate of persons living with HIV by more than half. Similarly encouraging is the potential cost-savings ETHA could generate in the Medicaid program. Due to its preventive aim, ETHA is estimated to begin saving the Medicaid program $31.7 million each year after the effects of expanded access to care are fully realized.

I believe ETHA is a key example of the type of reform Congress needs to be implementing to the federal entitlements. The short term investment required to expand Medicaid coverage will ultimately result in significant long-term savings to the program—at no harm to the beneficiary. But most importantly, ETHA takes an important step toward ensuring that all Americans living with HIV can get the medical care they need to lead healthy, productive lives for as long as possible.

One of the strongest features of ETHA is the enhanced Federal Medicaid match rate it provides to encourage States to expand coverage to individuals diagnosed with HIV. This provision closely models the successful Breast and Cervical Cancer Treatment and Prevention Act of 2000, which allows States to provide early Medicaid intervention to women with breast and cervical cancer. We can build upon this success by passing ETHA and extending similar early intervention treatments to people with HIV.

HIV/AIDS touches the lives of millions of Americans from a variety of backgrounds. Some get the proper medications they need to keep healthy, but far too many do not. The inability to access life-saving treatment literally creates a ''life and death'' situation for many of our most vulnerable citizens. Fortunately, ETHA can give those individuals access to the care they need so they can look forward to a long, healthy life.

I again want to thank the strong group of bipartisan Senators that is joining me as original cosponsors of ETHA. I also wish to thank all of the organizations around the country that have expressed support for this bill, in particular, Oregon's Cascade AIDS Project. The work they do on behalf of individuals living with HIV/AIDS in my home State is truly commendable, and I appreciate the support they have shown ETHA over the years.

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

S. 860

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 ''Early Treatment for HIV Act of 2007''.

SEC. 2. OPTIONAL MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

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

(1) in subsection (a)(10)(A)(ii)—

(A) by striking ''or'' at the end of subclause (XVIII);

(B) by adding ''or'' at the end of subclause (XIX); and

(C) by adding at the end the following:

''(XX) who are described in subsection (dd) (relating to HIV-infected individuals);''; and

(2) by adding at the end the following:

''(dd) HIV-infected individuals described in this subsection are individuals not described in subsection (a)(10)(A)(i)—

''(1) who have HIV infection;

''(2) whose income (as determined under the State plan under this title with respect to disabled individuals) does not exceed the maximum amount of income a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan; and

''(3) whose resources (as determined under the State plan under this title with respect to disabled individuals) do not exceed the maximum amount of resources a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan.''.

(b) ENHANCED MATCH.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by striking ''section 1902(a)(10)(A)(ii)(XVIII)'' and inserting ''subclause (XVIII) or (XX) of section 1902(a)(10)(A)(ii)''.

(c) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(1) by striking ''or'' at the end of clause (xii);

(2) by adding ''or'' at the end of clause (xiii); and

(3) by inserting after clause (xiii) the following:

''(xiv) individuals described in section 1902(dd);''.

(d) EXEMPTION FROM FUNDING LIMITATION FOR TERRITORIES.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended by adding at the end the following:

''(3) DISREGARDING MEDICAL ASSISTANCE FOR OPTIONAL LOW-INCOME HIV-INFECTED INDIVIDUALS.—The limitations under subsection (f) and the previous provisions of this subsection shall not apply to amounts expended for medical assistance for individuals described in section 1902(dd) who are only eligible for such assistance on the basis of section 1902(a)(10)(A)(ii)(XX).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning on or after the date of

the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

HIV MEDICINE ASSOCIATION,
Alexandria, VA, January 30, 2007.

Hon. GORDON SMITH,
Russell Senate Office Building,
Washington, DC.
Hon. HILLARY CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: I am writing on behalf of the HIV Medicine Association (HIVMA) to offer our strong support for the Early Treatment for HIV Act (ETHA). HIVMA represents more than 3,500 HIV medical providers from across the United States. Many of our members serve on the front lines of the HIV epidemic providing care and treatment in communities ranging from the rural South to the large urban areas on the east and west coasts of the nation.

As you know, ETHA would allow states to expand their Medicaid programs to cover people with HIV disease, before they become disabled and progress to AIDS. This important program change would allow more people with HIV disease to benefit from the remarkable HIV treatment available today—treatment that has reduced mortality due to HIV disease by nearly 80 percent.

Many of our members still report high percentages of patients with HIV presenting at their clinics with advanced stage disease. These patients are often sicker; less responsive to treatment and more costly due to the need for more intensive interventions, such as inpatient hospitalization. With earlier access to medical care and treatment through Medicaid, these patients could remain relatively healthy and enjoy longer and more productive lives.

Now is the time to help these patients and the many new ones that will enter HIV care systems as a result of the Centers for Disease Control and Prevention's (CDC) new recommendations to make HIV testing a routine component of medical care. While we are strong supporters of routine HIV testing as a tool to promote earlier diagnosis and linkage to care, we are concerned that our current federal and state health care safety-net programs are ill-equipped to care for the influx of patients that we expect to be identified through routine HIV testing. Passage of ETHA would be a critical step forward in the battle to ensure that all low-income Americans with HIV disease have the healthcare coverage that will allow them to benefit from the lifesaving HIV treatment widely available in the U.S. today.

Thank you very much for your continued commitment to expand access to care for low-income persons living with HIV/AIDS and other vulnerable Americans. Please consider HIVMA a resource as you move forward with the passage of this important legislation.

Sincerely,

DANIEL R. KURITZKES,
Chair.

NATIONAL ALLIANCE OF STATE
& TERRITORIAL-AIDS DIRECTORS,
Washington, DC, February 16, 2007.

Hon. GORDON SMITH,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the National Alliance of State and Territorial AIDS Directors (NASTAD), I am writing to offer our support for the ''Early Treatment for HIV Act.'' NASTAD represents the nation's chief state and territorial health agency staff who are responsible for HIV/AIDS prevention, care and treatment programs funded by state and federal governments. This legislation would give states an important option in providing care and treatment services to low-income Americans living with HIV.

The Early Treatment for HIV Act (ETHA) would allow states to expand their Medicaid programs to cover HIV positive individuals, before they become disabled, without having to receive a waiver. NASTAD believes this legislation would allow HIV positive individuals to access the medical care that is widely recommended, can postpone or avoid the onset of AIDS, and can enormously increase the quality of life for people living with HIV.

State AIDS directors continue to develop innovative and cost-effective HIV/AIDS programs in the face of devastating state budget cuts and federal contributions that fail to keep up with need. ETHA provides a solution to states by increasing health care access for those living with HIV/AIDS.

We would also like to commend the hard work of your staff, particularly Matt Canedy who has been extremely helpful on a myriad of HIV/AIDS policy issues. We look forward to working with him to gain support for the legislation.

Thank you very much for your continued commitment to persons living with HIV/AIDS.

Sincerely,

JULIE M. SCOFIELD,
Executive Director.

THE AIDS INSTITUTE,
Washington, DC, January 29, 2007.

Re the Early Treatment for HIV Act (ETHA).

Senator GORDON SMITH,
U.S. Senate,
Washington, DC.
Senator HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: The AIDS Institute applauds you for your continued leadership and commitment to people living with HIV/AIDS in our country who are in need of lifesaving healthcare and treatment. While the HIV/AIDS epidemic in sub-Sahara Africa and other parts of the world often overshadow the epidemic in the United States, we must not forget about the approximately 1.1 million people living in the U.S. who have HIV or AIDS.

Those infected with HIV are more likely to be low-income, and the disease disproportionately impacts minority communities. In fact, the AIDS case rate per 100,000 for African Americans was 10 times that of whites in 2006. According to a recent Institute of Medicine report titled, ''Public Financing and Delivery of HIV/AIDS Care: Securing the Legacy of the Ryan White CARE Act'', 233,000 of the 463,070 people living with HIV in the U.S. who need antiretroviral treatment do not have ongoing access to treatment. This does not include an additional 82,000 people who are infected but unaware of their HIV status and are in need of antiretroviral medications.

One reason why there are so many people lacking treatment is because under current law, Medicaid, the single largest public payer of HIV/AIDS care in the U.S., only covers those with full blown AIDS, and not those with HIV. The Early Treatment for HIV Act (ETHA), being re-introduced in this Congress under your leadership, would rectify an archaic mindset in the delivery of public health care. No longer would a Medicaid eligible person with HIV have to become disabled with AIDS to receive access to Medicaid provided care and treatment.

Providing coverage to those with HIV can prevent them from developing AIDS, and allow them to live a productive life with their family and be a healthy contributing member of society. ETHA would provide states the option of amending their Medicaid eligibility requirements to include uninsured and under-insured, pre-disabled poor and low-income people living with HIV. No state has to participate if they choose not to. As all states have participated in the Breast and Cervical Cancer Prevention and Treatment Act, upon which ETHA is modeled, we believe all States would opt to choose this approach in treating those with HIV. States will opt into this benefit not only because it is the medically and ethically right thing to do, but because it is cost effective, as well.

A recent study prepared by PricewaterhouseCoopers found that if ETHA was enacted, over 10 years:

—the death rate for persons living with HIV on Medicaid would be reduced by 50 percent;

—there would be 35,000 more individuals with CD4 levels above 500 under ETHA versus the existing Medicaid system; and it would

—result in savings of $31.7 million.

The AIDS Institute thanks you for your bipartisan leadership by introducing ''The Early Treatment for HIV Act of 2006''. It is the type of Medicaid reform that is critically needed to update the program to keep current with the Federal Government's guidelines for treating people with HIV.

We were very pleased the US Senate passed an ETHA demonstration project during the last Congress. In this Congress, we hope ETHA will finally become a reality. We look forward to working with you and your colleagues as it moves toward enactment.

Thank you very much.

Sincerely,

DR. A. GENE COPELLO,
Executive Director.

AMERICAN ACADEMY
OF HIV MEDICINE,
Washington, DC, Jan. 22, 2007.

Hon. GORDON SMITH,
Russell Senate Office Building,
Washington, DC.
Hon. Hillary Clinton,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH AND SENATOR CLINTON: The American Academy of HIV Medicine is an independent organization of HIV specialists and others dedicated to promoting excellence in HIV/AIDS care. As the largest independent organization of HIV frontline providers, our 2,000 members provide direct care to more than 340,000 HIV patients—more than two thirds of the patients in active treatment for HIV disease.

The Academy would like to thank and commend you for co-sponsoring the Early Treatment for HIV Act (ETHA). We believe this legislation would allow many HIV positive individuals access to the quality medical care vital towards postponing or avoiding the onset of AIDS, and be cost-effective in doing so.

ETHA addresses a flawed anomaly in the current Medicaid system—that under current Medicaid rules people must become disabled by AIDS before they can receive access to Medicaidprovided care and treatment that could have prevented them from becoming so ill in the first place. The U.S. Public Health Service guidelines have consistently recommended for several years that the treatment of HIV patients, before their immune systems have been severely damaged by HIV, will greatly or even prevent the disabling effects of HIV disease.

ETHA would bring Medicaid eligibility rules in line with the clinical standard of care for treating HIV disease, which has changed dramatically over the last twenty

years due to the revolutionary and increasingly more simplified life-saving drug regimens. The science of HIV medicine is clear on this point: Today, when appropriately treated, HIV can be managed as a serious chronic illness; however, appropriate treatment requires early and continuous access to highly-active antiretroviral therapy (HAART). Preserving an immune system is much more effective, if even possible, than rebuilding one already destroyed. Patients who do not receive proper treatment until they are diagnosed with AIDS may not fully respond or benefit from treatment once it begins.

The benefits of early treatment also extend to the population at large. Good data (Quinn et al.; Porco et al.) now supports what we have long suspected—that successful and consistent treatment of the infected individual decreases a patient's infectivity, further benefiting the health of the American public and reducing the number of individuals ultimately needing costly medical care.

Beyond the public's health, the cost-benefits of this bill's implementation are similarly clear. States that adopt this option to their Medicaid program would likely see cost-savings to Medicaid by limiting costly hospital admissions and reducing unnecessary, preventable illness. With reduced morbidity, mortality and inpatient costs as a result of state-of-the-art outpatient treatment, receiving early, quality outpatient care is cost-effective (Valenti, 2001; Freedberg et al. 2001) compared with the alternatives.

Passage of the Early Treatment for HIV Act will save lives, increase the length and quality of life for people living with HIV/AIDS, help ensure their medical coverage, and save money over time.

We will work in vigorous support of this legislation, and we appreciate your impressive leadership in doing the same.

Sincerely,

JEFF SCHOUTEN,
Chair.

PROJECT INFORM,
San Francisco, CA, February 28, 2007.

Re Support for Early Treatment for HIV Act

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of Project Inform, a national HIV/AIDS health care and treatment advocacy organization based in San Francisco, we are writing to express our strong support for the Early Treatment for HIV Act (ETHA). We commend you for your leadership in reintroducing this important bipartisan legislation.

ETHA would address a cruel irony in the current Medicaid system. Currently most individuals with HIV must become disabled by AIDS before they can receive access to Medicaid's care and treatment programs that could have prevented them from becoming so ill in the first place.

ETHA would modernize this system by allowing states to extend Medicaid coverage to low-income, pre-disabled people living with HIV. It would assure early access to care and treatment for thousands of people living with HIV across the country. It would also help relieve the financial crisis facing many discretionary HIV/AIDS programs, such as the AIDS Drug Assistance Program (ADAP) and other services funded by the Ryan White CARE Act.

Access to healthcare and treatment is a high priority for Project Inform as it ranks in the top concerns we hear from people through our treatment hotline and community meetings. We need long-term solutions like ETHA to ensure that people have the care and treatment they need to remain healthy and productive for as long as possible.

We greatly appreciate your longtime efforts on behalf of people living with HIV/AIDS. If there is anything we can do to help you with your efforts to pass this legislation, please do not hesitate to let us know.

Sincerely,

ANNE DONNELLY,
Director, Health Care Advocacy.
RYAN CLARY,
Associate Director, Health Care Advocacy.

By Mr. SESSIONS. (for himself, Ms. LANDRIEU, Mr. VITTER, Mr. CORNYN, and Mr. GRASSLEY):

S. 863. A bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I am pleased to introduce today the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007. The bill creates a specific crime of fraud in connection with major disasters or emergency benefits and increases the penalties currently available for such acts. I am happy my good friends and colleagues, Senators LANDRIEU, VITTER, CORNYN, and GRASSLEY have joined me in this important effort. I commend them for their leadership on this issue and look forward to working with them to pass this important piece of legislation.

As a former Federal prosecutor myself for 12 years on the gulf coast of Alabama, and one who has been involved in prosecuting fraud in the aftermath of hurricanes, I can tell you that it goes on, unfortunately, and there are some weaknesses in our laws that we can fix.

The ideas in my bill have received strong congressional support. In fact, the House of Representatives passed this same bill last Congress, H.R. 4356. Last March, the House Judiciary Committee approved the Emergency and Disaster Assistance Fraud Penalty Enhancement Act because both Democrats and Republicans wanted to move as quickly as possible against disaster assistance fraud. The committee submitted a report expressing its favor for the bill and recommended it be passed without amendment.

Last June, the Department of Justice sent a letter to members of the Senate Judiciary Committee in strong support of the bill, noting that it would ''provide important prosecutorial tools in the government's efforts to combat fraud associated with natural disasters and other emergencies.''

The goal of my bill is to protect the real victims of disasters such as Hurricane Katrina by specifically making it a crime, under the existing fraud chapter of title 18, USC chapter 47, to fraudulently obtain emergency disaster funds.

After an emergency or disaster, such as the recent tornadoes that devastated the city of Enterprise in my home State, we should do everything we can to make sure 100 percent of the relief funds gets into the hands of real victims. Taxpayers should not sustain a financial loss at the hands of scam artists, and these wrongdoers should not profit from exploiting the victims of horrific events. Common sense requires that those who deceive the government and obtain emergency disaster funds by fraud be subject to criminal punishment.

I want to share some thoughts about the scope of the problem. Hurricane Katrina produced one of the most extraordinary displays of loss, pain, and suffering, and of scams and schemes that we have ever seen. The scope of the fraud and the audacity of the schemers was astonishing.

One of the most heinous examples is a woman who tried to collect Federal benefits by claiming she watched her two daughters drown in the rising New Orleans waters. In truth, she did not even have children and she was living in Illinois at the time of the hurricane. Her outrageous claims are an affront to the many people who actually did lose loved ones in that terrible storm.

Another example of blatant and widespread fraud after Katrina include, in Texas, a hotel owner who submitted bills for phantom victims who never stayed at his hotel. Across the gulf coast, roughly 1,100 prison inmates collected more than $10 million in rental and disaster relief assistance by claiming they were displaced by the storm. People in jail were being sent checks.

You say: How can that happen? Well, they are trying to get money out to people in a hurry. I think they could do a better job, frankly. I think FEMA could do a better job in analyzing these claims. But the truth is, in the rush to make sure that people who have lost everything have money to find a room to stay in so they are not out on the streets, it does require them to take more risk than normally would be the case. People who take advantage of that to defraud the taxpayers and to rip off the system ought to go to jail for it.

In California, a couple posed as Red Cross workers and fraudulently obtained donations, saying they were working for the Red Cross. Also, in California, 75 workers at a Red Cross call center were charged in a scheme to steal hundreds of thousands of dollars from the Red Cross. One individual received 26 Federal disaster relief payments by using 13 different Social Security numbers. In my home State of Alabama, FEMA, the Federal Emergency Management Agency, paid $2,748 to an individual who listed a P.O. box as his damaged property.

As of January 3, the Hurricane Katrina Fraud Task Force has charged 525 individuals in 445 indictments brought in 35 judicial districts around the country. These numbers continue to grow every day. The Justice Department is aggressively prosecuting these

crooks, but they have asked us for this additional tool. They have asked us to pass this legislation so that the Federal statute adequately addresses and deters fraud in connection with emergency disaster assistance.

The fact is, some people think in a disaster they can run in and make any kind of bogus claim they desire—that money will be given to them and people will be too busy to check. And if they do, nothing is ever going to happen to them. We need to completely reverse that mentality. We need to create a mindset on the part of everybody that these disaster relief funds are sacred; that they are for the benefit of people who have suffered loss, and only people who have suffered loss should gain benefit of it. We need to make it clear that those who steal that money are going to be prosecuted more vigorously and punished more severely than somebody who commits some other kind of crime because I think it is worse to steal from the generosity of the American people who intended to help those in need.

The total price tag for the fraud committed after Hurricanes Katrina and Rita is not yet known, but the Government Accountability Office investigators have testified that it will, at the very least, be in the billions of dollars. I am not talking about millions. This is the GAO saying it will be, at the very least, in the billions of dollars.

Now I have seen people, I have been down to Bayou La Batre and Coden and areas in my home area of Alabama who were devastated by this storm, and it is heartbreaking to see people who have lost everything. The day after the storm, my wife and I were there. The Salvation Army showed up and it was the only group there providing meals. There was a long line, and we walked down the line and just talked to the people about what had happened to them. Repeatedly, we were told:

Senator, all I have is what is on my back.

Now we want to help people like that, but we don't want to help people who are somewhere unaffected in Illinois or somewhere in jail claiming they deserve displaced housing money.

So it is an insult to the victims of these natural disasters and an insult to the ultimate victim in this fraud, the American taxpayer. Natural disasters and emergency situations often create an opportunity for unscrupulous individuals to take advantage of both the immediate victims of the disaster or emergency, as well as those who offer financial and other assistance to the victims. The American people are extremely generous in responding to disasters, but they should not be expected to tolerate the fraud of those who deceitfully exploit their generosity.

In addition to creating a new Federal crime that specifically prohibits fraud in connection with any emergency or disaster benefit—including Federal assistance or private charitable contributions—my bill would also update the current mail and wire fraud statutes found in chapter 63 of title 18—title 18 sections 1341, 1343. Those are the bread-and-butter criminal statutes for most frauds. My bill, though, changes the Federal mail and wire fraud statutes by adding emergency or disaster benefits fraud to the 30-year maximum penalties that are currently reserved for cases involving fraud against banks or financial institutions.

My bill is timely. Just this month we have seen tornadoes that killed at least 20 people in the Southeast and Midwest and damaged or destroyed hundreds of homes from Minnesota to the gulf coast. I recently toured many of the areas hit by the storms, and I was shocked by the devastation. The loss of eight Alabama schoolchildren at Enterprise High School was especially heartbreaking.

I had the opportunity to be with President Bush on the second day I was there. He came down and met with the families of those eight young people who were killed. He spent almost an hour with them—almost 10 minutes a person. It was a moving experience to be a part of that. I talked with each one of those families and felt the pain and loss they suffered.

Of course, money is not an answer to their pain. But I would say this: People do want to help. If people take advantage and steal from those who want to help families like that, who are in pain and loss, it is a despicable crime, to me.

The President has declared Enterprise and several other Alabama localities Federal disaster areas, including Millers Ferry, AL, in my home county, where one individual was killed. I knew him and his family, and saw the people there who I knew who suffered a total loss of their homes, caused by this incredibly powerful tornado. Being declared a disaster area means victims will be eligible to receive Federal financial aid. It is my responsibility to make sure the money goes to the right people and is not scammed off by criminals posing as victims.

I know my colleagues share my deep sympathy for the families who lost loved ones and suffered injuries last week, but it is simply not enough to have sympathy. We must ensure the full resources of the Federal Government are quickly deployed to the affected States, and we must ensure these resources are protected and distributed only to real victims, not individuals seeking to take advantage of the disaster.

It is disheartening that there was so much fraud associated with the relief following Hurricanes Katrina and Rita, but it is not surprising. I have been there in the aftermath of hurricanes as a prosecutor. I have seen such fraud and abuse firsthand.

Our resources are not unlimited, and it is critical that we ensure that every relief dollar goes to legitimate victims. It is important we give prosecutors the tools they need to protect legitimate victims and to protect American taxpayers.

By passing this legislation, the Senate will send a strong signal that exploiting the kindness of the American people in times of crisis is a serious crime that will be treated with appropriate severity. We will not tolerate criminals stealing from the pockets of disaster victims. A vote for this bill is a vote to ensure that victims and the generous members of the American public are not preyed upon by criminals attempting to profit from these disasters and emergencies.

I think it is a reasonable piece of legislation. We worked hard, on a bipartisan basis, with members of the Senate Judiciary Committee and the Department of Justice. Senator LEAHY has indicated he will bring the bill up in the Judiciary Committee this week. We are looking forward to an analysis of it.

We will be glad to listen to any suggestions for improvements that may be made, and I think it is a piece of legislation we should move forward with.

By Mr. BUNNING (for himself and Mr. MCCONNELL):

S. 864. A bill to amend the Federal Power Act to clarify the jurisdiction of the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BUNNING. Mr. President, today I am introducing the Access to Competitive Power Act of 2007 with my friend and colleague, Senator MITCH MCCONNELL.

I have spent years negotiating and working with the Tennessee Valley Authority. I have long believed we could work together to address the problems facing my customers in Kentucky. But every time I think I see the light at the end of the tunnel, representatives of TVA change their offer or make up a new rule.

I was optimistic that the expanded Board of Directors of the TVA Congress authorized last session would be able to change the problems of the past. But after many meetings and negotiations, I am convinced that TVA believes it has monopoly status and does not answer to anyone.

Today, I am telling TVA that the people of Kentucky deserve better.

For too long the TVA has acted against the best interests of the people of Kentucky. Five electric distributors, Paducah, Princeton, Warren County, Glasgow and Monticello, gave their notice to TVA to leave the system when they realized they could get cheaper electricity on the open market—and save their customers millions of dollars.

During the past few years, they have negotiated in good faith for basic services that are considered routine in the utility industry. But unfortunately, the electric customers of Kentucky are stuck on the TVA island. We forced them onto that island 75 years when we created the Tennessee Valley Authority. Their options are limited and they

are wholly reliant on TVA for generation and transmission service. TVA knows this—and that is why they have continued to stall on providing reasonable services.

But the distributors who still intend to leave will now build hundreds of miles of new high voltage power lines to get access to the national electric grid. One may even need to run the city on diesel generators. Despite these costs, the numbers show that their customers will still save money.

The legislation I am introducing today, with Senator MITCH MCCONNELL, will give FERC full jurisdiction in relation to the Tennessee Valley Authority—the same jurisdiction that FERC has over utilities throughout the country.

Let me be clear—this legislation does not mandate contract language. It simply requires TVA to negotiate these services in good faith.

It defines the rights of two classes of TVA distributors—those who provided notice of termination prior to calendar year 2007 and those who did not provide notice.

For distributors in Kentucky and Tennessee who have previously given notice that they would like to leave TVA service, this legislation would put their rights into law.

Specifically, it would allow them to negotiate partial requirements services—making sure that TVA is not an all or nothing deal. For some customers it may make sense to get some power from TVA and some power from another generator.

It also requires TVA to provide transmission service for these customers. Because of Federal law, TVA is their only access point to the national electric grid. As such, they should provide reasonable transmission service.

It prevents TVA from charging these customers for stranded costs or imposing a reintegration fee and provides the customers the right to rescind their notice of termination if they ultimately decide they would like to stay with TVA.

And lastly, it allows everyone who enjoys the benefits of cheap, Federal power from the Power Marketing Administrations to retain a right to that power regardless of whether or not they choose to be a customer of TVA.

For all those customers who would like to stay in TVA, this legislation would give them the right to get partial requirements service from outside of TVA in an amount equal to TVA load growth.

I also believe that it is time the Government looks closely at the Tennessee Valley Authority. That is why my legislation asks for two important G.A.O. studies. First, it commissions a comprehensive study on the privatization the Tennessee Valley Authority. Second, it requests an analysis of the debt level of the Tennessee Valley Authority.

All Kentuckians deserve to choose where they receive their power. This bill will not only give them that choice, but it will also create a more competitive environment among Kentucky distributors and allow our businesses and residential consumers to keep more money in their pockets.

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

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

S. 864

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 ''Access to Competitive Power Act of 2007''.

SEC. 2. ESTABLISHMENT OF EQUAL ACCESS AND TREATMENT WITH RESPECT TO FEDERAL POWER RESOURCES.

Section 212(i) of the Federal Power Act (16 U.S.C. 824k(i)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

''(i) ESTABLISHMENT OF EQUAL ACCESS AND TREATMENT WITH RESPECT TO FEDERAL POWER RESOURCES.—

''(1) DEFINITION OF GENERATOR.—In this subsection, the term 'generator' means—

''(A) the Bonneville Power Administration;

''(B) the Southeastern Power Administration;

''(C) the Western Area Power Administration;

''(D) the Southwestern Power Administration; and

''(E) the Tennessee Valley Authority.

''(2) AUTHORITY AND DUTIES OF COMMISSION.—

''(A) IN GENERAL.—Pursuant to sections 210, 211, and 213, the Commission—

''(i) may order the administrator or board of directors, as applicable, of any generator to provide transmission service, including by establishing the terms and conditions of the service; and

''(ii) shall ensure that—

''(I) the provisions of otherwise applicable Federal laws shall continue in full force and effect and shall continue to be applicable to the system;

''(II) the rates for the transmission of electric power on the system of each Federal power marketing agency—

''(aa) are administered in accordance with applicable Federal law, other than sections 210, 211, and 213; and

''(bb) are not unjust, unreasonable, or unduly discriminatory or preferential, as determined by the Commission.

''(B) TENNESSEE VALLEY AUTHORITY RATES.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the Commission shall have jurisdiction over the rates, terms, and conditions of the provision of transmission service in interstate commerce by the Tennessee Valley Authority.

''(ii) TARIFF.—Notwithstanding any other provision of law, pursuant to sections 205 and 206, the Board of Directors of the Tennessee Valley Authority shall have on file with the Commission an open access transmission tariff that contains just, reasonable, and not unduly preferential or discriminatory rates, terms, and conditions for the provision of transmission service in interstate commerce by the Tennessee Valley Authority.'';

(3) in paragraph (3) (as redesignated by paragraph (1))—

(A) by striking ''(3) Notwithstanding'' and inserting the following:

''(3) PROCEDURE FOR DETERMINATIONS.—Notwithstanding'';

(B) in the matter preceding subparagraph (A), by inserting ''of a Federal power marketing agency'' after ''service''; and

(C) in subparagraph (A)—

(i) by striking ''when the Administrator of the Bonneville Power Administration either'' and inserting ''if the Administrator of any Federal power marketing agency''; and

(ii) by striking ''on the Federal Columbia River Transmission System'';

(4) in paragraph (4) (as redesignated by paragraph (1))—

(A) by striking ''(4) Notwithstanding'' and inserting the following:

''(4) JUDICIAL REVIEW.—Notwithstanding'';

(B) by striking ''the Administrator of the Bonneville Power Administration'' and inserting ''the Administrator of a Federal power marketing agency''; and

(C) by striking ''United States Court of Appeals'' and all that follows through the end of the paragraph and inserting ''United States court of appeals of jurisdiction of the Federal power marketing agency.'';

(5) in paragraph (5) (as redesignated by paragraph (1)), by striking ''(5) To the extent the Administrator of the Bonneville Power Administration'' and inserting the following:

''(5) EXCEPTION.—To the extent that an Administrator of a Federal power marketing agency'';

(6) in paragraph (6) (as redesignated by paragraph (1))—

(A) by striking ''(6) The Commission'' and inserting the following:

''(6) PROHIBITION.—The Commission''; and

(B) by striking ''the Administrator of the Bonneville Power Administration'' and inserting ''the Administrator of a Federal power marketing agency''.

SEC. 3. EQUITABILITY WITHIN TERRITORY RESTRICTED ELECTRIC SYSTEMS.

Section 212(j) of the Federal Power Act (16 U.S.C. 824k(j)) is amended—

(1) by striking ''With respect to'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), with respect to'';

(2) by striking ''electric utility:'' and all that follows through ''electric utility.'' and inserting ''electric utility.''; and

(3) by adding at the end the following:

''(2) EXCEPTION.—Paragraph (1) and subsection (f) shall not apply to any area served at retail by a distributor that—

''(A) on October 24, 1992, served as a distributor for an electric utility described in paragraph (1); and

''(B) before December 31, 2006, provided to the Commission a notice of termination of the power supply contract between the distributor and the electric utility, regardless of whether the notice was later withdrawn or rescinded.

''(3) STRANDED COSTS.—An electric utility described in paragraph (1) that provides transmission service pursuant to an order of the Commission or a contract may not recover any stranded cost associated with the provision of transmission services to a distributor.

''(4) RIGHTS OF DISTRIBUTORS.—

''(A) NOTICE NOT PROVIDED.—A distributor described in paragraph (2) that did not provide a notice described in paragraph (2)(B) by December 31, 2006, may—

''(i) construct, own, and operate any generation facility, individually or jointly with another distributor; and

''(ii) receive from any electric utility described in paragraph (1) partial requirements services, unless the cumulative quantity of

energy provided by the electric utility exceeds a ratable limit that is equal to a proxy for load growth on the electric utility, based on—

''(I) the total quantity of energy sold by each affected agency, corporation, or unit of the electric utility during calendar year 2006; and

''(II) a 3-percent compounded annual growth rate.

''(B) NOTICE PROVIDED.—

''(i) IN GENERAL.—A distributor described in paragraph (2) that provided a notice described in paragraph (2)(B) by December 31, 2006, may—

''(I) construct, own, and operate any generation facility, individually or jointly with another distributor;

''(II) receive from any electric utility described in paragraph (1) partial requirements services;

''(III) receive from any electric utility described in paragraph (1) transmission services that are sufficient to meet all electric energy requirements of the distributor, regardless of whether an applicable contract, or any portion of such a contract, has been terminated under this section; and

''(IV) not later than 180 days after the date of enactment of this paragraph, elect to rescind the notice of termination of the distributor without the imposition of a reintegration fee or any similar fee.

''(ii) TREATMENT.—On an election by a distributor under clause (i)(IV), the distributor shall be entitled to all rights and benefits of a distributor described in subparagraph (A).

''(5) RIGHT TO RETAIN ACCESS TO SERVICES.—

''(A) DEFINITIONS.—In this paragraph:

''(i) AFFECTED DISTRIBUTOR.—The term 'affected distributor' means a distributor that receives any electric service or power from at least 2 generators.

''(ii) GENERATOR.—The term 'generator' means an entity referred to in any of subparagraphs (A) through (E) of subsection (i)(1).

''(B) RETENTION OF SERVICES.—An affected distributor may elect to retain any electric service or power provided by a generator, regardless of whether an applicable contract, or any portion of such a contract, has been terminated under this section.

''(C) EFFECT OF NOTICE OF TERMINATION.—

''(i) IN GENERAL.—The provision or execution by an affected distributor of a notice of termination described in paragraph (2)(B) with 1 generator shall not affect the quantity of electric service or power provided to the affected distributor by another generator.

''(ii) PRICE.—The price of electric services or power provided to an affected distributor described in clause (i) shall be equal to the price charged by the applicable generator for the provision of similar services or power to a distributor that did not provide a notice described in paragraph (2)(B).

''(D) TRANSMISSION SERVICE.—On an election by an affected distributor under subparagraph (B) to retain an electric service or power, the affected distributor shall be entitled to receive from a generator transmission service to 1 or more delivery points of the affected distributor, as determined by the affected distributor, regardless of whether an applicable contract, or any portion of such a contract, has been terminated under this section.''.

SEC. 4. STUDY OF PRIVATIZATION OF TENNESSEE VALLEY AUTHORITY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the costs, benefits, and other effects of privatizing the Tennessee Valley Authority.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that describes the results of the study conducted under this section.

SEC. 5. STUDY OF DEBT LEVEL OF TENNESSEE VALLEY AUTHORITY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the financial structure of, and the amount of debt held by, the Tennessee Valley Authority, which (as of February 1, 2007) is approximately $25,000,000,000.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that describes the results of the study conducted under this section.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled ''Medicare Doctors Who Cheat on Their Taxes and What Should Be Done About It.''

This is the fourth hearing to result from a three year investigation conducted by the Subcommittee into Federal contractors that provide goods or services to the Federal Government, but fail to pay their taxes. A 2004 hearing determined that 27,000 contractors with the Department of Defense had a tax debt totaling roughly $3 billion. A 2005 hearing determined that 33,000 contractors doing business with civilian Federal agencies had unpaid taxes totaling $3.3 billion.

In addition to examining contractors for DOD and civilian agencies, the Subcommittee has examined similar misconduct by contractors for the General Services Administration (GSA). A Subcommittee hearing in March 2006 determined that 3,800 GSA contractors collectively owed $1.4 billion in unpaid taxes.

The upcoming March 20th hearing will further explore the problem, focusing specifically on Medicare physicians and related suppliers that receive substantial income from the Federal Government but do not pay the taxes that they owe.

Witnesses for the upcoming hearing will include representatives from the Government Accountability Office, the Internal Revenue Service, the Centers for Medicare & Medicaid Services, as well as the Financial Management Service. A final witness list will be available on Friday, March 16, 2007.

The Subcommittee hearing is scheduled for Tuesday, March 20, 2007, at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building. For further information, please contact Elise J. Bean, of the Permanent Subcommittee on Investigations at 224–3721.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, March 20, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the nomination of Stephen Jeffrey Isakowitz, of Virginia, to be Chief Financial Officer of the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 13, 2007, at 3 p.m. to hold a nominations hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions and House Committee on Education and Labor be authorized to meet for a joint hearing on the No Child Left Behind Act during the session of the Senate on Tuesday, March 13, 2007 at 10 a.m. in room 2175 of the Rayburn House Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Tuesday, March 13, 2007 at 10 a.m. in Dirksen Senate Office Building, Room 226.

Witness List:

Panel I: The Honorable THAD COCHRAN, United States Senator, R–MS and The Honorable TRENT LOTT, United States Senator, R–MS.

Panel II: Halil Suleyman Ozerden to be U.S. District Judge for the Southern District of Mississippi; Benjamin Hale Settle to be U.S. District Judge for the Western District of Washington; and Frederick J. Kapala to be U.S. District Judge for the Northern District of Illinois.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select