S. 1355

At the request of Mr. MARTINEZ, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1355, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 171

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

S. RES. 191

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 191, a resolution establishing a national goal for the universal deployment of next-generation broadband networks to access the Internet and for other uses by 2015, and calling upon Congress and the President to develop a strategy, enact legislation, and adopt policies to accomplish this objective.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. THUNE):

S. 1376. A bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net providers; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation with my colleague from South Dakota, Senator THUNE, designed to address the growing burden faced by this Nation's health care safety net institutions in being able to provide adequate pharmaceutical care to the most vulnerable patient populations.

Communities across the country rely on public and nonprofit hospitals to serve as the health care ''safety net'' for low-income, uninsured, and underinsured patients. With the ever-increasing cost of pharmaceuticals, these institutions are struggling more and more to provide basic pharmaceutical care to those least able to afford it.

Fortunately, many safety net hospitals are currently able to participate in the Federal 340B Drug Discount Program, which enables them to purchase outpatient drugs for their patients at discounted prices. These hospitals, known as ''covered entities'' under the 340B statute, include high-Medicaid disproportionate share hospitals, DSH, large and small urban hospitals, and certain rural hospitals.

I am introducing legislation today, the 340B Program Improvement and Integrity Act of 2007, which would extend discounted drug prices currently mandated only for outpatient drugs to inpatient drugs purchased by covered entities under the 340B program. Although the Medicare Modernization Act, MMA, of 2003 permitted pharmaceutical manufacturers to offer 340B drug discounts to covered entities, this legislation did not include a mandate. Without a mandate we have seen very little willingness on the part of manufactures to offer 340B drug discounts for inpatient drugs. As the prices of pharmaceutical drugs continue to increase sharply, the need for these inpatient discounts grows more and more acute.

My legislation would also expand participation in the program to a subset of rural hospitals that, for a variety of reasons, cannot currently access 340B discounts. These newly eligible rural hospitals include critical access hospitals, sole community hospitals, and rural referral centers. In proposing this modest expansion to the program, we have struck an important balance between ensuring a close nexus with low-income and indigent care, ensured that a significant portion of savings is passed on to the Medicaid Program, and strengthened the integrity of the program.

Specifically, newly eligible rural hospitals would have to meet appropriate standards demonstrating their ''safety net'' status, as do all hospitals that currently participate in the program. For example, sole community hospitals and rural referral centers, all of which are paid under the prospective payment system, would be required under this legislation to serve a significant percentage of low-income and indigent patients, have public or nonprofit status, and, if privately owned and operated, to have a contract with State or local government to provide a significant level of indigent care. All standards are designed to reinforce the obligation of these covered entities to continue serving low-income and uninsured patients.

This legislation would also generate savings for the Medicaid Program by requiring participating hospitals to credit to their Medicaid agencies a significant percentage of their savings on inpatient drugs. It would address the overall efficiency and integrity of the 340B program through improved enforcement and compliance measures with respect to manufacturers and covered entities. This is designed to improve program administration and to prevent and remedy instances of program abuse.

In the end, this legislation would accomplish several important goals. It would help safety net providers stretch their already limited resources through increased access to discounted pharmaceuticals; it would enhance 340B program integrity by making sure participants are complying with program rules; and it would help to improve the care provided to this Nation's most vulnerable populations.

I urge my colleagues to cosponsor this important 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. 1376

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 ''340B Program Improvement and Integrity Act of 2007''.

SEC. 2. EXPANDED PARTICIPATION IN SECTION 340B PROGRAM.

(a) EXPANSION OF COVERED ENTITIES RECEIVING DISCOUNTED PRICES.—Section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)) is amended by adding at the end the following:

''(M) A children's hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act which would meet the requirements of subparagraph (L), including the disproportionate share adjustment percentage requirement under clause (ii) of such subparagraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

''(N) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of subparagraph (L)(i).

''(O) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of subparagraph (L)(i) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.''.

(b) PROHIBITION ON GROUP PURCHASING ARRANGEMENTS.—Section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended—

(1) in paragraph (4)(L), by striking clause (iii); and

(2) in paragraph (5)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E); respectively; and

(B) by inserting after subparagraph (B), the following:

''(C) PROHIBITING THE USE OF GROUP PURCHASING ARRANGEMENTS.—

''(i) IN GENERAL.—A hospital described in subparagraphs (L), (M), (N), or (O) of paragraph (4) shall not obtain covered outpatient drugs through a group purchasing organization or other group purchasing arrangement, except as permitted or provided for pursuant to clauses (ii) or (iii).

''(ii) INPATIENT DRUGS.—Clause (i) shall not apply to drugs purchased for inpatient use.

''(iii) EXCEPTIONS.—The Secretary shall establish reasonable exceptions to clause (i)—

''(I) with respect to a covered outpatient drug that is unavailable to be purchased through the program under this section due to a drug shortage problem, manufacturer noncompliance, or any other circumstance beyond the hospital's control;

''(II) to facilitate generic substitution when a generic covered outpatient drug is available at a lower price; or

''(III) to reduce in other ways the administrative burdens of managing both inventories of drugs subject to this section and inventories of drugs that are not subject to this section, so long as the exceptions do not create a duplicate discount problem in violation of subparagraph (A) or a diversion problem in violation of subparagraph (B).''.

SEC. 3. EXTENSION OF DISCOUNTS TO INPATIENT DRUGS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 340B(b) of the Public Health Service Act (42 U.S.C. 256b(b)) is amended—

(A) by striking ''In this section'' and inserting the following:

''(1) IN GENERAL.—In this section''; and

(B) adding at the end the following:

''(2) COVERED DRUG.—In this section, the term 'covered drug' means—

''(A) a 'covered outpatient drug' as defined in section 1927(k)(2) of the Social Security Act; and

''(B) notwithstanding the limiting definition set forth in section 1927(k)(3) of such Act, a drug used in connection with an inpatient or outpatient service provided by a hospital described in subparagraph (L), (M), (N), or (O) of subsection (a)(4), and enrolled to participate in the drug discount program under this section.''.

(2) CONFORMING AMENDMENTS.—Paragraphs (2)(A), (5)(B), (5)(D), (5)(E), (7)(B), (7)(C), and (9) of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) are amended—

(A) by striking ''covered outpatient drug'' each place that such appears and inserting ''covered drug''; and

(B) by striking ''covered outpatient drugs'' each place that such appears and inserting ''covered drugs''.

(b) MEDICAID CREDITS ON INPATIENT DRUGS.—Section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking subsection (c) and inserting the following:

''(c) MEDICAID CREDITS ON INPATIENT DRUGS.—

''(1) IN GENERAL.—With respect to the cost reporting period covered by the most recently filed Medicare cost report, a hospital described in subparagraph (L), (M), (N), or (O) of subsection (a)(4) and enrolled to participate in the drug discount program under this section shall provide to each State with an approved State plan under title XIX of the Social Security Act—

''(A) a credit on the estimated annual costs to such hospital of single source and innovator multiple source drugs provided to Medicaid recipients for inpatient use; and

''(B) a credit on the estimated annual costs to such hospital of noninnovator multiple source drugs provided to Medicaid recipients for inpatient use.

''(2) CALCULATION OF CREDITS.—

''(A) SINGLE SOURCE AND INNOVATOR MULTIPLE SOURCE DRUGS.—For purposes of paragraph (1)(A)—

''(i) the credit under such paragraph shall be determined by multiplying—

''(I) the product of—

''(aa) the estimated annual costs of single source and innovator multiple source drugs provided by the hospital to Medicaid recipients for inpatient use; and

''(bb) the average manufacturer price adjustment; and

''(II) the minimum rebate percentage described in section 1927(c)(1)(B) of the Social Security Act;

''(ii) the estimated annual costs of single source drugs and innovator multiple source drugs provided by the hospital to Medicaid recipients for inpatient use under clause (i)(I)(aa) shall be determined by multiplying—

''(I) the product of—

''(aa) the hospital's actual acquisition costs of all drugs purchased during the cost reporting period for inpatient use; and

''(bb)(AA) the Medicaid inpatient drug charges as reported on the hospital's most recently filed Medicare cost report; divided by

''(BB) the total inpatient drug charges reported on the cost report; and

''(II) the percentage of the hospital's annual inpatient drug costs described in subclause (I) that arise out of the purchase of single source and innovator multiple source drugs;

''(iii) the average manufacturer price adjustment referred to in clause (i)(I)(bb) shall be determined annually by the Secretary for single source and innovator multiple source drugs by dividing on an aggregate basis—

''(I) the average manufacturer price as defined in section 1927(k)(1)(D) of the Social Security Act, averaged across all covered drugs reported to the Secretary pursuant to section 1927(b)(3) of such Act; by

''(II) the average ceiling price under this section for covered drugs calculated pursuant to subsection (a)(1); and

''(iv) the terms 'single source drug' and 'innovator multiple source drug' have the meanings given such terms in section 1927(k)(7) of the Social Security Act.

''(B) NONINNOVATOR MULTIPLE SOURCE DRUGS.—For purposes of subparagraph (1)(B)—

''(i) the credit under such paragraph shall be calculated by multiplying—

''(I) the product of—

''(aa) the estimated annual costs to the hospital of noninnovator multiple source drugs provided to Medicaid recipients for inpatient use; and

''(bb) the average manufacturer price adjustment; and

''(II) the applicable percentage as defined in section 1927(c)(3)(B) of the Social Security Act;

''(ii) the estimated annual costs to a hospital of noninnovator multiple source drugs provided to Medicaid recipients for inpatient use under clause (i)(I)(aa) shall be determined by multiplying—

''(I) the product of—

''(aa) the hospital's actual acquisition cost of all drugs purchased during the cost reporting period for inpatient use; and

''(bb)(AA) the Medicaid inpatient drug charges as reported on the hospital's most recently filed Medicare cost report; divided by

''(BB) total inpatient drug charges reported on the cost report; and

''(II) the percentage of the hospital's annual inpatient drug costs described in subclause (I) arising out of the purchase of noninnovator multiple source drugs;

''(iii) the average manufacturer price adjustment referred to in clause (i)(I)(bb) shall be determined annually by the Secretary for noninnovator multiple source drugs by dividing on an aggregate basis—

''(I) the average manufacturer price as defined in section 1927(k)(1)(D) of the Social Security Act, averaged across all covered drugs reported to the Secretary pursuant to section 1927(b)(3) of such Act; by

''(II) the average ceiling price under this section for covered drugs calculated pursuant to subsection (a)(1); and

''(iv) the term 'noninnovator multiple source drug' has the meaning given such term in section 1927(k)(7) of the Social Security Act.

''(3) PAYMENT DEADLINE.—The credits provided by a hospital under paragraph (1) shall be paid not later than 90 days after the date of the filing of the hospital's most recently filed Medicare cost report.

''(4) OPT-OUT.—A hospital shall not be required to provide the Medicaid credit required under this subsection if the hospital is able to demonstrate to the State that the credits would be less than or equal to the loss of reimbursement under the State plan resulting from the extension of discounts to inpatient drugs under subsection (b)(2), or if the hospital and State agree to an alternative arrangement. Any dispute between the hospital and the State regarding the applicability of this paragraph shall be adjudicated through the administrative dispute resolution process described in subsection (e)(3).

''(5) OFFSET AGAINST MEDICAL ASSISTANCE.—Amounts received by a State under this subsection in any quarter shall be considered to be a reduction in the amount expended under the State plan in the quarter for medical assistance for purposes of section 1903(a)(1) of the Social Security Act.

''(6) EFFECTIVENESS NOTWITHSTANDING OTHER PROVISIONS OF LAW.—Notwithstanding any other provision of law, all references to provisions of the Social Security Act in this section shall be deemed to be references to the Social Security Act as in effect on the date of enactment of the 340B Program Improvement and Integrity Act of 2007.''.

SEC. 4. IMPROVEMENTS TO 340B PROGRAM INTEGRITY.

(a) INTEGRITY IMPROVEMENTS.—Section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by adding at the end the following:

''(e) IMPROVEMENTS IN PROGRAM INTEGRITY.—

''(1) MANUFACTURER COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under paragraph (4), the Secretary shall carry out activities to provide for improvement in the compliance of manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

''(B) ACTIVITIES.—The activities described in subparagraph (A) shall include the following:

''(i) The development of a system to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include—

''(I) developing and publishing, through an appropriate policy or regulatory issuance, precisely defined standards and methodologies for the calculation of ceiling prices under subsection (a)(1);

''(II) comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary;

''(III) performing spot checks of sales transactions by covered entities; and

''(IV) inquiring into the cause of any pricing discrepancies that may be identified and either taking, or requiring manufacturers to take, such corrective action as is appropriate in response to such price discrepancies.

''(ii) The establishment of procedures for manufacturers to issue refunds to covered entities in the event that there is an overcharge by the manufacturers, including—

''(I) providing the Secretary with an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued; and

''(II) oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time, both in routine instances of retroactive adjustment to relevant pricing data and exceptional circumstances such as erroneous or intentional overcharging for covered drugs.

''(iii) The provision of access, through the Internet website of the Department of Health and Human Services, to the applicable ceiling prices for covered drugs as calculated and verified by the Secretary in accordance with this section, in a manner (such as through the use of password protection) that limits such access to covered entities and adequately ensures security and the protection of privileged pricing data from unauthorized rediscloure.

''(iv) The development of a mechanism by which—

''(I) rebates and other discounts provided by manufacturers to other purchasers, subsequent to the sale of covered drugs to covered entities, are reported to the Secretary; and

''(II) appropriate credits and refunds are issued to covered entities if such credits and refunds have the effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

''(v) Selective auditing of manufacturers and wholesalers to ensure the integrity of the drug discount program under this section.

''(vi) The imposition of sanctions in the form of civil monetary penalties, which—

''(I) shall be assessed according to standards established in regulations to be promulgated by the Secretary within 180 days of the date of enactment of this subsection;

''(II) shall not exceed $5,000 for each instance of overcharging a covered entity that may have occurred; and

''(III) shall apply to any manufacturer with an agreement under this section that knowingly and intentionally charges a covered entity a price for the purchase of a drug that exceeds the maximum applicable price under subsection (a)(1).

''(2) COVERED ENTITY COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under paragraph (4), the Secretary shall carry out activities to provide for improvement in compliance by covered entities with the requirements of this section in order to prevent diversion and other violations of the duplicate discount requirements specified under subsection (a)(5).

''(B) ACTIVITIES.—The activities described in subparagraph (A) shall include the following:

''(i) The development of procedures to enable and require covered entities to regularly update (at least annually) the information on the Internet website of the Department of Health and Human Services relating to this section.

''(ii) The development of a system for the Secretary to verify the accuracy of information regarding covered entities that is listed on the website described in clause (i).

''(iii) The development of more detailed guidance describing methodologies and options available to covered entities for billing covered drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(5)(A).

''(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site can be identified by manufacturers, distributors, covered entities and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered drugs under this section, including the processing of chargebacks for such drugs.

''(v) The imposition of sanctions, as determined appropriate by the Secretary, in addition to the sanctions to which covered entities are subject to under subsection (a)(5)(D), through 1 or more of the following actions:

''(I) Where a covered entity knowingly and intentionally violates subsection (a)(5)(B), the covered entity shall be required to pay a monetary penalty to a manufacturer or manufacturers in the form of interest on sums for which the covered entity is found liable under subsection (a)(5)(E), and such interest to be compounded monthly and equal to the current short-term interest rate as determined by the Federal Reserve for the time period for which the covered entity is liable.

''(II) Where the Secretary determines that a violation of subsection (a)(5)(B) was systematic and egregious as well as knowing and intentional, removing the covered entity from the program under this section and disqualifying the entity from reentry into the program for a reasonable period of time to be determined by the Secretary.

''(III) Referring matters to appropriate Federal authorities within the Food and Drug Administration, the Office of Inspector General, or other Federal agencies for consideration of appropriate action under other Federal law, such as the Prescription Drug Marketing Act.

''(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall promulgate regulations to establish and implement an administrative process for the resolution of claims by covered entities that they have been overcharged for drugs purchased under this section, and claims by manufacturers, after the conduct of audits as authorized by subsection (a)(5)(D), of violations of subsections (a)(5)(A) or (a)(5)(B), including appropriate procedures for the provision of remedies and enforcement of determinations made pursuant to such process through mechanisms and sanctions described in paragraphs (1)(B) and (2)(B) of this subsection. Such regulations shall also establish an administrative process for resolution of disputes described in subsection (c)(4).

''(B) DEADLINES AND PROCEDURES.—Regulations promulgated by the Secretary under subparagraph (A) shall—

''(i) designate or establish a decisionmaking official or decisionmaking body within the Department of Health and Human Services to be responsible for reviewing and finally resolving claims by covered entities that they have been charged prices for covered drugs in excess of the ceiling price described in subsection (a)(1), and claims by manufacturers that violations of subsection (a)(5)(A) or (a)(5)(B) have occurred;

''(ii) establish such deadlines and procedures as may be necessary to ensure that claims shall be resolved fairly, efficiently, and expeditiously;

''(iii) establish procedures by which a covered entity may discover and obtain such information and documents from manufacturers and third parties as may be relevant to demonstrate the merits of a claim that charges for a manufacturer's product have exceeded the applicable ceiling price under this section, and may submit such documents and information to the administrative official or body responsible for adjudicating such claim;

''(iv) require that a manufacturer must conduct an audit of a covered entity pursuant to subsection (a)(5)(D) as a prerequisite to initiating administrative dispute resolution proceedings against a covered entity;

''(v) permit the official or body designated in clause (i), at the request of a manufacturer or manufacturers, to consolidate claims brought by more than 1 manufacturer against the same covered entity where, in the judgment of such official or body, consolidation is appropriate and consistent with the goals of fairness and economy of resources; and

''(vi) include provisions and procedures to permit multiple covered entities to jointly assert claims of overcharges by the same manufacturer for the same drug or drugs in one administrative proceeding, and permit such claims to be asserted on behalf of covered entities by associations or organizations representing the interests of such covered entities and of which the covered entities are members.

''(C) FINALITY OF ADMINISTRATIVE RESOLUTION.—The administrative resolution of a claim or claims under the regulations promulgated under subparagraph (A) shall be a final agency decision and shall be binding upon the parties involved, unless invalidated by an order of a court of competent jurisdiction.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for fiscal year 2008, and each succeeding fiscal year.''.

(b) RELATED AMENDMENTS.—Section 340B(a)(1) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended by adding at the end the following: ''Each such agreement shall require that the manufacturer furnish the Secretary with reports, on a quarterly basis, of the price for each covered drug subject to the agreement that, according to the manufacturer, represents the maximum price that covered entities may permissibly be required to pay for the drug (referred to in this section as the 'ceiling price'), and shall require that the manufacturer offer each covered entity covered drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.''.

SEC. 5. OTHER IMPROVEMENTS.

(a) GENERAL.—Section 340B of the Public Health Service Act (42 U.S.C. 256b), as amended by section 4, is further amended by adding at the end the following:

''(f) USE OF MULTIPLE CONTRACT PHARMACIES PERMITTED.—Nothing in this section shall be construed as prohibiting a covered entity from entering into contracts with more than 1 pharmacy for the provision of covered drugs, including a contract that supplements the use of an in-house pharmacy arrangement or requires the approval of the Secretary for entering into such a contract.

''(g) INTRAAGENCY COORDINATION.—The Secretary shall establish specific measures, policies, and procedures to ensure effective communication and coordination between the Centers for Medicare & Medicaid Services and the Health Resources and Services Administration with respect to all agency actions and all aspects of policy and administration affecting or pertaining to the drug discount program under this section and in which the functions and responsibilities of those agency components are interrelated or interdependent, including through the establishment of a permanent working group that is composed of representatives of both the Health Resources and Services Administration and the Centers for Medicare & Medicaid Services, to identify and oversee matters requiring such coordination.''.

(b) EFFECTIVE DATES.—

(1) AMENDMENT.—Section 340B(d) of the Public Health Service Act (42 U.S.C. 256b(d)) is amended by striking ''Veterans Health Care Act of 1992'' and inserting ''340B Program Improvement and Integrity Act of 2007''.

(2) APPLICATION OF ACT.—The amendments made by this Act shall apply to drugs purchased on or after January 1, 2008.

(c) EFFECTIVENESS NOTWITHSTANDING OTHER PROVISIONS OF LAW.—Notwithstanding any other provision of law, the

amendments made by this Act shall become effective on January 1, 2008, and shall be taken into account in determining whether a manufacturer is deemed to meet the requirements of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)), and the requirements of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)).

SEC. 6. CONFORMING AMENDMENTS.

Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(1) in subsection (a)(5)—

(A) in subparagraph (A), by striking ''covered outpatient'' and inserting ''covered'';

(B) by redesignating subparagraphs (C) through (E), as subparagraphs (D) through (F), respectively;

(C) by inserting after subparagraph (B) the following:

''(C) COVERED DRUG DEFINED.—In this subsection, the term 'covered drug' means a drug defined in section 340B(b)(2) of the Public Health Service Act.'';

(D) in subparagraph (E), as so redesignated, by striking ''title VI of the Veterans Health Care Act of 1992'' and inserting ''340B Program Improvement and Integrity Act of 2007.''; and

(E) in subparagraph (F), as so redesignated—

(i) by striking ''as in effect immediately after the enactment of this paragraph'' and inserting ''as in effect upon the effective date of the 340B Program Improvement and Integrity Act of 2007,''; and

(ii) by striking ''after the date of the enactment of this paragraph'' and inserting ''after the date of enactment of such Act.'';

(2) in subsection (c)(1)(C)(i)—

(A) by redesignating subclauses (II) through (IV) as subclauses (III) through (V), respectively; and

(B) by inserting after subclause (I) the following:

''(II) any prices charged for a covered drug as defined in section 340B(b)(2) of the Public Health Service Act;''; and

(3) in subsection (k)(1), by adding at the end the following:

''(D) CALCULATION FOR COVERED DRUGS.—Notwithstanding any other provision of this subsection, with respect to a covered drug as defined in section 340B(b)(2) of the Public Health Service Act, average manufacturer price means the average price paid to the manufacturer for the drug in the United States by wholesalers for drugs distributed to both the retail pharmacy and acute care classes of trade, after deducting customary prompt pay discounts.''.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1377. A bill to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today for myself and Senator ENSIGN to introduce the Southern Nevada Limited Transition Area Act. This bill will allow one of Nevada's fastest growing communities to diversify its economy, to create space for important small businesses and parks, and to encourage appropriate development around an urban airport.

This legislation was first introduced in the 108th Congress. Its purpose is to convey approximately 502 acres of land from the Bureau of Land Management to the city of Henderson, NV, for the development of an employment and business center and urban green spaces. The parcels are located just west and south of the Henderson Executive Airport.

The Bureau of Land Management has designated these parcels for disposal because of the urban surroundings, which renders them difficult for the agency to manage.

This legislation will enhance the ability of a rapidly growing community to diversify its economy, gainfully employ its residents, and encourage proper land use. The parcels are located in a fast growing area of the city, but are impacted by aircraft noise and overflights from the nearby Henderson Executive Airport. This makes the property unsuitable for residential use. But rather than shying away from it because of the limitations on its use, the city of Henderson has put together a forward-looking plan that will turn the area into a bustling business center.

Once the Bureau of Land Management conveys the land to Henderson, the city would then sell, lease or otherwise convey subdivided lots at fair market value. Consistent with the Southern Nevada Public Land Management Act, 85 percent of the proceeds would then return to the BLM's Special Account for a variety of conservation purposes in Nevada, 10 percent will go towards community water developments, and 5 percent will support the State of Nevada's general education program.

The city of Henderson's leaders are dedicated to making the city a national model of logical development, diversified employment, and fiscal sustainability. This bill helps establish the conditions needed to realize that vision. In addition to productively diversifying the land use pattern in the Las Vegas Valley, the proposed development of this land will encourage a broad range of employment opportunities for the region, while also helping to pay for public infrastructure in nearby residential areas.

I greatly appreciated the hearing that the Energy and Natural Resources Committee had on this bill last Congress. At that hearing, the Department of the Interior and others expressed strong support for our legislation. A few minor revisions were requested by the administration, and I have incorporated those changes into the bill we are introducing today. I look forward to working with the committee to move this legislation in an expeditious manner during this Congress.

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. 1377

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 ''Southern Nevada Limited Transition Area Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the City of Henderson, Nevada.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Nevada.

(4) TRANSITION AREA.—The term ''Transition Area'' means the approximately 502 acres of Federal land located in Henderson, Nevada, and identified as ''Limited Transition Area'' on the map entitled ''Southern Nevada Limited Transition Area Act'' and dated March 20, 2006.

SEC. 3. SOUTHERN NEVADA LIMITED TRANSITION AREA.

(a) CONVEYANCE.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(b) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(1) IN GENERAL.—After the conveyance to the City under subsection (a), the City may sell, lease, or otherwise convey any portion or portions of the Transition Area for purposes of nonresidential development.

(2) METHOD OF SALE.—

(A) IN GENERAL.—The sale, lease, or conveyance of land under paragraph (1) shall be through a competitive bidding process.

(B) FAIR MARKET VALUE.—Any land sold, leased, or otherwise conveyed under paragraph (1) shall be for not less than fair market value.

(3) COMPLIANCE WITH CHARTER.—Except as provided in paragraphs (2) and (4), the City may sell, lease, or otherwise convey parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(4) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of land under paragraph (1) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(c) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(d) NOISE COMPATIBILITY REQUIREMENTS.—The City shall—

(1) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(2) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(e) REVERSION.—

(1) IN GENERAL.—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this Act or reserved for recreation or other public purposes under subsection (c) by the date that 20 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(2) INCONSISTENT USE.—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this section—

(A) at the discretion of the Secretary, the parcel shall revert to the United States; or

(B) if the Secretary does not make an election under paragraph (1), the City shall sell the parcel of land in accordance with this section.

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Mr. BAUCUS, and Mr. TESTER):

S. 1379. A bill to amend chapter 35 of title 28, United States Code, to strike the exception to the residency requirements for United States attorneys; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the U.S. Attorney Local Residency Restoration Act along with Senators SCHUMER, BAUCUS, and TESTER.

Simply put, this legislation would eliminate the other language that the Department of Justice had inserted into the PATRIOT Act reauthorization dealing with U.S. attorneys.

The first provision added allowed the Attorney General to appoint interim U.S. attorneys to vacancies indefinitely without Senate confirmation, and I authored a bill to restore the law to require interim appointments by the Attorney General for only 120 days, and then the district courts can appoint the interim U.S. attorney if a permanent replacement has not been nominated and confirmed.

This bill has passed this body, and I hope will be signed into law soon.

Today, I am offering this legislation to restore the residency requirement for sitting U.S. attorneys.

Before the change, the law required that U.S. attorneys live within his district while serving. It seems logical that the U.S. attorney should live in the district that he is heading.

However, the Department of Justice added language in the PATRIOT Act reauthorization that allows a U.S. attorney to live outside of his district if the Attorney General assigns dual or additional responsibilities to him.

While U.S. attorneys in both Democratic and Republican administrations have served dual roles in the past, this administration has once again abused its new authority—this time by placing numerous U.S. attorneys in full-time positions throughout the Department of Justice, at times in a manner that allows the Department to avoid Senate confirmation.

In fact, Dennis Boyd, executive director of the National Association of Assistant U.S. Attorneys, which represents current Federal prosecutors, has said, ''I can't think of a time when there's been this many U.S. attorneys doing double duty at one time.''

Currently, there are several U.S. attorneys, that we know about, who are serving in a second full-time position here in Washington, while still retaining their responsibilities back in their districts. For example, Michael J. Sullivan, the U.S. attorney in Boston, has been serving as the Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives in Washington for the past 6 months, a position that requires Senate confirmation;

Mary Beth Buchanan, U.S. attorney in Pittsburgh, is also the acting director of the Office of Violence Against Women, a position that requires Senate confirmation, and prior to that she served as Director of the Executive Office of U.S. Attorneys; and Kevin O'Connor, U.S. attorney in Connecticut, is also serving as an Associate Deputy Attorney General coordinating antigang policies.

Of course, the most well-known example is William Mercer, U.S. attorney in Montana. Mr. Mercer has been effectively absent for nearly 2 years from his State. First, serving as Principal Associate Deputy Attorney General, and now working as Acting Associate Attorney General, another position that requires Senate confirmation. In fact, through staff interviews we have learned that he is only in his State 3 or 4 days a month.

Moreover, his consistent absenteeism was having such a negative effect on the district that it led to the point where U.S. District Chief Judge Donald Molloy of Billings, MT, felt compelled to write to the Attorney General on October 20, 2005, to complain. In that letter, Chief Judge Molloy wrote that Mr. Mercer's dual roles have led to ''a lack of leadership'' in the Montana office and created ''untoward difficulties for the court'' and for career prosecutors. Chief Judge Molloy also wrote that Mr. Mercer was violating Federal law because he ''no longer resides in Montana'' and instead was living with his family in the Washington, DC, area.

These facts on their own are cause for alarm.

However, what is even more disconcerting is the way that Mr. Mercer and the Department of Justice have handled this situation.

We know that the Attorney General responded to Chief Judge Molloy in a letter on November 10, 2005, stating that Mr. Mercer ''is in compliance with the residency requirement'' under Federal law because he ''is domiciled in Montana, returns there on a regular basis, and will live there full-time as soon as his temporary assignment is completed.''

We also know through interviews of DOJ staff that Mr. Mercer worked with Will Moschella and Senate staff during November 2005 to insert the residency exemption language into the PATRIOT Act reauthorization.

In fact, according to the Washington Post, the response from the Attorney General to Chief Judge Molloy occurred on the very same day that DOJ asked for the language to be inserted into the PATRIOT Act.

All this resulted in a change in the law, thus eviscerating the conflict.

However, even beyond this turn of events, what is truly breathtaking about this administration's actions with regard to Mr. Mercer is that in trying to defend its actions to force numerous U.S. attorneys to resign from office, this same Justice Department criticized David Iglesias for being ''an absentee landlord.''

I firmly believe, what is sauce for the goose is sauce for the gander. You can't one day try to change the law to make it easier for U.S. attorneys to serve in 2 full-time jobs at the same time and then the next day fire someone for not being fully present in his job, especially when the absence is much more limited and based on service to the country in the naval reserves.

While there are times when U.S. attorneys may be relied upon to fill in temporarily, changing the law to ensure that they can hold two full-time jobs is unacceptable.

Serving as U.S. attorney is a full-time job, and each district throughout this country deserves to have the best qualified person in the district focused on the tasks at hand.

I am quite certain that there are many fine first assistant U.S. attorneys capable of stepping up to fill the shoes of an absent U.S. attorney; however, these are not the individuals the President has nominated and the Senate has confirmed to serve those positions.

These districts deserve nothing less than the undivided attention of their Senate-confirmed U.S. attorneys.

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. 1379

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 ''United States Attorney Local Residency Restoration Act of 2007''.

SEC. 2. REPEAL OF RESIDENCY EXCEPTION.

(a) IN GENERAL.—Section 545(a) of title 28, United States Code, is amended by striking the last sentence.

(b) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any person serving as a United States attorney or an assistant United States attorney on or after such date of enactment.

(2) ORDERS.—Any order issued under section 545(a) of title 28, United States Code, as in effect on the day before the date of enactment of this Act, shall terminate on such date of enactment.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 1380. A bill to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, today I am proud to co-sponsor legislation that

will designate Rocky Mountain National Park as ''wilderness.''

This legislation will protect an area that was formed millions of years ago when massive glaciers carved an impressive landscape. The Rocky Mountain National Park Wilderness Act will ensure that it remains unchanged in years to come.

Today marks the beginning of a new chapter in the long history of the Park. As a fifth generation Coloradan and someone who grew up in the shadow of Rocky Mountain National Park, it is an honor to have worked on this bill. With the introduction of this legislation we continue to follow an important wilderness tradition in Colorado.

Colorado and its representatives have long played an important role in the development of Wilderness in our Nation. This dates back to the original Wilderness Act. Congressman Wayne Aspinall, who represented Colorado's 4th Congressional District and chaired the Committee on Interior and Insular Affairs, played a pivotal role in creating the Nation's wilderness system with the 1964 Wilderness Act. From the inception of the original Wilderness Act through the continued development of wilderness in Colorado one thing has remained the same: a commitment to working together to find compromise and solutions that work for everyone.

The principle of compromise has held true from the Colorado National Forest Wilderness Act of 1980 to the Spanish Peaks Wilderness Act in 2000, and it is now true with the Rocky Mountain National Park Wilderness Act. I am especially proud of the legislation that my colleagues and I have introduced because it will preserve the natural elements of the Park while protecting water, the West's most valuable resource.

In a time when wells are being shut down just east of the park, the protection of water is more important than ever, and it is vital to preserving the agricultural heritage of this area. I am extremely pleased that we have been able protect both wilderness and water.

I would like to thank everyone that has been involved in the development of this bill, my colleagues in the United States Congress, the local officials that communicated with our offices, and the private citizens that shared their thoughts with us on the creation of this bill. I would specifically like to recognize former Senators Bill Armstrong and Hank Brown, and former Representatives Joe Johnson and David Skaggs. We would not be introducing this legislation today without these efforts.

The Rocky Mountain National Park Wilderness Act will ensure that Americans, now and in the future, have the ability to enjoy the Park.

By Mr. REID:

S. 1382. A bill to amend the Public Health Service Act to provide 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.

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 who shows great tremendous courage and grace as they wrestle with 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. He worked through the ranks of the Nevada Power Company, the largest utility company in the State, for 16 years until he became president. He played semi-professional baseball. He also played and coached recreational hockey.

After his diagnosis, Steve continued to show up for work at 6 a.m. for as long as he could. Sadly just 20 months after he testified so movingly before Congress, Steve Rigazio died of ALS on December 27, 2001 at the age of 47. He left behind a family that included a wife, two children and hundreds of friends. The ALS Steve Rigazio Voice of Courage Award was named in his honor as a living testimony to the life of this special man.

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 only works for 20 percent of patients, and even for them, it merely extends life for a few months.

ALS has proven particularly hard for scientists and doctors to tackle for a number of reasons. One of those reasons is there is not a centralized place where data on the disease is collected. 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 today. Over 136 years after the discovery of ALS, estimates on its prevalence still vary by as much as 100 percent, from a low of about 15,000 patients to as many as thirty 30,000.

The legislation I am introducing today would create an ALS registry at the Centers for Disease Control and Prevention, CDC, 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.

A national registry will help arm 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.

I first introduced this legislation in 2005. Since that time, we have appropriated funding to begin work on the development of a National ALS Registry at the CDC. As a result, the CDC has begun pilot proams that will: Develop and test strategies to efficiently identify ALS patients, and (2) determine how to obtain data from existing registries and databases. These pilot programs will help to expedite the development of the registry established by this legislation. This is especially important considering the life expectancy for a person with ALS is 2 to 5 years from the time of diagnosis.

The establishment of a registry will bring new hope to tens of thousands of patients and their families that ALS will no longer be a death sentence. No one wants to wait another 136 years before a cure is found. I urge my colleagues to support the swift passage of the ALS Registry Act.

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

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

S. 1382

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 other motor neuron diseases.

(9) Several ALS disease registries and databases exist in the United States and throughout the world, including the SOD1 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) In each of fiscal years 2006 and 2007, Congress directed $887,000 to the Centers for Disease Control and Prevention to begin a nationwide ALS registry.

(12) The Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry has established three pilot projects, beginning in fiscal year 2006, to evaluate the science to guide the creation of a national ALS registry.

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

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

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

(C) to promote a better understanding of ALS;

(D) to collect information that is important for research into the genetic and environmental factors that cause ALS;

(E) to strengthen the ability of a clearinghouse—

(i) to collect and disseminate research findings on environmental, genetic and other causes of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS;

(ii) make available information to patients about research studies for which they may be eligible; and

(iii) maintain information about clinical specialists and clinical trials on therapies; and

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

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399R. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 1 year 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 and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to 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 to include a population-based registry of cases in the United States of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

''(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to gather available data concerning—

''(A) ALS, including the incidence and prevalence of ALS in the United States;

''(B) the environmental and occupational factors that may be associated with the disease;

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

''(D) other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS; and

''(E) other matters as recommended by the Advisory Committee established under subsection (b).

''(b) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 90 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 Prevention, representing each of the following:

''(A) National voluntary health associations that focus solely on ALS and have demonstrated experience in ALS research, care, and patient services, as well as other voluntary associations focusing on neurodegenerative diseases that represent and advocate on behalf of patients with ALS and patients with other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

''(B) The National Institutes of Health, to include, upon the recommendation of the Director 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 with expertise on ALS and related diseases.

''(H) Epidemiologists with experience in data registries.

''(I) Geneticists or experts in genetics who have experience with the genetics of ALS or other neurological diseases.

''(J) Statisticians.

''(K) Ethicists.

''(L) Attorneys.

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

''(2) DUTIES.—The Advisory Committee shall review information and make recommendations to the Secretary concerning—

''(A) the development and maintenance of the National ALS Registry;

''(B) the type of information to be collected 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 and disorders that primarily affect motor neurons that are considered essential to furthering the study and cure of ALS.

''(3) REPORT.—Not later than 1 years after the date on which the Advisory Committee is established, the Advisory Committee shall submit a report concerning the review conducted under paragraph (2) that contains the recommendations of the Advisory Committee with respect to the results of such review.

''(c) GRANTS.—Notwithstanding the recommendations of the Advisory Committee under subsection (b), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the collection, analysis, and reporting of data on ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

''(d) COORDINATION WITH STATE, LOCAL, AND FEDERAL REGISTRIES.—

''(1) IN GENERAL.—In establishing the National ALS Registry under subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health and environmental infrastructure wherever possible, including—

''(i) the 3 ALS registry pilot projects initiated in fiscal year 2006 by the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry at the South Carolina Office of Research & Statistics; the Mayo Clinic in Rochester, Minnesota; and Emory University in Atlanta, Georgia;

''(ii) the Department of Veterans Affairs ALS Registry;

''(iii) the DNA and Cell Line Repository of the National Institute of Neurological Disorders and Stroke Human Genetics Resource Center;

''(iv) Agency for Toxic Substances and Disease Registry studies, including studies conducted in Illinois, Missouri, El Paso and San Antonio Texas, and Massachusetts;

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

''(vi) the National Vital Statistics System; and

''(vii) any other existing or relevant databases that collect or maintain information on those motor neuron diseases recommended by the Advisory Committee established in subsection (b); and

''(B) provide for research access to ALS data as recommended by the Advisory Committee established in subsection (b) to the extent permitted by applicable statutes and regulations and in a manner that protects personal privacy consistent with applicable privacy statutes and regulations.

''(2) COORDINATION WITH NIH AND DEPARTMENT OF VETERANS AFFAIRS.—Notwithstanding the recommendations of the Advisory Committee established in subsection (b), and consistent with applicable privacy statutes and regulations, the Secretary shall ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health and the Department of Veterans Affairs.

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

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

By Mr. AKAKA:

S. 1384. A bill to amend title 38, United States Code, to repeal authority for adjustments to per diem payments

to homeless veterans service centers for receipt of other sources of income, to extend authorities for certain programs to benefit homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce legislation that would enhance and improve services for homeless veterans administered by the Department of Veterans Affairs. This bill addresses a number of areas related to care and benefits for homeless veterans. It would modify the funding mechanism for community-based services to homeless veterans, expand capacity of services for women veterans, and improve outreach to servicemembers who are at risk of becoming homeless.

First, this legislation would lift a number of restrictions on VA's grant and per diem program. This program compensates community shelters for the services they provide to homeless veterans. VA currently pays $27 per day to community shelters for each veteran served. However, $27 is barely sufficient to cover existing costs, and rising energy prices are stretching resources even more.

To meet the needs of their clients, many shelters seek additional sources of funding, but their per diem payments from VA are in turn offset by the amount of this additional funding. By eliminating this offset, the bill would enable providers to expand their services to veterans, and to receive funding from other sources to accomplish these expansions.

This legislation would also address the gap in domiciliary care for homeless women veterans. Women veterans are a growing proportion of the active duty force and overall veteran population. Homelessness among female veterans is a serious problem, and many facilities do not yet have the capacity to meet this demand. Domiciliary care is an essential component of treatment and rehabilitation, especially for mental health and substance abuse conditions which afflict many homeless veterans.

This bill would require the Secretary of Veterans Affairs to ensure that domiciliary programs have the capacity to accommodate women veterans, and that their specific safety and security concerns are addressed. As women become a larger proportion of the homeless veteran population, VA must have the capacity to meet their needs.

Finally, this legislation would increase efforts to identify and assist servicemembers who are at risk of becoming homeless. It would make permanent an already established and successful program to aid incarcerated veterans in their transition back to civilian life. The program identifies at risk individuals and refers them to counseling and services, including health care, job training and placement, and housing.

Building on the success of that program, the bill would also create a similar program to identify and support at risk individuals in their transition from military to civilian life. It has been proven through smaller scale efforts that this process can reduce the incidence of homelessness and other problems among new veterans who are being separated from military service.

Over 1 million servicemembers have served in Iraq and Afghanistan, and as they transition from military service to civilian life some will be at risk of homelessness. Any effort VA can make to assist these servicemembers will improve lives and reduce the demand for VA homeless services in the years to come. We have all heard the sad and shocking statistic that one out of every three homeless persons on the street at any given time is a veteran. This bill is another step in attempting to address and solve this shameful problem.

I believe that this bill adjusts existing programs to take full advantage of existing resources and effective initiatives. I urge all of my colleagues to support this 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. 1384

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

SECTION 1. REPEAL OF AUTHORITY FOR ADJUSTMENTS TO PER DIEM PAYMENTS TO HOMELESS VETERANS SERVICE CENTERS FOR RECEIPT OF OTHER SOURCES OF INCOME.

Section 2012(a)(2) of title 38, United States Code, is amended—

(1) by striking subparagraphs (B), (C), and (D); and

(2) in subparagraph (A)—

(A) by striking ''The rate'' and inserting ''Except as provided in subparagraph (B), the rate'';

(B) by striking ''adjusted by the Secretary under subparagraph (B)''; and

(C) by designating the second sentence as subparagraph (B) and indenting the margin of such subparagraph, as so designated, two ems from the left margin.

SEC. 2. DEMONSTRATION PROGRAM ON PREVENTING VETERANS AT-RISK OF HOMELESSNESS FROM BECOMING HOMELESS.

(a) DEMONSTRATION PROGRAM.—The Secretary of Veterans Affairs shall carry out (subject to the availability of appropriations) a demonstration program for the purpose of—

(1) identifying members of the Armed Forces on active duty who are at risk of becoming homeless after they are discharged or released from active duty; and

(2) providing referral, counseling, and supportive services, as appropriate, to help prevent such members, upon becoming veterans, from becoming homeless.

(b) PROGRAM LOCATIONS.—The Secretary shall carry out the demonstration program in at least three locations.

(c) IDENTIFICATION CRITERIA.—In developing and implementing the criteria to identify members of the Armed Forces, who upon becoming veterans, are at-risk of becoming homeless, the Secretary of Veterans Affairs shall consult with the Secretary of Defense and such other officials and experts as the Secretary considers appropriate.

(d) CONTRACTS.—The Secretary of Veterans Affairs may enter into contracts to provide the referral, counseling, and supportive services required under the demonstration program with entities or organizations that meet such requirements as the Secretary may establish.

(e) SUNSET.—The authority of the Secretary under subsection (a) shall expire on September 30, 2011.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for the purpose of carrying out the provisions of this section.

SEC. 3. EXPANSION AND EXTENSION OF AUTHORITY FOR PROGRAM OF REFERRAL AND COUNSELING SERVICES FOR AT-RISK VETERANS TRANSITIONING FROM CERTAIN INSTITUTIONS.

(a) PROGRAM AUTHORITY.—Subsection (a) of section 2023 of title 38, United States Code, is amended by striking ''a demonstration program for the purpose of determining the costs and benefits of providing'' and inserting ''a program of''.

(b) SCOPE OF PROGRAM.—Subsection (b) of such section is amended—

(1) by striking ''DEMONSTRATION'' in the subsection heading;

(2) by striking ''demonstration''; and

(3) by striking ''in at least six locations'' and inserting ''in at least 12 locations''.

(c) EXTENSION OF AUTHORITY.—Subsection (d) of such section is amended by striking ''shall cease'' and all that follows and inserting ''shall cease on September 30, 2011.''.

(d) CONFORMING AMENDMENTS.—

(1) Subsection (c)(1) of such section is amended by striking ''demonstration''.

(2) The heading of such section is amended to read as follows:

''§ 2023. Referral and counseling services: veterans at risk of homelessness who are transitioning from certain institutions''.

(3) Section 2022(f)(2)(C) of such title is amended by striking ''demonstration''.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by striking the item relating to section 2023 and inserting the following:

''2023. Referral and counseling services: veterans at risk of homelessness who are transitioning from certain institutions.''.

SEC. 4. AVAILABILITY OF GRANT FUNDS TO SERVICE CENTERS FOR PERSONNEL.

Section 2011 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(i) AVAILABILITY OF GRANT FUNDS FOR SERVICE CENTER PERSONNEL.—A grant under this section for a service center for homeless veterans may be used to provide funding for staff as necessary in order for the center to meet the service availability requirements of subsection (g)(1).''.

SEC. 5. PERMANENT AUTHORITY FOR DOMICILIARY SERVICES FOR HOMELESS VETERANS AND ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.

Subsection (b) of section 2043 of title 38, United States Code, is amended to read as follows:

''(b) ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.—The Secretary shall take appropriate actions to ensure that the domiciliary care programs of the Department are adequate, with respect to capacity and with respect to safety, to meet the needs of veterans who are women.''.

By Mr. NELSON of Florida:

S. 1385. A bill to designate the United States courthouse facility located at 301 North Miami Avenue, Miami, Florida, as the ''C. Clyde Atkins United States Courthouse''; to the Committee on Environment and Public Works.

Mr. NELSON of Florida. Mr. President, I have introduced a bill that will honor one of Florida's great jurists, the Honorable C. Clyde Atkins, by naming the Federal building at 301 North Miami Avenue in Miami, FL, the ''C. Clyde Atkins United States Courthouse.'' This is a fitting tribute to Judge Atkins. His public service provides a model for members of the legal profession, indeed, for all Americans, who respect the rule of law and believe in equal justice under law.

Before becoming a judge, Judge Atkins, who earned his law degree at the University of Florida, already had distinguished himself in private practice. He served as the president of both the Florida bar and the Dade County Bar Association. In 1966, President Johnson appointed Judge Atkins to serve on the U.S. District Court for the Southern District of Florida. He served until his death in 1999 at the age of 84. From 1977 until 1982, Judge Atkins was the chief judge for the Southern District, and his leadership ensured that the court remained effective through a period when Miami confronted serious problems involving refugees, violence, and drug smuggling.

Judge Atkins rendered important decisions in the areas of civil rights and civil liberties. By the luck of the draw, he was assigned to many controversial cases, earning him the nickname ''Hard Luck Clyde,'' and it was for those rulings, often involving important civil rights and civil liberties issues, that he will be best remembered.

For example, in a decision involving Miami's homeless population, he ordered the creation of ''safe zones'' where the homeless could congregate without fear of arrest. This important decision had a ripple effect, helping to give rise to efforts throughout the Nation to rehabilitate the homeless through training and the creation of shelters. He also ruled in support of Cuban and Haitian refugees who were held at Guantanamo Bay, Cuba, and against the government's repatriation policy. And finally, he presided over the desegregation of Dade County's public schools for more than 20 years.

Judge Atkins was a person of faith. He was the first Catholic appointed to the bench in the Southern District, and Pope Benedict VI named him a Knight of St. Gregory. Judge Atkins also earned recognition from the National Conference of Christians and Jews, the Anti-Defamation League, and the American Judicature Society, to name a few.

The proposal to name the courthouse in Miami after Judge Atkins has been supported by leaders of the bar in the Southern District, including the Dade County Bar Association. Passage of my bill will ensure that the C. Clyde Atkins Courthouse will stand as an enduring tribute to an admired and respected Federal judge and the principles for which he stood for generations to come.

By Mr. REED:

S. 1386. A bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Homeownership Protection and Enhancement Act of 2007, HOPE Act. This legislation would reauthorize and amend Section 106 of the Housing and Urban Development Act of 1968, so that we can improve on Federal efforts to support and sustain homeownership.

As we all know, during the past several years, housing prices in cities and States around the country have far outpaced any increase in wages. Families have been stretching themselves financially to get into homeownership, and many families have started using alternative or exotic mortgages loan products to purchase their homes.

According to First American Loan Performance, in 2006, in my own State of Rhode Island, nearly 16 percent of all home-purchase loans were ''interest only.'' However, as home prices have declined, many people who took out these exotic loans are now finding they owe more than the value of their property.

The Center for Responsible Lending estimates that nationally one in five subprime loans originated during the prior 2 years will end in foreclosure, costing homeowners $164 billion, mostly in lost equity.

'It appears that we are just at the beginning of what could be a perfect storm, as many credit-stressed borrowers still face resets of these exotic adjustable-rate and payment option loans. There were 1.2 million foreclosures reported nationwide last year, up 42 percent from 2005, according to RealtyTrac, a database of foreclosed properties. RealtyTrac also reports 430,000 foreclosure filings in the first quarter of 2007, a 35 percent jump over the same period in 2006.

The increasing rate of foreclosures across the country is troubling. Not only are individual families losing their homes and their financial nest eggs, but there is a negative ripple effect across communities and the economy. That is why I am introducing the Homeownership Protection and Enhancement Act, or HOPE Act.

This bill seeks to help States establish and enhance outreach programs to proactively find homeowners at risk of losing their homes and help them avoid foreclosure. States will be rewarded for having set up effective programs to help curtail foreclosures with additional funding and resources. An incentive is provided for more States to follow suit and reach out to delinquent borrowers, offer them access to financial counseling, and, when appropriate, help them negotiate a plan to restructure their debt.

In particular, the HOPE Act provides $50 million for the creation and operation of State Homeownership Protection Centers. The centers can serve as a one-stop resource, offering consumers a broad range of services and assistance, such as financial assessments, counseling, or referrals to families in need. It authorizes $260 million in competitive grants to States who operate State Homeownership Protection Centers for revolving loan funds to offer one-time grants or subsidized loans to qualified families. It increases funding to $300 million for effective HUD-approved counseling agencies. Finally, it sets aside $5 million for the creation of a Federal database on defaults and foreclosures to improve oversight of public and private efforts to sustain homeownership.

In addition, to help prevent future borrowers from taking on unsustainable mortgages and falling into foreclosure, the HOPE Act would create an affirmative duty for lenders and servicers to engage in reasonable loss mitigation prior to foreclosure. It would also require notifications by lenders and servicers to borrowers regarding the full array of counseling services available in their State at every critical step, at application, at closing, and upon delinquency. Finally, if a State has a State Homeownership Protection Center, lenders and servicers would be required to refer borrowers who are 60 days or more delinquent to the center so that it can proactively attempt to reach distressed borrowers.

I am introducing the HOPE Act because when homes get foreclosed on, it is not just the borrowers and lenders who pay the price, whole neighborhoods suffer. Housing industry experts estimate that for every foreclosure within an eighth of a mile of a house, two and a half city blocks in every direction, the property value of surrounding homes drops by about 1 percent. I believe that the Federal Government has a responsibility to step in and ensure that millions of Americans, including neighbors who never took out a risky loan and have scrimped and saved to pay their bills on time, are not adversely affected by the subprime foreclosure crisis.

This legislation is targeted relief that will help more families keep their homes and save communities nationwide millions of dollars. We need to act swiftly before personal financial tragedies turn into a full blown national financial crisis.

The HOPE Act will set us on the path to meeting an important national goal, creating sustainable homeownership. I hope my colleagues will join me in supporting this bill and other foreclosure prevention efforts.

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

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

S. 1386

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 ''Homeownership Protection and Enhancement Act of 2007''.

SEC. 2. REFORM OF SECTION 106 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended—

(1) in subsection (c)—

(A) in paragraph (3)—

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

(ii) in subparagraph (A)(iii), by striking ''involving principal'' and all that follows through ''the appraised'' and inserting ''in which a homeowner has total equity equal to less than 3 percent of the appraised'';

(B) in paragraph (4)—

(i) in subparagraph (C)—

(I) in clause (i), by striking ''; or'' and inserting a semicolon;

(II) in clause (ii), by striking the period at the end and inserting a semicolon;

(III) by adding at the end the following:

''(iii) a significant reduction in the income of the household due to divorce or death; or

''(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—

''(I) an unexpected or significant increase in medical expenses;

''(II) a divorce;

''(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance;

''(IV) a large property-tax increase; or

''(V) a large increase in condominium or cooperative fees, dues, or assessments; or''; and

(ii) by adding at the end the following:

''(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.'';

(C) in paragraph (5)—

(i) by striking subparagraph (A) and inserting a new subparagraph (A) as follows:

''(A) NOTIFICATION OF AVAILABILITY OF PRE-PURCHASE HOMEOWNERSHIP COUNSELING, HOMEOWNERSHIP COUNSELING, AND HOMEOWNERSHIP PROTECTION CENTER SERVICES.—

''(i) NOTIFICATION TO MORTGAGE APPLICANTS AT TIME OF MORTGAGE APPLICATION.—

''(I) IN GENERAL.—A proposed mortgagee shall provide notice to any applicant for a mortgage described in paragraph (4).

''(II) CONTENT OF NOTICE.—The notice required under subclause (I) shall—

''(aa) if provided to an eligible mortgage applicant, state that completion of a counseling program is required for insurance pursuant to section 203 of the National Housing Act (12 U.S.C.1709);

''(bb) notify the mortgage applicant of the availability of homeownership counseling provided by non-profit organizations approved by the Secretary and experienced in the provision of pre-purchase homeownership counseling, or provide the toll-free telephone number established by the Secretary under subparagraph (D)(i); and

''(cc) notify the mortgage applicant or homeowner by a statement or notice, written in plain English by the Secretary of Housing and Urban Development, in consultation with the Secretary of Defense and the Secretary of the Treasury, explaining the mortgage and foreclosure rights of servicemembers, and the dependents of such servicemembers, under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), including the toll-free military one source number to call if servicemembers, or the dependents of such servicemembers, require further assistance.

''(ii) NOTIFICATION AT TIME OF CLOSING OF AVAILABILITY OF COUNSELING UPON DELINQUENCY AND SERVICES OF STATE HOMEOWNERSHIP PROTECTION CENTERS.—

''(I) IN GENERAL.—At the time of closing, and together with the final signed loan documents, a mortgagee shall provide to the homeowner a plain language statement in conspicuous 16-point type or larger which shall include the following:

''(aa) COUNSELING STATEMENT.—A counseling statement that reads as follows:

''If you are more than 30 days late on your mortgage payments, your lender or loan servicer is required by law to notify you of agencies approved by the United States Department of Housing and Urban Development (HUD) that may be able to assist you, including the contact information for your State Homeownership Protection Center if there is one operating in your State. Before you miss another mortgage payment, you are strongly encouraged to contact your lender or loan servicer or one of the agencies on the approved list for assistance. If you are more than 60 days late on your mortgage payments, your lender or loan servicer is required by law to send you a second notification containing this information. In addition, if you are more than 60 days late on your mortgage payment and you are registered with a State Homeownership Protection Center, your lender or loan servicer also will be required to notify the Center, so that the Center can contact you regarding any assistance it may be able to provide.

''(bb) COUNSELING AGENCY LISTING.—A listing of at least 5 housing counseling agencies approved by the Department of Housing and Urban Development, at least 1 of which is located in the State in which the property to be mortgaged is located.

''(cc) TOLL-FREE NUMBER.—The listing of the toll-free telephone number established by the Secretary under subparagraph (D)(i).

''(dd) CONTACT INFORMATION FOR STATE HOMEOWNERSHIP PROTECTION CENTER.—The contact information, including telephone number, email address, and physical address of the State Homeownership Protection Center, if such a Center is operating in the State in which the property to be mortgaged is located.

''(ee) NOTICE TO SERVICEMEMBERS OR DEPENDENTS OF SERVICEMEMBERS.—A statement, written in plain English, drafted by the Secretary of Housing and Urban Development, in consultation with the Secretary of Defense and the Secretary of the Treasury, explaining the mortgage and foreclosure rights of servicemembers, and the dependents of such servicemembers, under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), including the toll-free military one source number to call if servicemembers, or the dependents of such servicemembers, require further assistance.

''(ff) SUMMARY OF DUTY TO ENGAGE IN LOSS MITIGATION.—A brief summary of the obligation of the mortgagee to engage in reasonable loss mitigation activities for the purpose of providing an alternative to foreclosure, including language informing the homeowner that the mortgagee's failure to comply with such loss mitigation requirements constitutes a defense to the foreclosure.

''(II) MANNER OF DISCLOSURE.—

''(aa) 1 DOCUMENT.—At the discretion of the mortgagee, the mortgagee may provide all the information required under clause (I) in one single document.

''(bb) REQUIRED DESCRIPTION OF DOCUMENT AT CLOSING.—A mortgagee shall briefly describe the document in item (aa) to the homeowner during closing.

''(III) OTHER REQUIREMENTS AT TIME OF CLOSING FOR MORTGAGEES OPERATING IN A STATE WHERE A STATE HOMEOWNERSHIP PROTECTION CENTER IS LOCATED.—

''(aa) REGISTRATION WITH STATE HOMEOWNERSHIP PROTECTION CENTERS.—In addition to the required documents described in subclauses (I) and (II), at the time of closing the mortgagee shall explain in writing and verbally that the homeowner's name and contact information will be registered with a State Homeownership Protection Center so that the Center can attempt to reach the homeowner if the homeowner is 60 days or more late in making any mortgage payment.

''(bb) BROCHURES.—The mortgagee shall distribute to a homeowner any brochure, pamphlet, or other brief document prepared by the State Homeownership Protection Center that describes the services provided by the Center.

''(cc) DUTY OF MORTGAGEE TO FORWARD INFORMATION.—The mortgagee shall forward to the State Homeownership Protection Center the contact information of the mortgage applicant and shall agree to notify the Center if the mortgage payment of the homeowner is or becomes more than 60 days late so that the Center can attempt to reach the homeowner.

''(dd) REQUIRED DISCLOSURES TO THE HOMEOWNER.—Each homeowner shall be informed that being registered with a State Homeownership Protection Center under this subclause may provide easier access to assistance in case of financial difficulty and that no information that would make it possible to identify the homeowner will be given to any other entity for any reason without the prior approval of the homeowner.

''(ee) ADDITIONAL RESPONSIBILITIES OF MORTGAGEES.—The mortgagee shall note registration with the State Homeownership Protection Center with the loan information of the homeowner, however such information is stored, and shall ensure that any entity which purchases the loan of the homeowner is aware of where they are registered and the requirement that the State Homeownership Protection Center be notified if the homeowner is or becomes more than 60 days late on any mortgage payment.

''(iii) NOTICE UPON DELINQUENCY OF HOMEOWNER.—

''(I) IN GENERAL.—Except as provided in subparagraph (C)—

''(aa) if a homeowner becomes 30 or more days late on any mortgage payment, the mortgagee shall provide notice in the manner described in clause (iv) to any eligible homeowner who fails to pay any amount within 30 days of the date the amount is due under a home loan;

''(bb) if a homeowner becomes 60 or more days late on any mortgage payment, the mortgagee shall provide notice to the homeowner a second time in the manner described in clause (iv) to any eligible homeowner who fails to pay any amount within 60 days of the date the amount is due under a home loan; and

''(cc) if a homeowner becomes 60 or more days late on any mortgage payment, and such homeowner is registered with a State Homeownership Protection Center, the mortgagee shall provide notice to that State Homeownership Protection Center.

''(II) FAILURE TO PROVIDE NOTICE.—Failure to provide notice to a homeowner or to a State Homeownership Protection Center required under this subsection constitutes a defense to foreclosure.

''(iv) CONTENT OF NOTICE UPON DELINQUENCY OF HOMEOWNER.—

''(I) REGISTERED HOMEOWNERS.—The notice required under clause (iii) for a homeowner registered with a State Homeownership Protection Center shall—

''(aa) notify the homeowner of the availability of any homeownership counseling provided by the mortgagee;

''(bb) provide the homeowner a current copy of the statement described in clause (ii)(I) provided to the homeowner at closing; and

''(cc) when the homeowner becomes 60 or more days late on any mortgage payment—

''(AA) notify the State Homeownership Protection Center with whom the homeowner is registered; and

''(BB) provide the Center with the contact information of the homeowner.

''(II) NON-REGISTERED HOMEOWNERS.—The notice required under clause (iii) for a homeowner not registered with a State Homeownership Protection Center shall—

''(aa) notify the homeowner of the availability of any homeownership counseling provided by the mortgagee; and

''(bb) provide the homeowner a current copy of the statement described in clause (ii)(I) provided to the homeowner at closing.

''(III) MAILINGS.—When the notice required under clause (iii) is sent, the outside of the mailing envelope shall state that such mailing contains federally required information on Federal Government-approved financial counseling agencies.'';

(ii) by striking subparagraph (B) and inserting a new subparagraph (B) as follows:

''(B) DEADLINE FOR NOTIFICATION.—The notification required in subparagraph (A) shall be made in a manner approved by the Secretary.'';

(iii) in subparagraph (D)(i)(I), by inserting ''post-purchase'' before ''homeownership counseling''; and

(iv) by adding at the end the following:

''(F) NATIONWIDE AVAILABILITY.—The Secretary shall ensure that each State is served by at least one local, regional, or national agency with an office in the State that provides the services described in this paragraph.'';

(D) in paragraph (6)(D), by inserting ''for a primary residence'' before the period;

(2) by striking subsection (d) and inserting the following:

''(d) GRANTS TO STATES FOR STATE HOMEOWNERSHIP PROTECTION CENTERS.—

''(1) IN GENERAL.—The Secretary shall award grants, on a competitive basis, to State housing finance agencies or any other designated State agency, to enable such agencies to establish and operate State Homeownership Protection Centers.

''(2) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a Notification of Funding Availability for grants awarded under this subsection for a fiscal year not later than 3 months after the date of enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for the fiscal year.

''(3) APPLICATION.—

''(A) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under this subsection, a State housing finance agency or any other designated State agency shall submit an application to the Secretary, at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

''(i) to determine the ability of such agency to operate a Center; and

''(ii) to establish priorities for funding based on need.

''(B) ANNOUNCEMENT OF AWARDS.—The Secretary shall announce, within 4 months after the last date for the submission of applications described in subparagraph (A) for a fiscal year, the grants conditionally awarded under this subsection for that fiscal year.

''(4) PURPOSE.—The purpose of any State Homeownership Protection Center established under paragraph (1) shall be—

''(A) to provide a centralized location for information on, and referral to, public services available to assist a homeowner who is in default on their home loan;

''(B) to provide a homeowner with referrals to counseling agencies approved by the Department of Housing and Urban Development that may be able to assist that homeowner, if that homeowner is in default on their home loan; and

''(C) to attempt to contact each homeowner who is registered with the Center who is more than 60 days late on any mortgage payment with the goal of—

''(i) determining—

''(I) if such homeowner needs assistance in avoiding foreclosure on their home; and

''(II) what kind of assistance is needed by such homeowner to avoid foreclosure on their home; and

''(ii) providing referrals to any appropriate programs or entities that may be able to provide any such assistance.

''(5) HOMEOWNERSHIP PROTECTION CENTERS.—

''(A) USE OF FUNDS.—Each State housing finance agency or any other designated State agency, who is a recipient of a grant under paragraph (1) may only use such grant amounts to establish and operate State Homeownership Protection Centers in that State.

''(B) REQUIRED ACTIVITIES.—Each State Homeownership Protection Center established under this section shall, at a minimum—

''(i) provide a toll-free number through which any homeowner in financial distress can receive—

''(I) information on—

''(aa) the Center and its services; and

''(bb) public programs that provide assistance to homeowners; and

''(II) a listing of counseling agencies approved by the Department of Housing and Urban Development;

''(ii) provide information to homeowners on available community resources relating to homeownership, including—

''(I) public assistance or benefits programs;

''(II) mortgage assistance programs;

''(III) home repair assistance programs;

''(IV) legal assistance programs;

''(V) utility assistance programs;

''(VI) food assistance programs; and

''(VII) other Federal, State, or local government funded social service;

''(iii) provide staff who—

''(I) are able to conduct a brief assessment of the situation of a homeowner; and

''(II) based on such assessment can—

''(aa) make appropriate referrals to, and provide application information regarding, programs that can provide assistance to such homeowner; and

''(bb) provide a listing of counseling agencies approved by the Department of Housing and Urban Development; and

''(iv) provide to any homeowner in financial distress access to applications for public assistance or benefits program which may be of assistance to such homeowner.

''(C) ADDITIONAL ACTIVITIES.—In addition to the services required under subparagraph (B), each State Homeownership Protection Center shall—

''(i) be technologically capable of—

''(I) accepting and recording in a secure database the contact information of any homeowner forwarded to the Center by a mortgagee pursuant to subsection (c)(5)(A)(ii)(III); and

''(II) accessing the contact information described in subclause (I), if the Center is notified by a mortgagee pursuant to subsection (c)(5)(A)(ii)(III) that the homeowner is 60 or more days late in paying any amount due under the home loan of such homeowner;

''(ii) if notified by a mortgagee pursuant to subsection (c)(5)(A)(ii)(III) that a homeowner who is registered with the Center is 60 or more days late in paying any amount due under the home loan of such homeowner, attempt to contact such homeowner to provide assistance or suggest public programs or counseling agencies that may provide assistance to the homeowner; and

''(iii) not release to the public or to any third party the name of any homeowner who is registered with the Center, or of any person who visits the Center for assistance, or any other information that would make it possible to identify such a person, without the prior written consent of such homeowner or person.

''(6) GRANTS TO STATES WITH HOMEOWNERSHIP PROTECTION CENTERS TO ASSIST HOMEOWNERS IN DEFAULT.—

''(A) GRANT AUTHORITY.—The Secretary shall award competitive grants to State housing finance agencies, or to any other designated State agency, located in a State with a State Homeownership Protection Center established under paragraph (1), to enable such agencies in partnership with State Homeownership Protection Centers to provide 1-time emergency grants or subsidized loans to eligible homeowners to assist such homeowners in satisfying any amounts past due on their home loans.

''(B) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a Notification of Funding Availability for grants awarded under this paragraph for a fiscal year not later than 3 months after the date of enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for the fiscal year.

''(C) APPLICATION.—

''(i) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under this paragraph a State housing finance agency or any other designated State agency located in a State where a State Homeownership Protection Center is located, shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

''(I) to determine compliance with the requirements and criteria under this paragraph; and

''(II) to establish priorities for funding based on need.

''(ii) ANNOUNCEMENT OF AWARDS.—The Secretary shall announce, within 4 months after the last date for the submission of applications described in this paragraph for a fiscal year, the grants conditionally awarded under this paragraph for that fiscal year.

''(D) OTHER REQUIREMENTS.—

''(i) SEPARATE ACCOUNTS.—To be eligible to receive any amounts awarded under this paragraph and prior to providing any emergency grants or subsidized loans, a State housing finance agency or any other designated State agency shall establish a separate account in which such amounts are to be held.

''(ii) LIMITED USE.—Any amounts made available for purposes of this paragraph in

any appropriations Act shall be used only to provide 1-time emergency grants or subsidized loans to eligible homeowners to assist such homeowners in satisfying any amounts past due on their home loan as authorized under subparagraph (A).

''(iii) REPAYMENT OF LOANS.—Any amounts repaid on a subsidized loan made under this paragraph shall be deposited back into the separate account established under clause (i) from which the loan funds originated.

''(iv) OTHER FUNDING.—Amounts donated or otherwise directed to be used for purposes of this paragraph may be deposited in any separate account established under clause (i) to help capitalize such account.

''(E) PROGRAM REQUIREMENTS.—

''(i) IN GENERAL.—Each State housing finance agency or any other designated State agency that is a recipient of a grant to assist homeowners in default under this paragraph, in cooperation with the State Homeownership Protection Centers in such State, shall develop program requirements for eligible homeowners seeking a 1-time emergency grant or subsidized loan under this paragraph.

''(ii) REQUIRED CONTENT.—The program requirements developed under clause (i) shall, at a minimum, include the following:

''(I) That any loan or grant under this paragraph may be provided for up to a four-family owner-occupied residence, including one-family units in a condominium project or a membership interest and occupancy agreement in a cooperative housing project, that is used as the principal residence of the applicant seeking such grant or loan.

''(II) That each applicant for a loan or grant shall be a permanent resident of the State in which the principal residence of such applicant is located.

''(III) That each applicant—

''(aa) provide documentation that such applicant either—

''(AA) is suffering from financial hardship which is unexpected or due to circumstances beyond the control of the applicant; or

''(BB) is eligible for homeownership counseling under subsection (c)(4); and

''(bb) offer proof that such applicant is unable, without financial assistance—

''(AA) to correct any delinquency on any amounts past due on the home loan of such applicant within a reasonable time; and

''(BB) to make full payment on any home loan payment due within the next 30 days.

''(IV) That a State Homeownership Protection Center, State housing finance agency, or any other designated State agency, or its designee, has determined, in its discretion, that there is a reasonable prospect that any applicant for a grant or loan under this paragraph will be able to resume full payments on the home loan of such applicant not later than 12 months after the date on which such applicant will first receive any grant or loan amounts under this paragraph.

''(V) That the applicant has not, at any point prior, and with respect to the same real property, previously received a grant or loan under this paragraph.

''(F) LOAN REQUIREMENTS.—

''(i) RATE OF INTEREST.—Any loan under this section shall carry a simple annual percentage rate of interest which shall not exceed the prime rate of interest, as such prime rate is determined from time to time by at least 75 percent of the 30 largest depository institutions in the Nation.

''(ii) NO COMPOUNDING.—Interest on the outstanding principal balance of any loan under this section shall not compound.

''(iii) BALANCE DUE.—

''(I) IN GENERAL.—The principal of any loan made under this paragraph, including any interest accrued on such principal, shall not be due and payable unless—

''(aa) the real property securing such loan is sold or transferred; or

''(bb) the last surviving homeowner of such real property dies.

''(II) DEPOSIT OF BALANCE DUE.—If either event described in subclause (I) occurs, the principal of any loan made under this paragraph, including any interest accrued on such principal, shall immediately become due and payable to the State entity from which the loan originated.

''(iv) NO PENALTY FOR PREPAYMENT.—Any homeowner who receives a loan under this paragraph may repay the loan in full, without penalty, by lump sum or by installment payments, at any time prior to the loan becoming due and payable.

''(v) CAP ON LOAN AMOUNT.—The amount of any loan to any 1 homeowner under this section shall not exceed 20 percent of the original mortgage amount borrowed by the homeowner.

''(vi) SUBORDINATION PERMITTED.—Any loan made under this paragraph will be subordinated to any refinancing of the first mortgage, any preexisting subordinate financing, any purchase money mortgage, or subordinated for any other reason, as determined by the State.

''(G) EXISTING LOAN FUNDS.—Any State or State housing finance agency with a previously existing fund established to make loans to assist homeowners in satisfying any amounts past due on their home loan may use funds appropriated for purposes of this section for that existing loan fund, even if the eligibility, application, program, or use requirements for that loan program differ from the eligibility, application, program, and use requirements of this paragraph, unless such use is expressly determined by the Secretary to be inappropriate.'';

(3) in subsection (f)(2)(A), by striking ''and rental counselors.'' and inserting ''counselors in both pre-purchase and post-purchase counseling and in training rental counselors.''; and

(4) by adding at the end the following:

''(g) DUTY TO ENGAGE IN LOSS MITIGATION.—

''(1) IN GENERAL.—Upon default of any federally related mortgage, as defined in section 3(1)(B) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2202(1)(B)), a mortgagee shall engage in reasonable loss mitigation activities for the purpose of providing an alternative to foreclosure.

''(2) DEFENSE TO FORECLOSURE.—A mortgagee's failure to comply with the requirements of paragraph (1) constitutes a defense to the foreclosure.

''(3) NO FORECLOSURE IF NOTICE OF APPLICATION FOR HOME PRESERVATION LOAN.—A mortgagee shall not initiate or continue a foreclosure—

''(A) upon receipt of a written confirmation that the homeowner has applied for a home preservation loan under subsection (d)(6); and

''(B) for the period of 1 month after receipt of such written confirmation or until the mortgagee is informed, in writing, that the homeowner is not eligible for a home preservation loan, whichever occurs first.

''(4) DEFINITION OF LOSS MITIGATION ACTIVITIES.—

''(A) IN GENERAL.—As used in this subsection, the term 'loss mitigation activities' means activities that minimize the potential losses to a homeowner or investor that may result from—

''(i) a homeowner's inability to pay the mortgage payments due on a home loan; and

''(ii) any subsequent foreclosure action.

''(B) ALTERNATIVE TO FORECLOSURE.—Loss mitigation activities provide alternatives to foreclosure whenever possible and reasonably ensure the long-term affordability of any mortgage retained pursuant to such activities.

''(C) PROCESS OF MITIGATION.—

''(i) IN GENERAL.—Loss mitigation activities involve reasonably analyzing the borrower's financial situation, evaluating the property value of the property to be mortgaged, and assessing the feasibility of measures including—

''(I) waiver of any late payment charge or, if applicable, penalty interest;

''(II) forbearance pursuant to a written agreement between the borrower and the servicer providing for a temporary reduction in monthly payments followed by a re-amortization and new repayment schedule including the arrearage;

''(III) waiver, modification, or variation of any term of a mortgage, including modifications that change the mortgage rate, forgive the payment of principal or interest, extend the final maturity date of such mortgage, or begin to include an escrow for taxes and insurance;

''(IV) acceptance of payment from the homeowner of an amount less than the stated principal balance in final satisfaction of such mortgage;

''(V) assumption;

''(VI) pre-foreclosure sale; and

''(VII) deed in lieu of foreclosure.

''(ii) PRIORITY.—Activities described in subclauses (V), (VI), and (VII) shall only be pursued after a reasonable evaluation of the feasibility of activities described in subclause (I), (II), (III), and (IV), based upon the homeowner's circumstances.

''(h) OVERSIGHT OF PUBLIC AND PRIVATE EFFORTS TO REDUCE MORTGAGE DEFAULTS AND FORECLOSURES.—

''(1) MONITORING OF HOME LOANS.—The Secretary, in consultation with the Department of Housing and Urban Development, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Office of Thrift Supervision, shall develop and implement a plan to monitor—

''(A) conditions and trends in the mortgage industry in order to predict, as best as possible, likely future trends in foreclosures; and

''(B) the effectiveness of public efforts to reduce mortgage defaults and foreclosures.

''(2) ANNUAL REPORT TO CONGRESS ON MONITORING OF HOME LOANS.—Not later than 1 year after the development of the plan under paragraph (1), and every year thereafter, the Secretary shall submit a report to Congress that—

''(A) summarizes and describes the findings of the monitoring required under that subparagraph; and

''(B) includes recommendations or proposals for legislative or administrative action—

''(i) to increase the authority of the Secretary to levy penalties against any mortgagee, or other person or entity, who fails to comply with the requirements described in this section; and

''(ii) to improve coordination between various public and private initiatives to reduce the overall rate of mortgage defaults and foreclosures.

''(3) COMPLIANCE PLAN AND REPORT.—The Secretary, in consultation with the Department of Housing and Urban Development, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Office of Thrift Supervision, shall—

''(A) develop a plan to monitor the compliance with the requirements established in

this section by mortgagees and other persons or entities; and

''(B) report such plan to Congress.

''(4) DEVELOPMENT OF A NATIONAL DATABASE ON DEFAULTS AND FORECLOSURES.—

''(A) IN GENERAL.—The Secretary, in consultation with the Department of Housing and Urban Development, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Office of Thrift Supervision, shall develop recommendations for a national database on mortgage defaults and foreclosures.

''(B) GOALS OF NATIONAL DATABASE.—In developing the recommendations under subparagraph (A), the Secretary shall consider the goals of such a national database, which are as follows:

''(i) To provide Federal regulatory agencies with information on—

''(I) mortgagees that generate home loans which go into default or foreclosure at a rate significantly higher than the national average for such mortgagees; and

''(II) the various factors associated with those higher rates.

''(ii) To provide information to the Federal Government on loans, defaults, foreclosures, and sheriff sales—

''(I) which is not otherwise readily available;

''(II) which would allow for a better understanding of local, regional, and national trends in delinquencies, defaults, and foreclosures; and

''(III) so that public policies to reduce defaults and foreclosures may be improved.

''(C) REPORT ON OUTCOMES OF HOME LOANS.—

''(i) IN GENERAL.—In order to satisfy the requirement set forth in this paragraph and paragraph (1), the Secretary shall promulgate rules within 18 months of the date of enactment of the Homeownership Protection and Enhancement Act of 2007 requiring each lender who has originated 100 or more loans in the previous calendar year on behalf of itself or another person or entity, or each person or entity that has serviced 100 or more loans in the previous calendar year on behalf of itself or another entity, to report to the Secretary, on an annual basis, whatever data the Secretary, in consultation with the Department of Housing and Urban Development, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Office of Thrift Supervision, deems sufficient to meet the requirements set forth in subparagraph (B).

''(ii) CONTENT OF REPORT.—At a minimum, each report required under clause (i) shall include data—

''(I) using the same identification requirements for each loan for which information is submitted as are established under the Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.) for data reporting, namely—

''(aa) year of origination;

''(bb) agency code of originator;

''(cc) respondent identification number of originator; and

''(dd) the identifying number for the loan;

''(II) regarding the characteristics of each home loan originated in the preceding 12 months by the lender, person, or entity, including—

''(aa) loan-to-value ratio at the time of origination for each mortgage on the property;

''(bb) whether or not there is an escrow account for taxes and insurance;

''(cc) the type of mortgage, such as a fixed-rate or adjustable-rate mortgage; and

''(dd) any other loan or loan underwriting characteristics determined by the Secretary, and the regulators with whom the Secretary consults under the terms of subparagraph (C)(i), to be necessary in order to meet the requirements of subparagraph (B) and that are not already available to the Secretary through a national mortgage database;

''(III) regarding the performance outcomes of each home loan originated in the preceding 12 months by the lender, person, or entity, including—

''(aa) if such home loan was in delinquency at any point in such 12-month period; and

''(bb) if any foreclosure proceeding was initiated on such home loan during such 12-month period;

''(IV) sufficient to establish for each home loan that at any point during the preceding 12 months had become 60 or more days delinquent with respect to a payment on any amount due under the home loan, or for which a foreclosure proceeding was initiated, the interest rate on such home loan at the time of such delinquency or foreclosure;

''(V) regarding foreclosures, including—

''(aa) the date of all foreclosures initiated by the lender, person, or entity; and

''(bb) the combined loan-to-value ratio of all mortgages on a home at the time foreclosure proceedings were initiated; and

''(VI) indicating each home loan for which a foreclosure proceeding was completed in the preceding 12 months, including—

''(aa) foreclosure proceedings initiated in such 12-month period; and

''(bb) the date of the foreclosure completion.

''(D) REQUIREMENT OF FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL TO CREATE A CONSOLIDATED DATABASE.—The Federal Financial Institutions Examination Council shall create a consolidated database that establishes a connection between the data provided under the Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.) and the data provided under this subsection.

''(E) REPORT TO CONGRESS ON NATIONAL DATABASE.—Not later than 12 months after the date of enactment of the Homeownership Protection and Enhancement Act of 2007, the Secretary shall report to Congress the recommendations required under subparagraph (A).

''(i) RULE OF CONSTRUCTION REGARDING MORTGAGEES.—As used in this section—

''(1) the term 'mortgagee'—

''(A) means the original lender under a mortgage; and

''(B) includes—

''(i) any servicers, affiliates, agents, subsidiaries, successors, or assignees of such lender; and

''(ii) any subsequent purchaser, trustee, or transferee of any mortgage or credit instrument issued by such lender; and

''(2) the term 'servicer' means any person who collects on a home loan, whether they are the owner, the holder, the assignee, the nominee for the loan, or the beneficiary of a trust, or any person acting on behalf of such person.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $615,000,000 for fiscal year 2008, of which—

''(A) $300,000,000 shall be for grants to counseling organizations under subsection (c);

''(B) $260,000,000 shall be for competitive grants to States to establish revolving loan funds under subsection (d)(6);

''(C) $50,000,000 shall be for grants to establish and operate State Homeownership Protection Centers under subsection (d)(1); and

''(D) $5,000,000 shall be to create the Federal database under subsection (h)(4);

''(2) $635,000,000 for fiscal year 2009; and

''(3) such sums as necessary for each of fiscal years 2010 through 2012.''.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1388. A bill establish a commercial truck highway safety demonstration program in the State of Maine, and for other purposes; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today to join my colleague, Senator COLLINS, to introduce legislation that will rectify an impediment to international commerce flowing through Maine, but more importantly, will offer a measure of protection that many of my constituents in Maine do not currently possess.

As many of our colleagues know, expanding upon the current Federal truck weight limitation of 80,000 pounds is often looked upon as dangerous, flaunting the safety of drivers who may be faced with a truck weighing as much as 143,000 pounds, the limit on Interstates in Massachusetts and New York. While I certainly concur that safety of drivers is very important, and I have the record to prove it, I ask you do not overlook the safety of pedestrians as well.

In Maine, where we currently have a limited exemption along the Maine Turnpike, many trucks traveling to or from the Canadian border or into upstate Maine are not able to travel on our Interstates as a result of the 80,000 pound weight limit. This forces many of them onto secondary roads, many of which are two-lane roads running through small towns and villages in Maine. Tanker trucks carrying fuel are passing elementary schools, libraries, and weaving through traffic to reach our Air National Guard station. Not only is this an inefficient method of bringing necessary fuel guardsmen that provide our national security, but imagine if you will one of those tanker trucks rupturing on Main Street, potentially causing serious damage to property, causing traffic chaos, and most importantly, killing or injuring drivers and pedestrians.

This is not a far-fetched scenario. In fact, two pedestrians were killed in the past year in Maine as a result of overweight trucks on local roadways, one tragic instance occurring within sight of the nearby Interstate.

What is the result of such traffic? According to study conducted by the Maine Department of Transportation, traffic fatalities involving trucks weighing 100,000 pounds are 10 times greater on secondary roads in Maine than on the exempted interstates. Serious injuries are seven times more likely. Not to mention the exorbitant cost of maintaining these secondary roads, forced to handle these massive trucks. These roads were not designed to handle this kind of traffic. Our interstates were, yet these trucks are consistently prevented from traveling on them.

The argument against such trucks is that it is a ''slippery slope'' that if you allow one State to have such an exemption, pretty soon you'll have to give every State such an exemption. Well, I would like to remind the opponents of this amendment that we are halfway there already. A total of 27 States already have some type of exemption, and 47 States allow trucks weighing over 80,000 pounds on some roads within their State. To offer a clear picture of this, if you are driving a truck weighing 100,000 pounds, you can leave Gary, IN, just outside of Chicago, and can operate that vehicle all the way to Portland, ME. There, of course, they have to unload the additional weight to continue on the Interstate, or travel the remainder of the way through the State on these local roads, endangering the populace and other drivers.

Conversely, you can operate a truck weighing 90,000 pounds from Kansas City, MO, and travel to Seattle, WA. So I ask you, is this truly a legitimate reason for opposition while my constituents are taking their lives in their hands when merely crossing Main Street?

I would especially like to thank Senator COLLINS for her steadfast effort as, side-by-side, we continue to seek a resolution to this issue.

Ms. COLLINS. Mr. President, I rise to join with my senior colleague from Maine in sponsoring the Commercial Truck Highway Safety Demonstration Program Act, an important bill that addresses a significant safety problem in our State.

Under current law, trucks weighing 100,000 pounds are allowed to travel on the portion of Interstate 95 designated as the Maine Turnpike, which runs from Maine's border with New Hampshire to Augusta, our capital city. At Augusta, the turnpike designation ends, but I–95 proceeds another 200 miles north to Houlton. At Augusta, however, heavy trucks must exit the modern four-lane, limited-access highway and are forced onto smaller, two-lane secondary roads that pass through cities, towns, and villages.

Trucks weighing up to 100,000 pounds are permitted on interstate highways in New Hampshire, Massachusetts, and New York as well as the Canadian Provinces of New Brunswick and Quebec. The weight limit disparity on various segments of Maine's Interstate Highway System is a significant impediment to commerce, increases wear-and-tear on our secondary roads, and, most important, puts our people needlessly at risk.

Senator SNOWE and I have introduced this legislation several times in recent years. We do so this year with a renewed sense of urgency, and in sorrow. Just last week, Susan Abraham, a bright and talented 17-year-old high school student from Hampden, ME, lost her life when her car was struck by a heavy truck on Route 9. The truck driver could not see Susan's small car turning onto that two-lane road as he rounded a corner. It was an accident but one that would have been avoided had the truck remained on the interstate highway. Interstate 95 runs less than three-quarters of a mile away, but Federal law prevented the truck from using that modern, divided highway, a highway that was designed to provide ample views of the road ahead.

That preventable tragedy took place almost 1 year to the day after Lena Gray, an 80-year-old resident of Bangor, was struck and killed by a tractor-trailer as she was crossing a downtown street. Again, that accident would not have occurred had that truck been allowed to use I–95, which runs directly through Bangor.

The problem Maine faces due to the disparity in truck weight limits affects many communities, but it is clearly evident in the eastern Maine cites of Bangor and Brewer. In this region, a 2-mile stretch of Interstate 395 connects two major state highways that carry significant truck traffic across Maine. I–395 affords direct and safe access between these major corridors, but because of the existing Federal truck weight limit, many heavy trucks are prohibited from using this multilane, limited access highway.

Instead, these trucks, which sometimes carry hazardous materials, are required to maneuver through the downtown portions of Bangor and Brewer on two-lane roadways. Truckers are faced with two options; the first is a 3.5 mile diversion through downtown Bangor that requires several very difficult and dangerous turns. The second route is a 7.5 mile diversion that includes 20 traffic lights and requires travel through portions of downtown Bangor as well. Congestion is a significant issue, and safety is seriously compromised as a result of these required diversions.

In June 2004, Wilbur Smiths Associates, a nationally recognized transportation consulting firm, completed a study to examine the impact a Federal weight exemption on nonexempt portions of Maine's Interstate Highway System would have on safety, pavement, and bridges. The study found that extending the current truck weight exemption on the Maine Turnpike to all interstate highways in Maine would result in a decrease of 3.2 fatal crashes per year. A uniform truck weight limit of 100,000 pounds on Maine's interstate highways would reduce highway miles, as well as the travel times necessary to transport freight through Maine, resulting in safety, economic, and environmental benefits. Moreover, Maine's extensive network of local roads would be better preserved without the wear and tear of heavy truck traffic.

Most important, however, a uniform truck weight limit will keep trucks on the interstate where they belong, rather than on roads and highways that pass through Maine's cities, towns, and neighborhoods.

In addition to the safety of motorists and pedestrians, there is a homeland security aspect to this as well. An accident or attack involving a heavy truck carrying explosive fuel or a hazardous chemical on a congested city street would have devastating consequences. That risk can be alleviated substantially by allowing those trucks to stay on the open highway.

The legislation that Senator SNOWE and I are introducing addresses the safety issues we face in Maine because of the disparities in truck weight limits. The legislation directs the Secretary of Transportation to establish a commercial truck safety pilot program in Maine. Under the pilot program, the truck weight limit on all Maine highways that are part of the interstate highway system would be set at 100,000 pounds for three years. During the waiver period, the Secretary would study the impact of the pilot program on safety and would receive the input of a panel on which State officials, and representatives from safety organizations, municipalities, and the commercial trucking industry would serve. The waiver would become permanent if the panel determined that motorists were safer as a result of a uniform truck weight limit on Maine's Interstate Highway System.

Maine's citizens and motorists are needlessly at risk because too many heavy trucks are forced off the interstate and onto local roads. The legislation Senator SNOWE and I are introducing is a commonsense approach to a significant safety problem in my State. Our efforts are widely supported by public officials throughout Maine, including the Governor, the Maine Department of Transportation, the Maine Secretary of State, and the Maine State Police. I urge my colleagues to support this important legislation.

By Mr. OBAMA (for himself, Ms. SNOWE, and Mr. BINGAMAN):

S. 1389. A bill to authorize the National Science Foundation to establish a Climate Change Education Program; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, I rise today to introduce legislation, cosponsored by Ms. SNOWE and Mr. BINGAMAN, to better educate Americans about climate change. We are today introducing the Climate Change Education Act, to broaden Americans' understanding of global warming.

There may still be disputes about exactly how much humans contribute to the warming of our atmosphere. But there is near certainty that the air we breathe is being changed by ever increased levels of greenhouse gases, with effects on climate, resources, and habitats.

Last week, I attended a hearing of the Foreign Relations Committee, where the issue of climate change was shown to also affect our national security. A report issued by a panel of distinguished military leaders concluded that climate change will be globally

destabilizing, leading to diminished access to fresh water, reduced food production as India and sub-Saharan Africa become hotter and drier, increased health crises as vector-borne diseases spread, and displacement of large populations as sea levels rise and coastal lands flood. As scarcities increase, conflicts over diminishing resources will also increase. Governments in resource-stressed countries may collapse. Environmental stresses may lead to human migration and refugees.

I mention this to emphasize that climate change has surprising ramifications, and that there is still much that we can all learn about this issue, with effects that go well beyond traditional environmental concerns. It is important that we all become better informed, that we analyze the information about climate change, so that we can learn how to more rationally respond.

We believe it is important to educate our Nation about the causes and effects of climate change and about how we might effectively respond. Reaching a solution to the challenge of climate change will require changes in both national policy and in our use of energy and resources. All of this will require a thoughtful understanding of the issue.

The Climate Change Education Act would create a program at the National Science Foundation, which would provide opportunities for students and citizens to learn more about global warming. The program would include a national information campaign to promote new approaches to addressing climate change and would also establish a competitive program to provide grants to develop education materials. Earlier this month, the House of Representatives passed the campanion, H.R. 1728, to this bill.

I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 196—COMMENDING IDAHO ON WINNING THE BID TO HOST THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES

Mr. CRAPO (for himself and Mr. CRAIG) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 196

Whereas Special Olympics is an international nonprofit organization that promotes personal development through sports training and competition;

Whereas Special Olympics advances the understanding of intellectual disabilities in the community and the Nation through participation and fellowship;

Whereas Special Olympics serves more than 2,500,000 individuals with intellectual disabilities;

Whereas Special Olympics offers more than 200 programs in over 160 countries;

Whereas Special Olympics offers 30 Olympic-type summer and winter sports to both children and adults with intellectual disabilities;

Whereas Boise, Idaho won the international bid to host the 2009 Special Olympics World Winter Games to be held February 6 through 13, 2009;

Whereas thousands of athletes are expected to compete in the 2009 Special Olympics World Winter Games; and

Whereas the 2009 Special Olympics World Winter Games will be the largest multi-sport event ever held in the State of Idaho: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the goals and principles of Special Olympics;

(2) salutes the athletes, coaches, family members, friends, and volunteers that make Special Olympics possible; and

(3) congratulates the State of Idaho on its selection as the host for the 2009 Special Olympics World Winter Games.

SENATE RESOLUTION 197—HONORING THE ACCOMPLISHMENTS OF AMERICORPS

Ms. MIKULSKI (for herself, Mr. COCHRAN, Mr. BAUCUS, Mr. BAYH, Mrs. BOXER, Mr. CASEY, Mrs. CLINTON, Mr. COLEMAN, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Mr. MENENDEZ, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OBAMA, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. STEVENS, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 197

Whereas the AmeriCorps national service program, since its inception in 1994, has proven to be a highly effective way to engage Americans in meeting a wide range of local needs and to promote the ethic of service and volunteering;

Whereas the AmeriCorps program, working closely with its nationwide network of Governor-appointed State service commissions, has strengthened America's nonprofit sector by investing more than $3,000,000,000 in the efforts of community nonprofit groups in every State in our Nation;

Whereas that investment has leveraged hundreds of millions of dollars of additional funds and in-kind donations from other sources;

Whereas each year AmeriCorps provides opportunities for 75,000 citizens across the Nation to give back in an intensive way to our districts, our States, and our country;

Whereas since 1994 a total of 500,000 citizens across the nation have taken the AmeriCorps pledge to ''get things done for America'' by becoming AmeriCorps members;

Whereas those same individuals have served a total of more than 630,000,000 hours nationwide, helping to improve the lives of our Nation's most vulnerable citizens, protect our environment, contribute to our public safety, respond to disasters, and strengthen our educational system;

Whereas AmeriCorps members last year recruited and supervised more than 1,400,000 community volunteers, demonstrating AmeriCorps's value as a powerful volunteer catalyst and force multiplier;

Whereas AmeriCorps members nationwide, in return for their service, have earned nearly $1,300,000,000 to use to further their own educational advancement at our Nation's colleges and universities;

Whereas AmeriCorps members, after their terms of service end, remain engaged in our communities as volunteers, teachers, and nonprofit professionals in disproportionately high levels; and

Whereas the inaugural National AmeriCorps Week, May 13-20, 2007, is an opportune time for the people of the United States to salute current and former AmeriCorps members for their powerful impact, thank all of AmeriCorps' community partners in our Nation who make the program possible, and bring more Americans into service: Now, therefore, be it

Resolved, That the Senate—

(1) encourages all citizens to join in a national effort to salute AmeriCorps members and alumni and raise awareness about the importance of national and community service;

(2) acknowledges the significant accomplishments of AmeriCorps members, alumni, and community partners;

(3) recognizes the important contribution to the lives of our citizens made by AmeriCorps members; and

(4) encourages citizens of all ages to consider opportunities to serve in AmeriCorps.

Ms. MIKULSKI. Mr. President, I rise to introduce the AmeriCorps Week Resolution, which designates May 13–20, 2007, as a time to salute AmeriCorps members for their work, thank community partners who make the program possible, and encourage more people to join. I want to first say thank you to all the volunteers and service workers everywhere. They take time out of their lives to help their fellow Americans in their time of need, and they do it out of the goodness of their hearts. I love AmeriCorps. I love what they do for communities, I love what they do for America.

AmeriCorps is stronger than ever. Since its creation in 1994, 500,000 people nationwide have joined the program and taken the AmeriCorps pledge to ''get things done for America.'' AmeriCorps members have served more than 630 million hours nationwide. To date, 9,310 Maryland residents have earned education awards totaling over $30 million. These awards help volunteers pay for college, graduate school, vocational training, or to pay back student loans. The NCCC program, which has a campus in Perry Point, MD, is a full-time residential program for 18- to 24-year-olds designed to strengthen communities and develop leaders through team-based service projects. Each year, approximately 1,100 participants reside in its 5 campuses nationwide. The Perry Point campus houses 200 AmeriCorps members every year, and since 1994 its residents have logged more than 400,000 service hours.

AmeriCorps is the embodiment of the spirit of volunteerism and service to our country. They tackle the toughest problems in our communities: tutoring teens, starting neighborhood crime watches, turning vacant lots into neighborhoods, and helping communities clean up and rebuild after natural disasters. AmeriCorps volunteers are unflagging, unflinching and determined to make a difference. I know how important AmeriCorps is to communities across the country and to the