At the request of Mr. CORKER, his name was added as a cosponsor of amendment No. 1181 proposed to S. 1348, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SUNUNU (for himself and Mr. JOHNSON):

S. 40. A bill to authorize the issuance of Federal charters and licenses for carrying on the sale, solicitation, negotiation, and underwriting of insurance or any other insurance operations, to provide a comprehensive system for the Federal regulation and supervision of national insurers and national agencies, to provide for policyholder protections in the event of an insolvency or the impairment of a national insurer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SUNUNU. Mr. President, I rise today to reintroduce legislation that will bring our Nation's insurance regulatory system into the 21st century by providing uniformity, predictability, and greater efficiency to the way insurance is regulated in this country.

The National Insurance Act of 2007, which builds upon legislation Senator JOHNSON and I first introduced last year, provides for an optional Federal charter that would offer insurers the choice of being regulated under a new Commissioner of National Insurance or under the continued jurisdiction of the States.

I am pleased that Senator JOHNSON once again joins me as an original cosponsor of this bill. Since we introduced the initial National Insurance Act just over a year ago, momentum has been building for the reforms called for under our legislation and the question has become not whether an optional Federal charter should be implemented, but when.

In an increasingly global financial services industry, numerous studies have called for changes to the manner in which insurance is regulated in the United States as one of the ways to make our financial services sector more competitive in the worldwide economy.

The bipartisan Bloomberg-Schumer report on financial services industry competitiveness, for example, states, ''One priority, in the context of enhancing competitiveness for the entire financial services sector and improving responsiveness and customer service, should be an optional federal charter for insurance, based on market principles for serving customers.''

Furthermore, the Blue Ribbon Commission on Mega-Catastrophes states, ''It (an optional federal charter for insurance) would lead to . . . consistent regulation of insurer safety and soundness, and the elimination of duplicative regulation and supervision . . .In addition, an OFC should promote greater competition that would benefit policyholders.''

In addition to the study recommendations, a number of other indicators suggest that the time is right for reform. The coalition in support of the bill continues to grow and the general acceptance of the concept of reform we have proposed is also growing.

The arguments against the bill are increasingly seen for what they are: parochial in nature, rather than forward-looking and in the best interests of consumers, our financial services sector, and the strength of our overall economy.

In 1999, Congress passed the Gramm-Leach-Bliley Act—broad legislation that modernized the rules that regulate banks and securities firms and provided a foundation for the financial services industry to become more integrated, market-oriented, technologically advanced, and global in nature. Since then, consumers have benefited from improved industry competition and innovation, greater choice of financial products, and more efficient delivery of services.

The insurance industry, however, has not enjoyed the same dynamic marketplace within the global economy. Long subject to a patchwork of State regulations, the sector's menu of available services is not as robust as it could be. An inefficient regulatory system spread across more than 50 different jurisdictions imposes direct and indirect costs on insurers in the form of higher compliance fees associated with non-uniform regulations and delayed market entry for new products from onerous approval barriers.

With advances in technology, insurance is increasingly a global product that cries out for a more consistent and efficient regulatory environment that allows new products to be brought to market in a much quicker fashion than the current system often allows. Under the State regulatory regime new product launches are consistently delayed up to 2 years while they await the approval of an individual State regulator.

A more uniform regulatory environment, mirroring the highly successful dual banking system, should substantially improve the climate in several critical ways for those who buy, sell and underwrite insurance, while also providing superior consumer protection.

As the Bloomberg-Schumer report puts it, our bill would allow best-in-breed regulations to ''rise to the top'' and become national standards. A division of consumer protection, as created by the regulator, would oversee strict regulations and guard against unfair and deceptive practices by insurers and agents for the advertising, sale and administration of products. A division of insurance fraud, also created under the bill, would make insurance fraud a Federal crime.

While taking these cautionary steps to protect consumers, the bill does not, however, permit the Federal regulator to set rates or price controls for insurance. Instead, the National Insurance Act appropriately relies on competitive pricing within the marketplace.

Finally, the Office of National Insurance would be able to fill a vacuum and provide true national regulatory expertise and guidance on a number of issues Congress is legislating on that affect policyholders, the health of the insurance industry, and the overall economy.

The only real substantive change to this year's bill in comparison with the one introduced last year is that our updated legislation includes language that would add surplus lines of insurance as a type of insurance that a person with a Federal producer's license would be authorized to sell under the Federal charter program.

Other technical and clarifying changes were made, but by and large this is last year's bill, with its spirit and purpose intact.

Former New York Insurance Commissioner, George Miller, who founded the National Association of Insurance Commissioners, NAIC made the following statement in 1871: ''The Commissioners are now fully prepared to go before their various legislative committees with recommendations for a system of insurance law which shall be the same in all States, not reciprocal but identical, not retaliatory, but uniform.

It's now been over 135 years since that statement was made, and unfortunately we are not much closer to Mr. Miller's goal.

In the months ahead, however, we look forward to making substantial progress on this legislation as we build on the momentum to modernize this country's insurance regulatory system and do what the State system has failed to do for over 135 years.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1472. A bill to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the North Bay Water Reuse Program Act of 2007, together with my colleague Senator BOXER. This legislation authorizes Federal participation in a regional water reuse project that is the first of its kind in Northern California, and model for the West.

The program will allow urban water agencies to take treated wastewater now discharged into the sensitive bay-delta ecosystem and put it to productive use on water-short agricultural lands and environmentally valuable wetlands. It is an innovative ''win–win'' solution that will protect the environment as well as meet the future water needs of urban and agricultural

water users in the North Bay region of California.

Agricultural producers in the North Bay region are facing, and will continue to encounter, major water shortages. At the same time, as regulations continue to restrict and/or eliminate wastewater discharge, many communities in the North Bay region will face challenges as they try to determine the best way to discharge their treated wastewater.

The North Bay Water Reuse Program will address both problems and enhance the ecosystem of the San Francisco Bay. Specifically, the program will distribute reclaimed water through a conveyance system and deliver it to agricultural growers, promising a permanent and dedicated supply of about 30,000 acre-feet of water per year.

The use of reclaimed water for irrigation will reduce the demand on both surface and groundwater supplies, and thus improve instream flows for riparian habitat and fisheries recovery. Furthermore, in the off-season when irrigation demand is diminished, the reclaimed water will be used to increase surface water flows for the restoration of wetlands, creating habitat for migratory waterfowl and other wetland species.

Most notably, this program grew from a collaboration of the three major stakeholders in the region that vie for the same water. It is significant that the program is supported by the local governments in three counties, Napa, Sonoma and Marin Counties; agricultural organizations, such as the Napa and Sonoma County Farm Bureaus, the Carneros Quality Alliance, the Winegrape Growers of Napa County, the Napa Vintners Association, the North Bay Agriculture Alliance; and environmental organizations, such as The Bay Institute.

Thus, the North Bay Water Reuse Program brings stakeholders that are usually at odds with one another to the table to find a solution that is beneficial to all.

Finally, I would like to note the energy benefits of this project. The Sonoma Valley treatment plant, installing solar panels that will generate 40 percent of its energy needs. Another partner in the program, Las Gallinas Valley Sanitary District, generates 90 percent of its operating energy using solar panels.

The North Bay Water Reuse Program will allow vineyard managers to cease or significantly reduce their use of gas and electric powered pumps that currently deliver irrigation water. The program proponents expect to see a net reduction of overall energy use for regional irrigation operations, as well as a net reduction in the emissions of carbon dioxide from irrigation operations.

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

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

S. 1472

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''North Bay Water Reuse Program Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

(A) Marin County;

(B) Napa County;

(C) Solano County; or

(D) Sonoma County.

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

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

(4) WATER RECLAMATION AND REUSE PROJECT.—The term ''water reclamation and reuse project'' means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

(A) water quality improvement;

(B) wastewater treatment;

(C) water reclamation and reuse;

(D) groundwater recharge and protection;

(E) surface water augmentation; or

(F) other related improvements.

SEC. 3. NORTH BAY WATER REUSE PROGRAM.

(a) IN GENERAL.—The Secretary, acting through a cooperative agreement with the State or a subdivision of a State, may offer to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse projects.

(b) COORDINATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

(1) non-Federal entities; and

(2) the Corps of Engineers in the San Pablo Bay Watershed of the State.

(c) COOPERATIVE AGREEMENT.—

(1) REQUIREMENTS.—A cooperative agreement entered into under paragraph (1) shall, at a minimum, specify the responsibilities of the Secretary and the eligible entity with respect to—

(A) ensuring that the cost-share requirements established by subsection (e) are met;

(B) completing—

(i) a needs assessment for the water reclamation and reuse project; and

(ii) the planning and final design of the water reclamation and reuse project;

(C) any environmental compliance activity required for the water reclamation and reuse project;

(D) the construction of facilities for the water reclamation and reuse project; and

(E) administrating any contract relating to the construction of the water reclamation and reuse project.

(2) PHASED PROJECT.—

(A) IN GENERAL.—A cooperative agreement described in paragraph (1) shall require that any water reclamation and reuse project carried out under this section shall consist of 2 phases.

(B) FIRST PHASE.—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance system of the water reclamation and reuse project.

(C) SECOND PHASE.—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems of the water reclamation and reuse project.

(d) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide financial and technical assistance to an eligible entity to assist in planning, designing, conducting related preconstruction activities for, and constructing a water reclamation and reuse project.

(2) USE.—Any financial assistance provided under paragraph (1) shall be obligated and expended only in accordance with a cooperative agreement entered into under this section.

(e) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 25 percent of the total cost of a water reclamation and reuse project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

(A) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

(B) the fair-market value of land that is—

(i) used for planning, design, and construction of the water reclamation and reuse project facilities; and

(ii) owned by an eligible entity.

(f) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The eligible entity shall be responsible for the annual operation, maintenance, and replacement costs associated with the water reclamation and reuse project.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The eligible entity, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan for the water reclamation and reuse project.

(g) EFFECT.—Nothing in this Act—

(1) affects or preempts—

(A) State water law; or

(B) an interstate compact relating to the allocation of water; or

(2) confers on any non-Federal entity the ability to exercise any Federal right to—

(A) the water of a stream; or

(B) any groundwater resource.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the total cost of the first phase of water reclamation and reuse projects carried out under this Act, an amount not to exceed 25 percent of the total cost of those reclamation and reuse projects or $25,000,000, whichever is less, to remain available until expended.

By Mrs. FEINSTEIN:

S. 1473. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, today I am introducing the Madera Water Supply Enhancement Act. This legislation authorizes the Bureau of Reclamation, Bureau, to participate in the design and construction of the Madera Water Supply Enhancement Project, project, that is essential to

improving the water supply in the Madera Irrigation District, MID, in Madera County, CA, and in California's Central Valley.

Representative GEORGE RADANOVICH has introduced companion legislation to this bill in the House, and I look forward to working with him to get this bill enacted.

Agriculture is a multibillion enterprise in California, which produces a significant portion of the Nation's food supply. To secure this food supply, water is essential. When constructed, the project will have the capacity to store up to 250,000 acre-feet of water and move up to 55,000 acre feet in or out of storage each year.

With increasing demands on limited water supply, the project will enable water users to store excess wet year water supply and this stored water can then be used during dry years to meet demand. To ensure the viability of the groundwater table and address overdraft problems, 10 percent of the water placed in storage would be left in the ground to replenish the aquifer over time.

This Project is also a useful complement to efforts to restore the San Joaquin River. Restoring water to the San Joaquin River may reduce the water supply available to agriculture in the San Joaquin Valley by up to 165,000 acre feet per year.

It is very important to me to do what I can to help make up this water deficit. The Madera Water Bank is one project that can help, and I will be looking at it and other projects closely to prioritize limited Federal appropriations to address this important need.

MID, the local agency that will build, own and manage the project has already made a major financial commitment to making the water bank a reality. MID has spent $37.5 million to purchase the nearly 14,000 acre Madera Ranch, which will be the site of the water bank, and millions more on studies. This land is ideal for storing water in the aquifer. Over 11,000 acres of the ranch also constitute valuable habitat for numerous species and contain large sections of the region's native grasslands that will be preserved.

The Energy and Natural Resources Committee held a hearing on the predecessor legislation, H.R. 3897, which passed the House of Representatives in the 109th Congress. As a result of that hearing, two changes were made to the legislation.

First, the total cost of the project is capped at $90 million. Under the legislation, the maximum Federal contribution will be $22.5 million or 25 percent of the total cost of the project, whichever is less. This change provides certainty and limits the Federal Government's financial exposure in supporting this project.

The second change to last year's legislation is the decision to declare the project ''feasible'' without further study. The reason for this approach relates to the project's unusual history.

The feasibility of constructing a water bank on the Madera Ranch property has been under consideration for over a decade. In 1996 the Bureau began studying this possibility, and in 1998 the Bureau finalized plans to fund a water bank on the property. After conducting extensive studies regarding the feasibility of building a water bank on the property, the Bureau was prepared to pay over $40 million for the property and $60–$70 million to construct the water bank. This total amount, in excess of $100 million, is significantly more than the cost of MID's water bank almost 10 years later. Although the Bureau eventually withdrew from the project because of local concerns regarding sizing, water quality, and nonlocal ownership issues, no one has ever disputed the suitability of the site for a water bank.

After the Bureau's involvement ended, Azurix, an Enron subsidiary, attempted to build a water bank but was unable to complete the project because of many of the same concerns raised during the Bureau's efforts. However, many more studies were done during this phase for the reformulated project. MID has also conducted further studies. To date, over $8 million has been spent on studies related to the Project, exclusive of the Bureau's own extensive studies of the project.

The legislation identifies 18 specific studies done over the past decade on this project, many by the Bureau itself and others by private parties and MID, all with the Bureau's full knowledge and involvement. In many cases, the same engineering consulting firms used by the Bureau were retained to conduct these further studies. There is simply nothing left to study, and we should proceed immediately to the construction phase of this project.

The Bureau has been a long-term supporter of California agriculture, and working in partnership with the State, local governments, water users and others has helped provide irrigation water for over 10 million farmland acres.

The MID water bank is consistent with the Bureau's historical mission of supporting such locally controlled and initiated water projects. Swift enactment of this legislation is necessary to bring over 10 years of study to a conclusion and make the water bank a reality for Madera County, the surrounding region, the Central Valley and the entire State of California.

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

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

S. 1473

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 ''Madera Water Supply Enhancement Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term ''District'' means the Madera Irrigation District, Madera, California.

(2) The term ''Project'' means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646 acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year.

(3) The term ''Secretary'' means the Secretary of the United States Department of the Interior.

(4) The term ''total cost'' means all reasonable costs, such as the planning, design, permitting, financing, and construction of the Project and the fair market value of lands used or acquired by the District for the Project. The total cost of the Project shall not exceed $90,000,000.

SEC. 3. NO FURTHER STUDIES OR REPORTS.

(a) FINDINGS.—Congress finds that the Bureau of Reclamation and others have conducted numerous studies regarding the Project, including, but not limited to the following:

(1) Bureau of Reclamation Technical Review Groups Final Findings Memorandum, July 1997.

(2) Bureau of Reclamation Madera Ranch Artificial Recharge Demonstration Test Memorandum, December 1997.

(3) Bureau of Reclamation Madera Ranch Groundwater Bank Phase 1 Report, 1998.

(4) Draft Memorandum Recommendations for Phase 2 Geohydrologic Work, April 1998.

(5) Bureau of Reclamation Madera Ranch Water Banking Proposal Economic Analysis—MP–340.

(6) Hydrologic Feasibility Report, December 2003.

(7) Engineering Feasibility Report, December 2003.

(8) Feasibility Study of the Preferred Alternative, Water Supply Enhancement Project, 2005.

(9) Engineering Feasibility Report, June 2005.

(10) Report on Geologic and Hydrologic Testing Program for Madera Ranch.

(11) Engine Driver Study, June 2005.

(12) Wetlands Delineation, 2000, 2001, 2004, and 2005.

(13) Madera Ranch Pilot Recharge: Interim Technical Memorandum, May 2005.

(14) Integrated Regional Water Management Plan, July 2005.

(15) Certified California Environmental Quality Act (CEQA) Environmental Impact Report (EIR), September 2005.

(16) Baseline Groundwater Level Monitoring Report, January 2006.

(17) Final Appraisal Study, Madera Irrigation District Water Supply Enhancement Project, October 2006.

(18) WDS Groundwater Monitoring Status Report to Madera Ranch Oversight Committee, November 2006.

(b) NO FURTHER STUDIES OR REPORTS.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Project is feasible and the Bureau of Reclamation shall not conduct any further studies or reports related to determining the feasibility of the Project.

SEC. 4. COOPERATIVE AGREEMENT.

All planning, design, and construction of the Project authorized by this Act shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;
(2) construction; and
(3) the administration of contracts pertaining to any of the foregoing.

SEC. 5. AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.

(a) AUTHORIZATION OF CONSTRUCTION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, as far as those laws are not inconsistent with the provisions of this Act, is authorized to enter into a cooperative agreement through the Bureau with the District for the support of the design, and construction of the Project.

(b) COST SHARE.—The Federal share of the capital costs of the Project shall not exceed 25 percent of the total cost as defined in section 2(4). Capital, planning, design, permitting, financing, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(c) IN-KIND SERVICES.—In-kind services performed by the District shall be considered a part of the local cost share to complete the Project authorized by subsection (a).

(d) CREDIT FOR NON-FEDERAL WORK.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(1) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, financing, and construction of the Project; and

(2) for the fair market value of lands used or acquired by the District for the Project.

(e) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this section. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(f) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(g) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or the assistance provided under this section shall be construed to transfer title, responsibility or liability related to the Project to the United States.

(h) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary to carry out this Act $22,500,000 or 25 percent of the total cost of the Project, whichever is less.

SEC. 6. SUNSET.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

By Mrs. FEINSTEIN:

S. 1474. A bill to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to authorize the Riverside-Corona feeder. This project, which is being undertaken by Western Municipal Water District, would provide one of California's fastest growing but drought prone regions, with 40,000 acre-feet of new supply at a reasonable cost of approximately $370 per acre foot. The project would efficiently integrate groundwater storage with existing surface supply management.

The purpose of the Riverside-Corona feeder water supply project is to capture and store new water in the underground aquifer in wet years in order to increase water supply, reduce water costs, and improve water quality. The project will include about 20 wells and 28 miles of pipeline. Studies have shown the safe annual yield of the aquifer is about 40,000 acre-feet.

The project would allow locally stored water to replace the need to import water from Colorado River and State water project sources in times of drought or other shortages. The project proposes to manage the ground water levels by the construction of ground water wells and pumping capacity to deliver the pumped ground water supply to water users. A new water conveyance pipeline is also proposed that will serve western Riverside County.

For water users, dependence on imported water in dry years will be reduced, water costs will be reduced, and water reliability will be improved.

There are also very important environmental remediation aspects of the project. Up to half of the wells would be placed within plumes of VOCs and perchlorate. These wells could remediate about 20,000 acre-feet of currently contaminated water per year. Detailed feasibility studies and environmental reports have been prepared and approved by Western Municipal Water District and certified by the State of California.

The California State Water Resources Control Board recognizes that the Riverside Corona feeder is an important project, recently awarding it $4.3 million from proposition 50 competitive grant funds.

Because water agencies understand that the project is integral to regional water planning, the Riverside-Corona feeder has the support of agencies upstream in San Bernardino County and downstream in Orange County. This bill is also supported by and fully consistent with the Metropolitan Water District of Southern California's Integrated Resource Plan, the Santa Ana Watershed Project Authority's Integrated Watershed Plan, and the water management plans for the cities of Riverside, Norco and Corona as well as the Elsinore Valley Municipal Water District.

This is a bipartisan initiative, as witnessed by the list of cosponsors of the House version of the bill I introduce today. I urge my colleagues to support this bill to help meet the West's water supply needs and to reduce our dependence on the Colorado River.

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. 1474

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 ''Riverside-Corona Feeder Water Supply Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) DISTRICT.—The term ''District'' means the Western Municipal Water District, Riverside County, California.

(2) PROJECT.—The term ''Project'' means the Riverside-Corona Feeder Project and associated facilities.

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

SEC. 3. PLANNING, DESIGN, AND CONSTRUCTION OF THE RIVERSIDE-CORONA FEEDER.

(a) IN GENERAL.—The Secretary, in cooperation with the Western Municipal Water District, is authorized to participate in the planning, design, and construction of a water supply project, the Riverside-Corona Feeder, which includes 20 groundwater wells, groundwater treatment facilities, water storage and pumping facilities, and 28 miles of pipeline in San Bernardino and Riverside Counties, California.

(b) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

(c) FEDERAL COST SHARE.—

(1) PLANNING, DESIGN, CONSTRUCTION.—The Federal share of the cost to plan, design, and construct the project described in subsection (a) shall be not more than 25 percent of the total cost of the project, not to exceed $50,000,000.

(2) STUDIES.—The Federal share of the cost to complete the necessary planning studies associated with the project described in subsection (a) shall not exceed 50 percent of the total study cost and shall be included as part of the limitation on funds provided in paragraph (1).

(d) IN-KIND SERVICES.—In-kind services performed by the Western Municipal Water District shall be part of the local cost share to complete the project described in subsection (a).

(e) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, from funds in the Treasury not otherwise appropriated, the Federal cost share described in subsection (c).

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1475. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, together with my good friend and colleague, Senator BARBARA BOXER, Chairman of the Committee on the Environment and Public Works, I am pleased to introduce today legislation to help the San Francisco bay area a region with a growing population, limited

water resources, and a unique environmental setting, address its critical water needs.

The bill, the Bay Area Regional Water Recycling Program Authorization Act of 2007, would help seven bay area communities increase their municipal water supplies through innovative and much-needed water recycling projects.

These projects offer significant benefits. For California and the Federal Government such benefits include: the preservation of State and Federal reservoir supplies for higher uses rather than for urban landscape irrigation, particularly in drought years; and, a cost effective, environmentally friendly, implementable solution for increased dry year yield in the sensitive bay-delta region. Regional and local benefits include: the preservation of ever declining water supplies from the Sierra and delta for higher uses; assistance in drought-proofing the region through provision of a sustainable and reliable source of water; and reduction in wastewater discharges to the sensitive bay-delta environment.

The Bay Area Regional Water Recycling Program is a partnership between 17 local bay area water and wastewater agencies, the California Department of Water Resources and the U.S. Bureau of Reclamation that is dedicated to maximizing water recycling throughout the region. The regional approach taken by the bay area project sponsors ensures that projects with the greatest regional, statewide, and national benefits receive the highest priority for implementation.

This bill would authorize the U.S. Bureau of Reclamation to participate in seven bay area water recycling program projects that are closest to completion. Each community with a project would be eligible to receive 25 percent of the project's construction cost. The total cost of the seven projects is $110 million, but the Federal Government's share is only $27.5 million. State funding is available for these projects.

For the most part, the projects are ready to proceed and start delivering their benefits the projects having been repeatedly vetted, both internally at the local level and through the various steps of the Federal review process but Federal funding is needed to make implementation a reality and to allow the many benefits of these projects to be realized.

Specifically, the bill would authorize the Secretary of the Interior to participate in the following bay area water reuse projects: Antioch Recycled Water project—Delta Diablo Sanitation District, city of Antioch; North Coast County Water District Recycled Water project—North Coast County Water District; Mountain View/Moffett Area Water Reuse Project—city of Palo Alto, city of Mountain View: Pittsburg Recycled Water Project–Delta Diablo Sanitation District, city of Pittsburg; Redwood City Recycled Water project—city of Redwood; South Santa Clara County Recycled Water Project–Santa Clara Valley Water District, South County Regional Wastewater Authority; and, South Bay Advanced Recycled Water Treatment Facility—Santa Clara Valley Water District, city of San Jose.

These seven projects are estimated to make 12,205 acre-feet of water available annually in the short term, and 37,600 acre-feet annually in the long term, all while reducing demand on the delta and on existing water infrastructure.

Congressman GEORGE MILLER introduced a companion bill, H.R.1526, in the House on March 14, 2007. The bill was cosponsored by other bay area lawmakers, including Representatives ANNA ESHOO, ELLEN TAUSCHER, JERRY MCNERNEY, TOM LANTOS, MIKE HONDA; ZOE LOFGREN, and PETE STARK.

Water recycling offers great potential to States like California that suffer periodic droughts and have limited fresh water supplies. To address these issues, the bill would establish a partnership between the Federal Government and local communities to implement a regional water recycling program in the bay area. I urge my colleagues to join in support of this legislation.

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

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

S. 1475

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 ''Bay Area Regional Water Recycling Program Authorization Act of 2007''.

SEC. 2. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 16xx. MOUNTAIN VIEW, MOFFETT AREA RECLAIMED WATER PIPELINE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, and the City of Mountain View, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

''SEC. 16xx. PITTSBURG RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Pittsburg, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,400,000.

''SEC. 16xx. ANTIOCH RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Antioch, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,250,000.

''SEC. 16xx. NORTH COAST COUNTY WATER DISTRICT RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the North Coast County Water District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

''SEC. 16xx. REDWOOD CITY RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,100,000.

''SEC. 16xx. SOUTH SANTA CLARA COUNTY RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.

''SEC. 16xx. SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water

District, is authorized to participate in the design, planning, and construction of recycled water treatment facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,250,000.''.

(b) CONFORMING AMENDMENTS.—The table of items in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 16xx the following:

''Sec. 16xx. Mountain View, Moffett Area Reclaimed Water Pipeline Project.
''Sec. 16xx. Pittsburg Recycled Water Project.
''Sec. 16xx. Antioch Recycled Water Project.
''Sec. 16xx. North Coast County Water District Recycled Water Project.
''Sec. 16xx. Redwood City Recycled Water Project.
''Sec. 16xx. South Santa Clara County Recycled Water Project.
''Sec. 16xx. South Bay Advanced Recycled Water Treatment Facility.''.

SEC. 3. SAN JOSE AREA WATER RECLAMATION AND REUSE PROJECT.

It is the intent of Congress that a comprehensive water recycling program for the San Francisco Bay Area include the San Jose Area water reclamation and reuse program authorized by section 1607 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C 390h–5).

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. INOUYE):

S. 1476. A bill to authorize the Secretary of the Interior to conduct a special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine suitability and feasibility of establishing a unit of the National Park System; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators BARBARA BOXER and DANIEL INOUYE to introduce legislation that would authorize the National Park Service to conduct a special resource study of the Tule Lake Segregation Center, a World War II-era Japanese American internment camp, located in Northern California.

My colleagues in the House of Representatives, Congressman JOHN DOOLITTLE and Congresswoman DORIS MATSUI, also are introducing companion legislation today.

In 1942, as part of a wave of anti-Japanese sentiment following the attack on Pearl Harbor, Franklin D. Roosevelt signed Executive Order 9066 to authorize the U.S. military to incarcerate Japanese American families from California and other west coast States, in violation of their due process rights afforded to all Americans.

Over the years, California's political leaders have led a national bipartisan effort to ensure that this chapter in American history is not forgotten.

In 1992, my colleagues in the California congressional delegation passed bi-partisan legislation to establish the Manzanar National Historic Site, the Nation's first unit of the National Park System dedicated to telling the story of the wrongful internment of the Japanese American community during World War II.

I am pleased to say that Manzanar has been a terrific success story. My colleague Representative JERRY LEWIS and I were able to secure Federal appropriations to refurbish the camp auditorium to accommodate the tens of thousands of visitors to the site. Last year, nearly 90,000 people visited the Manzanar National Historic Site to learn about this unfortunate chapter in United States history.

As part of the Manzanar legislation, Congress directed the National Park Service to conduct a study of the other camp sites and to recommend National Historic Landmark designation for these sites. Based on this study, the Department of the Interior designated Tule Lake as a National Historic Landmark last year, upon finding that the remaining 42 acres of federally owned land at the site possesses national significance.

Of all of the camp sites, Tule Lake has retained some of the most significant historic features dating back to the internment. The federally owned lands include numerous camp buildings in their original locations, most notably the camp stockade, which was a ''jail within a jail.'' The finding of the site's national significance by the Secretary of the Interior last year is a key step forward in the process to evaluate the site's potential for management by the National Park Service.

Over the past several years, the Tule Lake Preservation Committee, the Japanese American Citizens League, the Japanese American National Museum and other local, regional and national partners have worked with Modoc County and the local community to develop a recommendation to study the potential for designation of the Tule Lake Segregation Center as a National Historic Site. I am pleased that this legislation has been endorsed by the Modoc County Board of Supervisors.

Although the Tule Lake Segregation Center is already a National Historic Landmark, the 42-acre site is not managed by the National Park Service. This bill would authorize the National Park Service to study the feasibility and suitability of managing the Federal lands at Tule Lake as a 42-acre National Historic Site, to be managed as part of the Lava Beds National Monument. Through this legislation, the NPS will develop various management alternatives for the site and give the public an opportunity to comment on the alternatives, through a public process. In light of the recent National Park Service work to prepare the national historic landmark designation, the cost to complete this study is quite modest. Upon completion of the study, the NPS would transmit the study to Congress for review.

This year marks the 65th anniversary of the internment of Japanese-Americans, when the Federal Government ordered Japanese American men, women and children to report to temporary assembly centers, including 13 centers in California. Many families were broken up as fathers were sent to prisons, work camps and Department of Justice camps hundreds of miles away. Without hearings or any evidence of disloyalty, Japanese-American families were transported to assembly centers in April and May of 1942. The largest assembly center was at the Santa Anita racetrack, which held over 18,000 people in horse stalls and other makeshift quarters.

Deprived of their basic constitutional rights, Japanese-American citizens and resident aliens were held in these centers until the U.S. government built more permanent camps in 10 locations in California and throughout the Western States and Arkansas. Together, these camps held over 120,000 Japanese Americans, of which about three quarters were living in California before the war.

My good friend, the late-Representative Robert Matsui, was just an infant when his family was ordered from their home in Sacramento to the Pinedale Assembly Center. From there, he was sent to the Tule Lake, Segregation Center in Modoc County, CA not far from the Oregon border.

Like the other camps, the Tule Lake Relocation Center was constructed in a remote area, on a large tract of federally owned land, managed by the U.S. Bureau of Reclamation. Prisoners there held frequent demonstrations and strikes, demanding their rights under the U.S. Constitution. As a result, Tule Lake was made a ''segregation camp,'' and internees from other camps who had refused to take the loyalty oath or had caused disturbances were sent there.

Despite these injustices, many young men in camp answered the call to serve in the U.S. Army and demonstrated their loyalty to the United States and to defend the same basic constitutional freedoms that had been violated by the U.S. Government's actions. Japanese Americans served with great valor and bravery in Europe, including our colleague Senator DANIEL INOUYE.

During its operation, Tule Lake was the largest of the 10 camps, with 18,789 people housed in makeshift barracks. Opened on May 27, 1942, Tule Lake was one of the last camps to be closed, staying open until March 20, 1946, 7 months following the end of World War II.

Following World War II, our Nation has recognized that the forced evacuation and incarceration of Japanese Americans was wrong and that there was no basis to question the loyalty and patriotism of Japanese Americans.

The internment of Japanese Americans during World War II was a grim chapter in America's history. Conducting this special resources study,

and the potential creation of the Tule Lake National Historic Site, will help ensure that we honor surviving internees during their lifetime and will serve as a lasting reminder of our ability to inflict pain and suffering upon our fellow Americans.

It is important that we recognize the historic significance of Tule Lake Segregation Center within the lifetimes of the few surviving Japanese-American internees, before many of their stories are lost.

I urge my colleagues to join me in supporting 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. 1476

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 ''Tule Lake Segregation Center Special Resource Study Act''.

SEC. 2. STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the ''Secretary'') shall conduct a special resource study of the national significance, suitability, and feasibility of including the Tule Lake Segregation Center in the National Park System.

(b) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of designating the site as a unit of the National Park System that relates to the themes described in section 3.

(c) STUDY GUIDELINES.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with Modoc County, the State of California, appropriate Federal agencies, Tribal and local government entities, private organizations, and private land owners.

SEC. 3. THEMES.

The study authorized under section 2 shall evaluate the Tule Lake Segregation Center with respect to the following themes:

(1) The significance of the site as a component of World War II.

(2) The significance of the site as it related to other war relocation centers.

(3) Historic buildings, including the stockade, that are intact and in place, along with numerous other resources.

(4) The contributions made by the local agricultural community to the war effort.

(5) The potential impact of designation of the sire as a unit of the National Park Service on private land owners.

SEC. 4. REPORT.

Not later than 1 year after funds are made available for this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study.

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

S. 1477. A bill to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, today Senator ALLARD and I introduced the Jackson Gulch Rehabilitation Act of 2007, which would authorize $6.4 million, subject to appropriations, to pay an 80-percent Federal cost-share for rehabilitation of the Jackson Gulch Canal system and related infrastructures in southwest Colorado.

Nearly 60 years ago, the Mancos Project canal was built, delivering water from Jackson Gulch Dam to residents, farms and businesses in Montezuma County. Since its construction, the Mancos Project has been maintained by the Mancos Water Conservancy District and inspected by the Bureau, but has outlived its expected life and is now badly in need of rehabilitation.

The people of Montezuma County have shown great patience on the Mancos Project, but the situation is turning dire. Washington must not forget the needs of people in rural areas, and in the rural areas of the West, water is one of the most important needs they have.

The Mancos Project and the Jackson Gulch Dam provide supplemental agricultural water for about 8,650 irrigated acres and a domestic water supply for the Mesa Verde National Park. The Mancos Project also delivers water to the more than 500 members of the Mancos Rural Water Company, the town of Mancos, and at least 237 agricultural businesses.

The project was build in 1949, and although it has been maintained since then by the district and inspected by the Bureau of Reclamation, the project has outlived its expected life and is badly in need of rehabilitation. The estimated cost to rehabilitate the canal system is less than one-third the cost of replacement.

If the Jackson Gulch Canal system experienced a catastrophic failure, it could result in Mesa Verde National Park being without water during the peak of their visitation and fire season, the town of Mancos suffering a severe municipal water shortage, and the possible loss of up to approximately $1.48 million dollars of crop production and sales annually.

Mr. President, the Mancos Water Conservancy District has already obtained a loan from the Colorado Water Conservation Board, which, when combined with a recent mill levy increase, will enable the district to meet its share of the project costs. The Federal Government through the Bureau of Reclamation has an important role to play as well. I look forward to working with my colleagues to pass this legislation.

By Mr. BAUCUS (for himself and Mr. ENZI):

S. 1481. A bill to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BAUCUS. Mr. President, for years, Congress has not been able to answer the question, ''What can be done about rising medical malpractice insurance premiums?'' Today, Senator ENZI and I begin a process we hope will end with action by Congress to resolve the problem.

The discussions the Senate has had about medical malpractice premiums until now have centered around imposing caps on noneconomic damages. The debate over caps has occurred several times in recent years, and has always ended with a failure to invoke cloture to vote on the legislation.

I have consistently opposed caps legislation because caps have been unsuccessful in preventing increases in medical malpractice premiums in my home State of Montana, as well as several other States. Clearly, it is time for a different approach.

The problem of rising insurance premiums affects the medical community, the legal community and, most importantly, patients. Doctors, burdened with continually-increasing insurance costs, have chosen to retire early, relocate their practices, or limit the services they provide to avoid high-risk procedures. Lawyers are concerned that reforms limit patients' ability to be compensated for their injuries. While patients find themselves caught in the middle, with ever-decreasing access to medical and legal services.

One of the reasons caps do not offer significant hope for improving the situation is that they treat the symptom of increasing premiums but not the underlying disease. We need to look for solutions that get to the root of the problem.

Any successful resolution to the problem must focus on compensating injured patients and on attempting to prevent similar injuries in the future. A 1999 Institute of Medicine study, To Err is Human, estimated that medical errors cause as many as 98,000 deaths per year in our Nation's hospitals alone. Even more deaths occur over the long-term and outside hospitals.

I think a new approach is in order. As such, Senator ENZI and I introduced the Fair and Reliable Medical Justice Act in the 109th Congress, and we are here today to reintroduce it. Our bill is innovative in how it confronts the problem.

We believe that a solution to this complex problem requires flexibility. We believe that because the civil justice system is largely a function of State law, the States are best situated to decide how their systems can be improved to work better for patients. We also believe that changes of this order should be tested and well thought out rather than simply mandated. There is no one size fits all answer.

So, our bill provides flexibility, leaves the decision-making to States and provides for demonstration programs to implement change in a thoughtful way. We owe a debt of gratitude to the experts at the Institute of Medicine for their 2002 report entitled, Fostering Rapid Advances in Health

Care: Learning from System Demonstration, for helping shape the Fair and Reliable Justice Act.

Our bill promotes State-based demonstrations of alternatives to current medical liability litigation. It aims to increase the number of patients who receive compensation for their injuries. It also tries to improve the speed with which they receive such compensation. The bill also encourages patient safety by promoting disclosure of medical errors, unlike the current tort system which encourages doctors to cover up medical mistakes.

Because the insurance premium problem and civil justice remedies vary by state we feel that the States are best positioned to analyze their unique situations and most capable to implement an effective solution. Therefore, the Fair and Reliable Medical Justice Act would establish State-based demonstration programs. The bill allows States to develop new ways to address and resolve their health care dispute issues.

There are innovative efforts already in effect in the private sector and some States that have achieved some success. I think it is time to encourage more innovation, to expand the range of options, and to empower the states to experiment and learn how to solve this persistent problem.

I want to thank Senator ENZI for his leadership on this issue. I am proud to have worked with him. I also want to recognize Representatives COOPER and THORNBERRY, who are dropping a companion bill in the House today. This bill approaches the medical liability insurance premium problem from a new perspective, through a set of common-sense pilot projects centered on improving patient safety. Rather than mandating a Federal band-aid for this recurring problem, this bill encourages the States to be innovative and creative to solve the problem while giving them flexibility and Federal support to implement their cures.

Mr. ENZI. Mr. President, I rise to discuss a bill that I will introduce today with Senator BAUCUS—the Fair and Reliable Medical Justice Act of 2007. This legislation recognizes the current disrepair of our medical liability system and puts into place a process that will provide better results for patients and for doctors.

Our legislation is designed to encourage States to rethink the way the system works so that injured patients receive fair and just compensation in a more timely manner. The new system would also provide consistent and reliable results so that doctors can eliminate the practice of defensive medicine and instead focus on the needs of each individual patient. Unfortunately, that doesn't happen right now because our system is broken.

I know we debate medical litigation frequently here on the floor, but throughout those debates I have noticed something interesting. Whenever we argue the pros and cons of the bills before us, no one ever stands up to argue that the system doesn't need any reform. In fact, everyone in the Senate agrees that our medical litigation system needs to be changed.

Why doesn't anyone try to defend our current medical litigation system? Because it doesn't work. No one—not patients or health care providers—are appropriately served by our current procedures. Right now, many patients who are hurt by negligent actions receive no compensation for their loss. Those who do receive a mere 40 cents of every premium dollar, given the high costs of legal fees and administrative costs. That is simply a waste of medical resources. The randomness and delay associated with medical litigation does not contribute to timely, reasonable compensation for most injured patients. Some injured patients get huge jury awards, while many others get nothing at all. It is important to patients and doctors that our justice system is perceived as both efficient and fair. Furthermore, the likelihood and the outcomes of lawsuits and settlements bear little relation to whether a healthcare provider was at fault. Consequently, we are not learning from our mistakes. Rather, we are simply diverting our doctors. When someone has a medical emergency they want to see a doctor in an operating room, not a court room.

The medical liability system is losing information that could be used to improve the practice of medicine. Although zero medical errors is an unattainable goal, the reduction of medical errors, should be the ultimate goal in medical liability reform. The Institute of Medicine, in its seminal study, ''To Err is Human,'' estimated that preventable medical errors kill somewhere between 44,000 and 98,000 Americans each year. That study further emphasized that to improve our health care outcomes, we should no longer focus on individual situations but on the whole systems of care that are failing American patients. In the 8 years since that study, little progress has been made. Instead, the practice of medicine has become more specialized and complex, while the tort system has forced more focus on individual blame than on system safety.

To mitigate that individual blame, doctors practice ''defensive medicine.'' Simply stated, ''defensive medicine'' occurs when a doctor departs from doing what is best for the patient because of fear of a lawsuit. Defensive medicine can mean ordering more tests or providing more treatment than necessary. For instance, a doctor might order an unnecessary and painful biopsy. Some estimates suggest that Americans will pay $70 billion for defensive medicine this year. Even if it is half that, it is still way too much.

Let's face it. Our medical litigation system is in need of repair. It fails to achieve its twin objectives. It doesn't provide fair and fast compensation to injured patients, and it doesn't effectively deter future mistakes. Even worse, it replaces the element of trust that is so vital to the provider-patient relationship with distrust. We can make it better.

That is why I am introducing this key legislation with Senator BAUCUS today. Our bill would provide $5 million to 10 States to initiate, fund, and evaluate demonstration projects that offer alternatives to traditional tort litigation. It will not pre-empt State law. It will allow States to find creative alternatives that will work much better for patients and providers in each State. The States have been policy pioneers in many areas before, including workers' compensation, welfare reform, and electricity deregulation. Medical litigation should be the next item on the agenda of the laboratories of democracy that are our 50 States. Let's take a step forward for American patients and their doctors by allowing this framework to move forward and make the changes that we all know are needed.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1482. A bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce bipartisan legislation today along with my distinguished colleague, Senator OLYMPIA SNOWE, known as the State Child Well-Being Research Act of 2007. This bill is designed to enhance child well-being by requiring the Secretary of Health and Human Services to facilitate the collection of State-specific data based on a set of defined indicators. The well-being of children is important to both the national and State governments and data collection is a priority that should not be ignored.

In 1996, Congress passed bold legislation to dramatically change our welfare system, and I supported it. The driving force behind this reform was to promote work and self-sufficiency of families and to provide flexibility to States—where most child and family legislation takes place—to achieve these goals. States have used this flexibility to design different programs that work better for families who rely on them. Other programs that serve children, ranging from the Children Health Insurance Program, CHIP, to child welfare services, can vary among States.

It is obvious that in order for policy makers to evaluate child well-being, we need State-by-State data on child well-being to measure the results. Current survey methods can provide minimal data on some indicators of child well-being, but insufficient data is provided on low-income families, geographic variation, and young children. Additionally, the information is not provided in a timely manner, which impedes legislators' ability to effectively

accomplish the goals set forth in welfare reform.

The State Child Well Being Research Act Of 2007 is intended to fill this information gap by collecting up-to-date, State-specific data that can be used by policymakers, researchers, and child advocates to assess the well-being of children. It would require that a survey examine the physical and emotional health of children, adequately represent the experiences of families in individual States, be consistent across States, be collected annually, articulate results in easy to understand terms, and focus on low-income children and families. This legislation also establishes an advisory committee which consists of a panel of experts who specialize in survey methodology, indicators of child well-being, and application of this data to ensure that the purpose is being achieved.

Further, this bill avoids some ofthe other problems in the current system by making data files easier to use and more readily available to the public. As a result, the information will be more useful for policy-makers managing welfare reform and programs for children and families.

Finally, this legislation also offers the potential for the Health and Human Service Department to partner with several private charitable foundations, including the Annie E. Casey, John D. and Catherine T. MacArthur, and McKnight foundations, who are interested in forming a partnership to provide outreach and support and to guarantee that the data collected would be broadly disseminated. This type of public-private partnership helps to leverage additional resources for children and families and increases the study's impact. Given the tight budget we face, partnerships make sense to meet this essential need. I hope my colleagues review this legislation carefully and support it so that we and State policy makers and advocates have the information necessary to make good decisions for children.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1483. A bill to create a new incentive fund that will encourage States to adopt the 21st Century Skills Framework; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation to create a 21st Century Skills Incentive Fund, and I am proud to have the bipartisan support of my colleague, Senator OLYMPIA SNOWE. We have a tradition of working together, especially on education and technology.

This legislation is designed to support and encourage those States that are willing to accept the bold challenge of the Partnership for 21st Century Skills to teach the core subjects, but to also go beyond the basics to include 21st Century themes like global awareness and entrepreneurial literacy. The partnership's framework emphasizes skills like critical thinking, innovation and communication skills. It also promotes information and communications technology literacy, known as ICT literacy, and life and career skills such as self direction and leadership. This bold agenda needs to be woven into State education strategy at every level, including standards and assessments, curriculum, professional development, and learning environments.

Every State willing to accept and work to implement such a progressive model and agenda deserves encouragement and support. That is why this bill would create a 21st Century Skills Incentive Fund to provide Federal matching dollars for new State investments and foundation donations to 21st Century Skills. There would also be a Federal tax incentive for corporate donations. The Federal Government won't put up a dime until a state's plan is approved by the Partnership for 21st Century Skills, a nonprofit organization of leading technology companies and education leaders. But the Federal Government will offer matching grants to help States that are willing to make an investment in such quality education.

This is an important investment, and the next step to enhance education and prepare our students for the new, competitive workforce. This initiative also will emphasize global awareness, civic literacy and life skills so young people understand our place in the world and are ready to take on greater responsibilities in understanding and improving their own communities.

The Partnership for 21st Century Skills Partnership has introduced a new model for education. It represents a bold and important new direction for the future of education in this country. This legislation is designed to help the Federal Government become a partner and play a positive role in preparing our students for their future.

By Mr. COLEMAN (for himself and Ms. LANDRIEU):

S. 1488. A bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, as U.S. Senators, we are well aware of the difficulty in making tough decisions. But, a tough decision for 13-year-old foster care child shouldn't be choosing between being adopted and having a permanent loving, stable, and secure family, or attending college for a promising future. Today, I am proud to be joined by my friend, Senator MARY LANDRIEU from Louisiana, in introducing the Fostering Adoption To Further Student Achievement Act because we believe all youth deserve both a loving family and a future of hope.

Our legislation promotes older adoptions of foster care youth by not later penalizing the adopting family when their student applies for student Federal financial aid.

We have heard from former foster teens across our Nation who have stated that they were better off ''aging'' out of the foster care system than being adopted by a family because of a fear of losing student Federal financial aid because as a foster student they don't have to report any parental income on their student financial aid application.

Our legislation provides a solution by amending the definition of ''independent student'' to include foster care youth who were adopted after the age of 13 in the Higher Education Act of 1965. Thus, the family and student would not be penalized on their Federal financial aid as their classification would be determined by only the student's ability to pay. Most prospective adopting parents would not have financially planned for an older teen becoming part of their family. Our legislation offers an incentive to promote older adoptions rather than having the teen stay in foster families until they ''age out.''

The numbers are startling and its time we act. Currently, 20,000 youth ''age'' out of the foster care system each year with 30 percent of these youth incarcerated within 12 months of doing so. There are 513,000 children in foster care with nearly half the kids over the age of 10. Children in foster care are twice as likely as the rest of the population to drop out before finishing high school. Several foster care alumni studies indicate that within three years after leaving foster care: only 54 percent had earned their high school diploma, only 2 percent had graduated from a four-year college, and 25 to 44 percent had experienced homelessness.

Statistics show youth that are adopted out of the foster care system attend college, have stable lives, have a permanent family, and have a future of hope. One to two years of community college coursework significantly increases the likelihood of economic self-sufficiency. A college degree is the single greatest factor in determining access to better job opportunities and higher earnings.

The Fostering Adoption To Further Student Achievement Act ensures that children don't have to make a tough decision between choosing to have a family or an education.

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

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

S. 1488

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 ''Fostering Adoption to Further Student Achievement Act''.

SEC. 2. AMENDMENT TO INDEPENDENT STUDENT.

Section 480(d) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)) is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(8) was adopted from the foster care system when the individual was 13 years of age or older.''.

By Mr. CARPER (for himself and Mr. VOINOVICH):

S. 1490. A bill to provide for the establishment and maintenace of electronic personal health records for individuals and family members enrolled in Federal employee health benefits plans under chaper 89 of title 5, United States Code, and for other purposes; to the Committee on Homeland Security and Govermental Affairs.

Mr. CARPER. Mr. President, I rise today to reintroduce a piece of legislation that Senator VOINOVICH and I have been working on for over a year now.

The Federal Employees Electronic Personal Health Records Act of 2007 makes available electronic personal health records for every enrollee of a Federal health benefits plan who wishes to have one.

Americans will probably spend more than $2 trillion on health care this year alone. Over the next 10 years, health care costs will more than double, topping $4 trillion in 2015.

We spend $6,700 per person on health care, more than twice of what other industrialized nations spend; and for the most part, we are not receiving the gold standard of treatment in care.

A 2005 survey found that medical error rates in the United States far exceed those of other Western countries.

And in that survey, one in three Americans reported getting the wrong dosage of medication, incorrect test results, mistakes in treatment, or late notification of a test result. That is nearly 15 percent higher than similar results in Britain and Germany.

Our excessive reliance on paper record keeping makes our health care system less efficient, more costly and more prone to mistakes.

Doctors diagnose patients without knowing their full medical history, what they are allergic to, what kind of surgeries they have had, whether they have complained about similar symptoms before.

Time constraints, or medical necessity, often force doctors to form a quick diagnosis. Sometimes that diagnosis is wrong and sometimes it proves to be a costly error.

The widespread use of health information technology, the ability to immediately grab someone's full medical history off of a computer, can help doctors provide better care more cheaply. It has the potential to drastically transform the way we provide health care.

If we are looking for success stories on how health care professionals have integrated the use of electronic health records into their daily routines, we don't have to look any further than our own Departments of Defense and Veterans Affairs.

Times have certainly changed since I retired from the Navy some 16 years ago. I used to keep all my medical records in a brown manila folder.

I carried this manila folder with me from the time I left Ohio State, on to Pensacola, Corpus Christi Naval Air Station, out to California, across the seas and back again, and finally, getting off of active duty and coming to Delaware to enroll in business school, on the GI bill, at the University of Delaware.

Over a decade ago, the DOD and the VA decided there was a better way. And the results have been nothing short of phenomenal.

Today, when a patient enrolls in DOD's Military Health System, they get an electronic health record, not a brown manila folder in which to carry years of paper medical records. Your electronic record will follow you wherever you go, both during your time when you are serving in the military and when you leave to join our veterans' community.

Researchers and doctors now laud the VA for having the foresight to use electronic health records to improve patient care and transform itself into one of the best health care operations in the country.

And the cost? About $78 per patient, roughly the cost of not repeating one blood test. In other words, money well spent.

I have witnessed that new-found satisfaction right in my own back yard, at our Veterans Medical Center in Elsmere, DE. Veterans from neighboring States are now coming to Elsmere to seek care instead of going to regular civilian hospitals near them.

So what is keeping the rest of the Nation's health care system from following the lead of the DOD and the VA?

The answer is the high cost of implementing the latest information technologies, as well as the lack of uniformity among various technology products.

A physician can spend up to $40,000 implementing an electronic health records system. A hospital can spend up to five times that amount.

If that weren't enough of a reason to say ''no thanks,'' there is another. We don't have a set of national standards in place to make sure that once health care providers have made the switch, their new systems can communicate with the hospital or doctor on the other side of town.

As a nation, we cannot afford to rely solely on health care providers to bring the health care industry into the 21st century.

While I was Governor, I signed legislation that would call for the creation of a statewide information network to bring our health care system into the 21st century. Delaware is well underway toward meeting our goal of establishing the first statewide health information infrastructure.

We must think outside of the box and build on health information technology initiatives that are all already underway in other areas of the health care industry.

The Federal Employees Electronic Personal Health Records Act of 2006 will require all Insurance Plans that contract with the Federal Employees Health Benefits Program, FEHBP, to make available an electronic personal health record for enrollees in the program.

Via the Internet, an enrollee will be able to log-on to his or her electronic personal health record to keep track of such things as their medications, cholesterol and glucose levels, allergies, and immunization records. An enrollee will also be able to view a comprehensive, easily understood listing of their health care claims.

An enrollee can easily share sections of the electronic personal health record with their health care provider, ensuring that their health care provider has the most up-to-date and accurate health information when making clinical decisions.

Having health information readily available will increase the efficiency and safety of health care for an enrollee by eliminating unwarranted tests, procedures, and prescriptions.

Most importantly, the legislation ensures that the electronic personal health records provided for through this act are kept private and secure.

The electronic personal health records are required to include a number of security features, such as a user authentication and audit trails.

The legislation also requires that insurance plans comply with all privacy and security regulations outlined in the Health Insurance Portability and Accountability Act.

This bill is designed to jumpstart this new technology by requiring some of the largest health insurance companies to offer electronic personal health records, which many are already doing.

As more insurance companies, health care providers and consumers use this new technology, I am convinced that more people will recognize its advantages and we can more quickly move America's health care industry into the 21st century.

And as the Nation's largest employer-sponsored health insurance program, who better than the Federal Employees Health Benefit Program to lead the way in this endeavor.

I urge my colleagues to support the Federal Employees Electronic Personal Health Records Act of 2007.

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. 1490

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 ''Federal Employees Electronic Personal Health Records Act of 2007''.

SEC. 2. ELECTRONIC PERSONAL HEALTH RECORDS FOR FEDERAL EMPLOYEE HEALTH BENEFITS PLANS.

(a) CONTRACT REQUIREMENT.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

''(p) Each contract under this chapter shall require the carrier to provide for the establishment and maintenance of electronic personal health records in accordance with section 8915.''.

(b) ELECTRONIC PERSONAL HEALTH RECORDS.—Chapter 89 of title 5, United States Code, is amended by adding after section 8914 the following:

''§ 8915. Electronic personal health records

''(a) In this section, the term—

''(1) 'claims data' means—

''(A) a comprehensive record of health care services provided to an individual, including prescriptions; and

''(B) contact information for providers of health care services; and

''(2) 'standard electronic format' means a format that—

''(A) uses open electronic standards;

''(B) enables health information technology to be used for the collection of clinically specific data;

''(C) promotes the interoperability of health care information across health care settings, including reporting under this section and to other Federal agencies;

''(D) facilitates clinical decision support;

''(E) is useful for diagnosis and treatment and is understandable for the individual or family member; and

''(F) is based on the Federal messaging and health vocabulary standard endorsed by—

''(i) the Office of the National Coordinator for Health Information Technology;

''(ii) the American Health Information Community; or

''(iii) the Secretary of Health and Human Services.

''(b)(1) Each carrier entering into a contract for a health benefits plan under section 8915 shall provide for the establishment and maintenance of electronic personal health records for each individual and family member enrolled in that health benefits plan in accordance with this section.

''(2) In the administration of this section, the Office of Personnel Management—

''(A) shall ensure that each individual and family member is provided—

''(i) timely notice of the establishment and maintenance of electronic personal health records; and

''(ii) an opportunity to file an election at any time to—

''(I) not participate in the establishment or maintenance of an electronic personal health record for that individual or family member; and

''(II) in the case of an electronic personal health record that is established under this section, terminate that electronic personal health record;

''(B) shall ensure that each electronic personal health record shall—

''(i) be based on standard electronic formats;

''(ii) be available for electronic access through the Internet for the use of the individual or family member to whom the record applies;

''(iii) enable the individual or family member to—

''(I) share any contents of the electronic personal health record through transmission in standard electronic format, fax transmission, or other additional means to providers of health care services or other persons;

''(II) copy or print any contents of the electronic personal health record; and

''(III) add supplementary health information, such as information relating to—

''(aa) personal, medical, and emergency contacts;

''(bb) laboratory tests;

''(cc) social history;

''(dd) health conditions;

''(ee) allergies;

''(ff) dental services;

''(gg) immunizations;

''(hh) prescriptions;

''(ii) family health history;

''(jj) alternative treatments;

''(kk) appointments; and

''(ll) any additional information as needed;

''(iv) contain—

''(I) to the extent feasible, claims data from—

''(aa) providers of health care services that participate in health benefits plans under this chapter;

''(bb) other providers of health care services; and

''(cc) other health benefits plans in which the individual or family members have participated;

''(II) to the extent feasible, clinical care, pharmaceutical, and laboratory records; and

''(III) the name of the source for each item of health information;

''(v) authenticate the identity of each individual upon accessing the electronic personal health record; and

''(vi) contain an audit trail to list the identity of individuals who access the electronic personal health record; and

''(C) shall ensure that the individual or family member may designate—

''(i) any other individual to access and exercise control over the sharing of the electronic personal health record; and

''(ii) any other individual to access the electronic personal health record in an emergency;

''(D) shall require each health benefits plan to comply with all privacy and security regulations promulgated under section 246(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2) and other relevant laws relating to privacy and security;

''(E) shall require each carrier that enters into a contract for a health benefits plan to provide for the electronic transfer of the contents of an electronic personal health record to another electronic personal health record under a different health benefits plan maintained under this section or a similar record not maintained under this section if—

''(i) coverage in a health benefits plan under this chapter for an individual or family member terminates; and

''(ii) that individual or family member elects such a transfer;

''(F) shall require each carrier to provide for education, awareness, and training on electronic personal health records for individuals and family members enrolled in health benefits plans; and

''(G) may require each carrier to provide for an electronic personal health record to be made available for electronic access, other than through the Internet, for the use of the individual or family member to whom the record applies, if that individual or family member requests such access.

''(3) Nothing in paragraph (2)(C) shall be construed to provide any rights additional to the rights provided under the privacy and security regulations promulgated under section 246(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2) and other relevant laws relating to privacy and security.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 5, United States Code, is amended by adding at the end the following:

''Sec. 8915. Electronic personal health records.''.

SEC. 3. EFFECTIVE DATES AND APPLICATION.

(a) IN GENERAL.—Except as provided under subsection (b), the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

(b) ESTABLISHMENT AND MAINTENANCE OF ELECTRONIC PERSONAL HEALTH RECORDS.—The requirement for the establishment and maintenance of electronic personal health records under sections 8902(p) and 8915 of title 5, United States Code (as added by this Act), shall apply with respect to contracts for health benefits plans under chapter 89 of that title which take effect on and after January of the earlier of—

(1) the first calendar year following 2 years after the date of enactment of this Act; or

(2) any calendar year determined by the Office of Personnel Management.

Mr. VOINOVICH. Mr. President, I wish to speak about a bill my colleague Senator CARPER and I introduced today, the Electronic Personal Health Records Act. The purpose of this legislation is to provide for the establishment and maintenance of electronic personal health records for individuals and family members enrolled in the Federal Employee Health Benefits Plan, FEHBP.

The widespread adoption of health information technology, such as electronic health records, EHR, will revolutionize the health care profession. In fact, the Institute of Medicine, the National Committee on Vital and Health Statistics, and other expert panels have identified information technology as one of the most powerful tools in reducing medical errors and improving the quality of care. Unfortunately, our country's health care industry lags far behind other sectors of the economy in its investment in IT.

The Institute of Medicine estimates that there are nearly 98,000 deaths each year resulting from medical errors. Many of these deaths can be directly attributed to the inherent imperfections of our current paper-based health care system. This statistic is startling and one that I hope will motivate my colleagues to take a close look at the goals of our legislation.

The voluntary EHRs that would be established through the Electronic Personal Health Records Act will provide clinicians with real-time access to their patient's health history. Each EHR would contain claims data, contact information for providers of health care services, and other useful information for diagnosis and treatment. The records will be available cost-free to FEHBP participants and will maintain strict adherence to the Health Insurance Portability and Accountability Act, HIPAA.

Under the bill, the Office of Personnel Management, OPM, would be required to ensure that all carriers who participate in FEHBP educate their members about the implementation of the EHR, as well as give timely notice of the establishment of the record and an opportunity for each individual to elect not to participate in the program.

OPM, through their carriers, would also have to ensure that all records

would be available for electronic access through Internet, fax, or printed method for the use of the individual, and that to the extent possible, records could be transferred from one plan to another. The bill would require EHRs to be made available 2 years after the passage of the legislation or earlier at the discretion of OPM in consultation with the Office of the National Coordinator for Health Information Technology within HHS.

Not only can EHRs save lives and improve the quality of health care, they also have the potential to reduce the cost of the delivery of health care. According to Rand Corporation, the health care delivery system in the United States could save approximately $160 billion annually with the widespread use of electronic medical records. As a result, the private market is already moving toward implementing electronic medical records.

This bill, simply encourages the health care industry to continue in that direction and take their use of technology in the delivery of care to the next step. I urge my colleagues to consider not only the benefit it will provide to the 8 million individuals who receive their health care through the FEHBP, but also to our Nation's overall health care system.

By Mr. INOUYE (for himself, Mr. DORGAN, Mr. PRYOR, Ms. CANTWELL, Ms. KLOBUCHAR, and Mr. KERRY):

S. 1492. A bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, broadband communications are quickly becoming the great economic engine of our time. Broadband deployment drives opportunities for business, education, and healthcare. It provides widespread access to information that can change the way we communicate with one another and improve the quality of our lives. From our smallest rural hamlets to our largest urban centers, communities across this country should have access to the opportunities ubiquitous broadband can bring. The state of our broadband union should be broadband for all.

But the news on this front is not all good. Last month, the Organization for Economic Cooperation and Development reported that the United States has fallen to 15th in the world in broadband penetration. In some Asian and European countries, households have high-speed connections that are 20 times faster than ours, for half the cost. While some will debate what, in fact, these rankings measure, one thing that cannot be debated is the fact that we continue to fall precipitously down the list. In 2000 the United States ranked 4th; last year we dropped to 12th; and just last month we dropped to 15th. The broadband bottom line is that too many of our international counterparts are passing us by. For this we are paying a price. Some experts estimate that universal broadband adoption would add $500 billion to the U.S. economy and create more than a million new jobs.

In a digital age, the world will not wait for us. It is imperative that we get our broadband house in order and our communications policy right. But we cannot manage what we do not measure. So the first step in an improved broadband policy is ensuring that we have better data on which to build our efforts.

That is why I am here today to introduce the Broadband Data Improvement Act. This legislation will improve the quality of Federal and State data regarding the availability of broadband service. This, in turn, can be used to craft policies that will increase the availability of affordable broadband service in all parts of the Nation. This legislation will improve broadband data collection at the Federal Communications Commission and Bureau of the Census. It will direct the Comptroller General and the Small Business Administration to study our broadband challenge. It will encourage State initiatives to improve broadband adoption by establishing a State broadband data and development grant program that will authorize $40 million for each of fiscal years 2008 through 2012.

With too many of our industrial counterparts ahead of us, we sorely need the kind of granular data that will inform our policies and propel us to the front of the broadband ranks. I believe that the Broadband Data Improvement Act will give us the tools to make this happen.

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. 1492

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 ''Broadband Data Improvement Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary state efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 3. IMPROVING FEDERAL DATA ON BROADBAND.

(a) IMPROVING FCC BROADBAND DATA.—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall issue an order in WC docket No. 07-38 which shall, at a minimum—

(1) revise or update, if determined necessary, the existing definitions of advanced telecommunications capability, or broadband;

(2) establish a new definition of second generation broadband to reflect a data rate that is not less than the data rate required to reliably transmit full-motion, high-definition video; and

(3) revise its Form 477 reporting requirements to require filing entities to report broadband connections and second generation broadband connections by 5-digit postal zip code plus 4-digit location.

(b) EXCEPTION.—The Commission shall exempt an entity from the reporting requirements of subsection (a)(3) if the Commission determines that a compliance by that entity with the requirements is cost prohibitive, as defined by the Commission.

(c) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 nt) is amended—

(1) by striking ''regularly'' in subsection (b) and inserting ''annually'';

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

''(c) MEASUREMENT OF EXTENT OF DEPLOYMENT.—In determining under subsection (b) whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, the Commission shall consider data collected using 5-digit postal zip code plus 4-digit location.

''(d) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall, using 5-digit postal zip code plus 4-digit location information, compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 nt)) and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

''(1) the population;

''(2) the population density; and

''(3) the average per capita income.'';

(4) by inserting ''an evolving level of'' after ''technology,'' in paragraph (1) of subsection (e), as redesignated.

(d) IMPROVING CENSUS DATA ON BROADBAND.—The Secretary of Commerce, in consultation with the Federal Communications Commission, shall expand the American Community Survey conducted by the Bureau of the Census to elicit information for residential households, including those located on native lands, to determine whether persons at such households own or use a computer at that address, whether persons at that address subscribe to Internet service and, if so, whether such persons subscribe to dial-up or broadband Internet service at that address.

SEC. 4. STUDY ON ADDITIONAL BROADBAND METRICS AND STANDARDS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate additional broadband metrics or standards that may be used by industry and the

Federal Government to provide users with more accurate information about the cost and capability of their broadband connection, and to better compare the deployment and penetration of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—

(1) to calculate the average price per megabyte of broadband offerings;

(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds;

(3) to compare the availability and quality of broadband offerings in the United States with the availability and quality of broadband offerings in other industrialized nations, including countries that are members of the Organization for Economic Cooperation and Development; and

(4) to distinguish between complementary and substitutable broadband offerings in evaluating deployment and penetration.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the results of the study, with recommendations for how industry and the Federal Communications Commission can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of comparable broadband service at comparable rates across all regions of the Nation.

SEC. 5. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) IN GENERAL.—The Small Business Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Small Business and Entrepreneurship, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, including—

(1) a survey of broadband speeds available to small businesses;

(2) a survey of the cost of broadband speeds available to small businesses;

(3) a survey of the type of broadband technology used by small businesses; and

(4) any policy recommendations that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

SEC. 6. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and home broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

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

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

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant.

(d) PEER REVIEW; NONDISCLOSURE.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed; and

(B) provide the results of any review by such group to the Secretary of Commerce.

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.

(e) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business users adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to identify the speeds of broadband connections made available to individuals and businesses within the State, and, at a minimum, to rely on the data rate benchmarks for broadband and second generation broadband identified by the Federal Communications Commission to promote greater consistency of data among the States;

(5) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(6) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved and underserved areas, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(7) to establish programs to improve computer ownership and Internet access for unserved and underserved populations;

(8) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(9) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(10) to create within each State a geographic inventory map of broadband service, and where feasible second generation broadband service, which shall—

(A) identify gaps in such service through a method of geographic information system mapping of service availability at the census block level; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(f) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) REPORTING.—The Secretary of Commerce shall—

(1) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and

(2) create a web page on the Department of Commerce web site that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hypertext links to any geographic inventory maps created by grant recipients under subsection (e)(10).

(h) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a non-profit organization that is selected by a State to work in partnership with State agencies and private sector partners in identifying and tracking the availability and adoption of broadband services within each State.

(2) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(C) that has an established competency and proven record of working with public and private sectors to accomplish widescale deployment and adoption of broadband services and information technology; and

(D) the board of directors of which is not composed of a majority of individuals who are also employed by, or otherwise associated with, any Federal, State, or local government or any Federal, State, or local agency.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2008 through 2012.

(j) NO REGULATORY AUTHORITY.—Nothing in this section shall be construed as giving any public or private entity established or affected by this Act any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 1493. A bill to promote innovation and basic research in advanced information and communications technologies that will enhance or facilitate the availability and affordability of advanced communications services to all Americans; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, the telecommunications industry started in this country as a series of wires crisscrossing the country to provide simple telegraph service. The telegraph allowed people to communicate from coast to coast in a matter of minutes, which was a marked improvement over the days required to deliver postal correspondence via the pony express. The industry quickly evolved from those initial telegraph lines with Alexander Graham Bell's invention of the telephone. This revolutionized telecommunications and created a multibillion dollar industry.

Today, telecommunications accounts for 3 percent of this country's gross domestic income, or roughly $335 billion. It employs over 1.25 million U.S. workers. The industry is a critical driver of U.S. economic growth and innovation. Historically, advances in telecommunications resulted from AT&T's steady funding of Bell Laboratories, the world-famous research facility that discovered the transistor, the laser, radar and sonar, digital signal processors, cellular telephone technology, and data-networking technology. Indeed, research in this last field, data-networking, is the basis of the 21st century's greatest resource, the Internet.

However, today, the pace of innovation in the United States is no longer as swift or as certain. For example, much of the world's wireless technologies come from Europe, and many of the handsets are designed and manufactured in other countries like China and South Korea. Part of the problem is the decline of Bell Labs, but financial pressures from Wall Street to perform in the short-term are also partly to blame. Companies can no longer afford to invest in basic, fundamental telecommunications research with project horizons beyond 5 years. Unless we can reverse this trend, I fear that the United States may fall permanently behind in the telecommunications innovation race.

That is why I am here today, to introduce the advanced Information and Communications Technology Research Act. By rededicating our efforts to the pursuit of innovation through basic, fundamental research, we can begin to restore our Nation's historic leadership in this critical industry. Toward that end, the legislation that I am introducing today will establish a telecommunications program within the National Science Foundation to focus research on the development of affordable advanced communications services in America. It would authorize $40 million in fiscal year 2008, increasing in $5 million increments to reach $60 million in FY 2012. The bill would also establish a Federal Advanced Information and Communications Technology Board within NSF to advise the program on appropriate research topics. Finally, the bill would accelerate efforts initiated almost 4 years ago to promote spectrum sharing technologies. It would require NTIA and the FCC to initiate a pilot program within 1 year that would make a small portion of spectrum available for shared use between Federal and non-Federal government users.

I look forward to working with my colleagues on this legislation in the weeks ahead.

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. 1493

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 ''Advanced Information and Communications Technology Research Act''.

SEC. 2. SPECTRUM-SHARING INNOVATION TESTBED.

(a) SPECTRUM-SHARING PLAN.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission and the Assistant Secretary of Commerce for Communications and Information, in coordination with other Federal agencies, shall—

(1) develop a plan to increase sharing of spectrum between Federal and non-Federal government users; and

(2) establish a pilot program for implementation of the plan.

(b) TECHNICAL SPECIFICATIONS.—The Commission and the Assistant Secretary—

(1) shall each identify a segment of spectrum of equal bandwidth within their respective jurisdiction for the pilot program that is approximately 10 megaHertz in width for assignment on a shared basis to Federal and non-Federal government use; and

(2) may take the spectrum for the pilot program from bands currently allocated on either an exclusive or shared basis.

(c) REPORT.—The Commission and the Assistant Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce 2 years after the inception of the pilot program describing the results of the program and suggesting appropriate procedures for expanding the program as appropriate.

SEC. 3. TELECOMMUNICATIONS INNOVATION ACCELERATION.

(a) PROGRAM.—In order to accelerate the pace of innovation with respect to telecommunications services (as defined in section 3(46) of the Communications Act of 1934 (47 U.S.C. 153(46)), equipment, and technology, the Director of the National Institute of Standards and Technology shall—

(1) establish a program linked to the goals and objectives of the measurement laboratories, to be known as the 'Telecommunications Standards and Technology Acceleration Research Program', to support and promote innovation in the United States through high-risk, high-reward telecommunications research; and

(2) set aside, from funds available to the measurement laboratories, an amount equal to not less than 8 percent of the funds available to the Institute each fiscal year for such Program.

(b) EXTERNAL FUNDING.—The Director shall ensure that at least 80 percent of the funds available for such Program shall be used to award competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities, including businesses and universities. In selecting entities to receive such assistance, the Director shall ensure that the project proposed by an entity has scientific and technical merit and that any resulting intellectual property shall vest in a United States entity that can commercialize the technology in a timely manner. Each external project shall involve at least one small or medium-sized business and the Director shall give priority to joint ventures between small or medium-sized businesses and educational institutions. Any grant shall be for a period not to exceed 3 years.

(c) COMPETITIONS.—The Director shall solicit proposals annually to address areas of national need for high-risk, high-reward telecommunications research, as identified by the Director.

(d) ANNUAL REPORT.—Each year the Director shall issue an annual report describing the program's activities, including include a description of the metrics upon which grant funding decisions were made in the previous fiscal year, any proposed changes to those metrics, metrics for evaluating the success of ongoing and completed grants, and an evaluation of ongoing and completed grants. The first annual report shall include best practices for management of programs to stimulate high-risk, high-reward telecommunications research.

(e) ADMINISTRATIVE EXPENSES.—No more than 5 percent of the finding available to the program may be used for administrative expenses.

(f) HIGH-RISK, HIGH-REWARD TELECOMMUNICATIONS RESEARCH DEFINED.—In this section, the term ''high-risk, high-reward telecommunications research'' means research that—

(1) has the potential for yielding results with far-ranging or wide-ranging implications;

(2) addresses critical national needs related to measurement standards and technology; and

(3) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process.

SEC. 4. ADVANCED COMMUNICATIONS SERVICES FOR ALL AMERICANS.

The Director of the National Institute of Standards and Technology shall continue to support research and support standards development in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all Americans, in order to implement the Institute's responsibilities under section 2(c)(12) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(12)). The Director shall support intramural research and cooperative research with institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) and industry.

SEC. 5. ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.

(a) INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.—The Director of the National Science Foundation shall establish a program of basic research in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all Americans.

In developing and carrying out the program, the Director shall consult with the Board established under subsection (b).

(b) FEDERAL ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH BOARD.—There is established within the National Science Foundation a Federal Advanced Information and Communications Technology Board which shall advise the Director of the National Science Foundation in carrying out the program authorized by subsection (a). The Board Shall be composed of individuals with expertise in information and communications technologies, including representatives from the National Telecommunications and Information Administration, the Federal Communications Commission, the National Institute of Standards and Technology, the Department of Defense, and representatives from industry and educational institutions.

(c) GRANT PROGRAM.—The Director, in consultation with the Board, shall award grants for basic research into advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services to all Americans. Areas of research to be supported through these grants include—

(1) affordable broadband access, including wireless technologies;

(2) network security and reliability;

(3) communications interoperability;

(4) networking protocols and architectures, including resilience to outages or attacks;

(5) trusted software;

(6) privacy;

(7) nanoelectronics for communications applications;

(8) low-power communications electronics;

(9) such other related areas as the Director, in consultation with the Board, finds appropriate; and

(10) implementation of equitable access to national advanced fiber optic research and educational networks, including access in noncontiguous States.

(d) CENTERS.—The Director shall award multiyear grants, subject to the availability of appropriations, to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), nonprofit research institutions affiliated with institutions of higher education, or consortia thereof to establish multidisciplinary Centers for Communications Research. The purpose of the Centers shall be to generate innovative approaches to problems in communications and information technology research, including the research areas described in subsection (c). Institutions of higher education, nonprofit research institutions affiliated with institutions of higher education, or consortia receiving such grants may partner with 1 or more government laboratories or for-profit entities, or other institutions of higher education or nonprofit research institutions.

(e) APPLICATIONS.—The Director, in consultation with the Board, shall establish criteria for the award of grants under subsections (c) and (d). Grants shall be awarded under the program on a merit-reviewed competitive basis. The Director shall give priority to grants that offer the potential for revolutionary rather than evolutionary breakthroughs.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section—

(1) $40,000,000 for fiscal year 2008;

(2) $45,000,000 for fiscal year 2009;

(3) $50,000,000 for fiscal year 2010;

(4) $55,000,000 for fiscal year 2011; and

(5) $60,000,000 for fiscal year 2012.

By Mr. DOMENICI (for himself, Mr. DORGAN, Mr. INOUYE, Mr. BAUCUS, Ms. COLLINS, Mrs. LINCOLN, Mr. HATCH, Mr. BINGAMAN, Ms. STABENOW, Mr. SCHUMER, and Mr. DURBIN):

S. 1494. A bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. DOMENICI. Mr. President, I rise today with my colleague, Senator DORGAN, to introduce a bill to reauthorize and expand two very important public health programs created by the Balanced Budget Act of 1997; The Special Diabetes Program for Indians and the Special Funding Program for Type I Diabetes Research. I want to thank my colleagues, Senator INOUYE, Senator BAUCUS, Senator COLLINS, Senator LINCOLN, Senator HATCH, and Senator BINGAMAN for joining us as original cosponsors of this bill. This type of bipartisan support clearly shows that addressing this disease and its consequences is an important health priority for our Nation.

Diabetes is one of the most serious and devastating health problems of our time. The American Diabetes Association estimates that 20.8 million Americans have diabetes; more than 7 percent of our population. The number of U.S. adults with diagnosed diabetes has increased by more than 60 percent since 1991 and is projected to more than double by 2050. It ranks as the sixth leading cause of death in America. This has serious national implications; it is overwhelming health systems in the states and the Nation.

Although diabetes occurs in people of all ethnicities, the diabetes epidemic is particularly acute in our Native American populations. Among some tribes, as many as 50 percent of the adult population have the disease. That is why during the negotiations on the 1997 Balanced Budget Act, I helped craft an agreement to finance diabetes programs of the Indian Health Service and help raise the profile of tribal health programs. The Special Diabetes Program for Indians began with funding of $30 million annually for 5 years and was later expanded to $150 million a year. This funding has been used widely in Indian country, including among the Navajo Nation and the 19 Pueblos in New Mexico.

Federally supported treatment and prevention programs are showing real results in the Native American populations. The current funding has established almost 400 new diabetes treatment and prevention programs in Native communities. It has helped to provide critical resources such as medications and therapies, clinical exams, screenings, and resources to prevent complications. It has provided primary prevention activities such as physical fitness programs, medical nutrition therapy, wellness activities, and programs that target children and youth. The experiences of these programs have provided many important lessons learned that will benefit other minority communities and all people affected by diabetes.

Despite all the positive results we have seen from these efforts, there is still much more work to be done. I have traveled extensively on the Navajo reservation and other parts of Indian country and seen those who still need help. I have visited the dialysis centers and met with those who are suffering from the effects of this disease. Due to the prevalence of this problem, it will take years for us to achieve our ultimate goal of reducing and eliminating diabetes and its complications. But, unless Congress reauthorizes and expands this program, the funding for these efforts and activities will end next year. We can't let that happen. The Special Diabetes Program for Indians has made an enormous and substantial impact on the problem of diabetes in Indian communities. The loss of funding now would be devastating. We must continue to focus specific resources to address the epidemic of diabetes in the Native American communities. That is why the bill we are introducing today will reauthorize the Special Diabetes Program for Indians for an additional 5 years and increase the funding from $150 million to $200 million each year. This will provide a billion dollars over the next 5 years for this program, $250 million more than we are currently authorized to spend. Reauthorization of this vital program will help save lives. It is the right thing to do and it is a smart investment of our health care dollars.

In addition to the reauthorization of the Special Diabetes Program for Indians, this bill will also reauthorize another important tool in our battle against diabetes, the Special Funding Program for Type I Diabetes Research. Like the Indian program, this program is set to expire next year, and this bill will provide an authorization for an additional 5 years and increase the funding from $150 million to $200 million each year.

The Type I Diabetes research program which was also created in 1997 Balanced Budget Act has allowed the Federal Government to make dramatic advances in research and treatment since its inception. This funding has helped support research into the identification of genes that increase susceptibility to diabetes. It has helped with the development of therapies that have helped slow the progression and in some cases even reverse the progression of this disease. And it has helped develop tools and methods that help people manage the disease long term.

Again though, there is still much more work to be done. Continued investment in this program will help to maintain support for research that is truly helping those who are living with diabetes and help prevent the onset of diabetes in others. The Federal investment in research has produced tangible

results that I believe justify its continued support. Diabetes is taking too heavy a toll on too many Americans and their families. Continued funding is vital to the continuation of our fight against diabetes.

The prevention and treatment of diabetes has improved greatly over the past decade and I believe it is in large part due to the funding and research accomplished through these two programs. Complications of diabetes can be prevented and the costs of this disease to our society can be contained. Research, early detection and treatment, however, are the keys. I hope that Congress will join together to reauthorize these programs and also provide to them the increase in funding that they need to keep making advances.

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. 1494

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

SECTION 1. REAUTHORIZATION OF SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIANS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) $200,000,000 for each of fiscal years 2009 through 2013.''.

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) $200,000,000 for each of fiscal years 2009 through 2013.''.

Mr. DORGAN. Mr. President, I am pleased today to join my colleague from New Mexico in introducing legislation to reauthorize two very important efforts to address diabetes prevention and treatment and research: the Special Diabetes Program for Indians, which is administered by the Indian Health Service's Division of Diabetes Treatment and Prevention, and the Special Diabetes Programs for Children with Type I Diabetes Research, which is administered by the National Institutes of Health.

The Indian Affairs Committee held an oversight hearing on diabetes in Indian country this past February. Diabetes is an illness that afflicts Native Americans more than any other ethnic/racial group in the United States, and some tribes have the onerous distinction of having the highest diabetes rate in the world. Indian people are 318 percent more likely to die from diabetes than the general population.

The Special Diabetes Program for Indians is recognized as the most comprehensive rural system of care for diabetes in the United States. Grants under this program have been awarded by the Indian Health Service to nearly 400 IHS, tribal and urban Indian programs within the 12 IHS Areas in 35 States. The program serves approximately 116,000 Native American people with various prevention and treatment services.

While each of the Special Diabetes Program grants reflects the unique tribal community that conducts the program, here are some examples of the kinds of activities the program provides: teaching Indians living with diabetes how to examine and take care of their feet; helping young mothers learn how to eat healthy using commodity foods issued under the USDA's Food Distribution Program on Indian reservations, and how to learn the value of breastfeeding their babies to reduce the incidence of diabetes as the children grow older; enabling diabetics to have access to regular eye screening exams; helping Native Americans know the connection between eating healthy and preventing diabetes by adapting materials of the National Institutes of Health-funded clinical trial, called the Diabetes Prevention Program, to be culturally-appropriate; promoting physical activity in the reservation environment, such as building walking trails and displaying signs that say, ''Walk, don't take the elevator;'' and enabling Indian Health Service, tribal and urban Indian health programs to offer new medications for diabetes, such as glitazone, which helps increase insulin sensitivity.

Reauthorization of the Special Diabetes Program for Indians is both a legislative and a medical priority for Indian country. I urge my colleagues to support the measure that we are introducing today.

By Mr. INOUYE (for himself and Mr. WYDEN):

S. 1495. A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes; to the Committee on Finance.

Mr. INOUYE. Mr. President, foreign registered ships now carry 97 percent of the imports and exports moving in the U.S. international trade. These foreign vessels are held to lower standards than U.S. registered ships, and are, virtually, untaxed. Therefore, their costs of operation are lower than U.S. ship operating costs, which explains their 97 percent market share.

Three years ago, in order to help level the playing field for U.S. flag ships that compete in international trade, Congress enacted, under the American Jobs Creation Act of 2004, Public Law 108–357, Subchapter R, a ''tonnage tax'' that is based on the tonnage of a vessel, rather than taxing the U.S. flag ship's international income at a 35 percent corporate income tax rate. However, during the House and the Senate conference, language was included, which states that a U.S. vessel cannot use the tonnage tax on international income if that vessel also operates in U.S. domestic commerce for more than 30 days per year.

This 30-day limitation dramatically limits the availability of the tonnage tax for those U.S. ships that operate in both domestic and international trade and, accordingly, severely hinders their competitiveness in foreign commerce. It is important to recognize that ships operating in U.S. domestic trade already have significant cost disadvantages vis-à-vis U.S. ships operating in international trade. Specifically, U.S-flag ships that operate solely in international trade: 1. are built in foreign shipyards at one-third U.S. shipyard prices; 2. receive $2.6 million per ship per year in Federal maritime security payments in return for making these vessels available to the Department of Defense in time of national emergency; and 3. are owned by U.S. subsidiaries of foreign corporations. By contrast, U.S. flag ships that operate both in international trade a domestic trade are: 1. built in higher priced U.S. shipyards; 2. do not receive maritime security payments, even when operated in international trade, but have the same commitments to the Department of Defense; and 3. are owned by U.S.-based American corporations. Furthermore, the inability of these domestic operators to use the tonnage tax for their international service is an unnecessary burden on their competitive position in foreign commerce.

When windows of opportunity present themselves in international trade, American tax policy and maritime policy should facilitate the participation of these American-built ships. Instead, the 30-day limit makes them ineligible to use the tonnage tax, and further handicaps American vessels when competing for international cargo. Denying the tonnage tax to coastwise qualified ships further stymies the operation of American built ships in international commerce, and further exacerbates America's 97 percent reliance on foreign ships to carry its international cargo.

These concerns were of such sufficient importance that in December 2006, the Congress repealed the 30-day limit on domestic trading but only for approximately 50 ships operating in the Great Lakes. These ships primarily operate in domestic trade on the Great Lakes, but also carry cargo between the United States and Canada in international trade Section 415 of P.L. 109–432, the Tax Relief and Health Care Act of 2006.

The identifiable universe of remaining ships other than the Great Lakes ships that operate in domestic trade, but that may also operate temporarily in international trade, totals 13 U.S. flag vessels. These 13 ships normally

operate in domestic trades that involve Washington, Oregon, California, Hawaii, Alaska, Florida, Mississippi, and Louisiana. In the interest of providing equity to the U.S. corporations that own and operate these 13 vessels, my bill would repeal the tonnage tax 30-day limit on domestic operations and enable these vessels to utilize the tonnage tax on their international income so they receive the same treatment as other U.S. flag international operators. I stress that, under my bill, these ships will continue to pay the normal 35 percent U.S. corporate tax rate on their domestic income.

Repeal of the tonnage tax's 30-day limit on domestic operations is a necessary step toward providing tax equity between U.S. flag and foreign flag vessels. I strongly urge the tax writing committees of the Congress to give this legislation their expedited consideration and approval. 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. 1495

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

SECTION 1. MODIFICATION OF THE APPLICATION OF THE TONNAGE TAX ON VESSELS OPERATING IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES,.

(a) IN GENERAL.—Subsection (f) of section 1355 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

''(f) EFFECT OF OPERATING A QUALIFYING VESSEL IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.—For purposes of this subchapter—

''(1) an electing corporation shall be treated as continuing to use a qualifying vessel in the United States foreign trade during any period of use in the United States domestic trade, and

''(2) gross income from such United States domestic trade shall not be excluded under section 1357(a), but shall not be taken into account for purposes of section 1353(b)(1)(B) or for purposes of section 1356 in connection with the application of section 1357 or 1358.''.

(b) REGULATORY AUTHORITY FOR ALLOCATION OF CREDITS, INCOME, AND DEDUCTIONS.—Section 1358 of the Internal Revenue Code of 1986 (relating to allocation of credits, income, and deductions) is amended—

(1) by striking ''in accordance with this subsection'' in subsection (c) and inserting ''to the extent provided in such regulations as may be prescribed by the Secretary'', and

(2) by adding at the end the following new subsection:

''(d) REGULATIONS.—The Secretary shall prescribe regulations consistent with the provisions of this subchapter for the purpose of allocating gross income, deductions, and credits between or among qualifying shipping activities and other activities of a taxpayer.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1355(a)(4) of the Internal Revenue Code of 1986 is amended by striking ''exclusively''.

(2) Section 1355(b)(1)(B) of such Code is amended by striking ''as a qualifying vessel'' and inserting ''in the transportation of goods or passengers''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. CARDIN:

S. 1497. A bill to promote the energy independence of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, for the sake of our security, economy and environment, America needs a comprehensive energy policy that is independent of foreign energy sources and weans America off of fossil fuels.

Last year, I introduced comprehensive energy legislation that would address the many challenges across our economy to achieving sustainable energy independence. I am very hopeful that this Congress will soon take steps to bring forward a comprehensive energy bill that will address many of the areas I believe are essential to this effort. I have cosponsored many of the individual planks of this comprehensive effort, and today I want to address how we can ensure that this energy policy does not have an expiration date or fall short of its laudable goals.

Today I am introducing the Energy Independence Act.

The Energy Independence Act will deliver energy independence to Americans by providing an energy plan that has the capacity to change with innovation. My bill will ensure that our energy policy will increase the efficiency and decrease the environmental impact of America's energy policy, and encourage our energy policy to adapt to our needs and abilities.

My bill will set a congressional goal of achieving energy independence by 2017. ''Energy independence'' is defined as meeting all but 10 percent of our energy needs from domestic energy sources. The bill will also set a congressional goal of achieving independence from fossil fuels by 2037.

My bill will also create a Blue Ribbon Energy Commission, which will meet every two years starting in 2009, to evaluate our progress in efforts to become energy independent, and to recommend changes to be made in reports to Congress.

These are achievable goals.

Petroleum, mostly used for transportation, accounts for 84 percent of our imported energy. Transportation accounts for roughly 28 percent of our energy use. I support raising CAFÉ standards, and have cosponsored S. 357, legislation by Senator FEINSTEIN which would raise these standards to 35 miles per gallon by 2019. Studies show that raising CAFÉ standards to 40 miles per gallon would save over 36 billion gallons of gas per year, and creating efficiency standards for replacement tires would save more than 7 billion barrels of oil over the next 50 years. Creating incentives for commuting by train or bus, and funding upgrades and new starts in public transit services, such as the purple line of the DC metro, will also make a difference—in an average year, the round trip to work uses over 250 gallons of gas and creates about 5,000 pounds of carbon dioxide emissions.

As part of a comprehensive energy bill we should also be mindful of the long-term effects of our energy policy on the environment, our landscape, and our health. I cosponsored S. 309, legislation by Senators SANDERS and BOXER that provides for an economy-wide emissions cap and trade program. Enacting an economy-wide cap and trade program will ensure that our energy policy will be truly sustainable.

America currently gets only 6.3 percent of its energy from renewable energy sources. Current ideas for addressing this problem focus on trying to make the large up-front investment in infrastructure required to produce renewable energy less daunting, by creating a long-term market for renewable energy through increasing the Federal Government's use of renewables and creating a Federal renewable portfolio standard to make utilities offer renewable energy to American consumers, and by making incentives like the renewable production tax credit permanent. I support creating Federal renewable portfolio standard, and will cosponsor legislation to be offered by Senator BINGAMAN to do so. I have also cosponsored S. 590, Senator SMITH's legislation that would extend solar tax incentives through 2016, while expanding these incentives to cover more of the up-front investment required to use solar energy.

In order to get to energy independence we must substantially increase our investment in energy research. I cosponsored S. 761, Senator REID's America COMPETES Act, which will increase R&D funding for the Department of Energy, increase the DOE's emphasis on advanced energy research to overcome the long-term and high-risk technological barriers to the development of energy technologies, and implement recommendations made by the National Academies of Sciences report Rising Above a Gathering Storm.

I will be advocating other areas of energy policy reform, including increasing funding for weatherization, providing incentives for telecommuting, and providing additional energy efficiency standards for appliances.

We can do better, and the one overarching theme in the quest for a sustainable, long-term energy policy is the need to be able to be flexible and change our energy policy to suit our needs, capacity, research and development. My bill will give us the ability to provide long-term, bipartisan solutions that will address our energy policy going forward, and give us the flexibility, and the considered solutions of experts, to give the American people the energy policy they deserve.

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. 1497

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 ''Energy Independence Act of 2007''.

SEC. 2. PURPOSE AND GOALS.

The purpose of this Act is to provide support for projects and activities to facilitate the energy independence of the United States so as to ensure that—

(1) all but 10 percent of the energy needs of the United States are supplied by domestic energy sources by calendar year 2017; and

(2) all but 20 percent of the energy needs of the United States are supplied by non-fossil fuel sources by calendar year 2037.

SEC. 3. ENERGY POLICY COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the ''National Commission on Energy Independence'' (referred to in this section as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 3 shall be appointed by the minority leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 3 shall be appointed by the minority leader of the House of Representatives.

(3) CO-CHAIRPERSONS.—

(A) IN GENERAL.—The President shall designate 2 co-chairpersons from among the members of the Commission appointed.

(B) POLITICAL AFFILIATION.—The co-chairpersons designated under subparagraph (A) shall not both be affiliated with the same political party.

(4) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(5) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the energy policy of the United States by—

(1) reviewing relevant analyses of the current and long-term energy policy of, and conditions in, the United States;

(2) identifying problems that may threaten the achievement by the United States of long-term energy policy goals, including energy independence;

(3) analyzing potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and

(4) providing recommendations that will ensure, to the maximum extent practicable, that the energy policy goals of the United States are achieved.

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than December 31 of each of calendar years 2009, 2011, 2013, and 2015, the Commission shall submit to Congress and the President a report on the progress of United States in meeting the long-term energy policy goal of energy independence, including a detailed statement of the findings, conclusions, and recommendations of the Commission.

(2) LEGISLATIVE LANGUAGE.—If a recommendation submitted under paragraph (1) involves legislative action, the report shall include proposed legislative language to carry out the action.

(d) COMMISSION PERSONNEL MATTERS.—

(1) STAFF AND DIRECTOR.—The Commission shall have a staff headed by an Executive Director.

(2) STAFF APPOINTMENT.—The Executive Director may appoint such personnel as the Executive Director and the Commission determine to be appropriate.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) FEDERAL AGENCIES.—

(A) DETAIL OF GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission.

(ii) NATURE OF DETAIL.—Any detail of a Federal employee under clause (i) shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(B) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out the duties of the Commission.

(e) RESOURCES.—

(1) IN GENERAL.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Executive agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(2) FORM OF REQUESTS.—The co-chairpersons of the Commission shall make requests for access described in paragraph (1) in writing, as necessary.

By Mrs. BOXER (for herself, Mr. VITTER, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. 1498. A bill to amend the Lacey Act Amendments of 1981 to prohibit the import, export, transportation, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any live animal of any prohibited wildlife species, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today, I am introducing the Captive Primate Safety Act. I am pleased to be joined by Senators VITTER, LIEBERMAN, LAUTENBERG, and MENENDEZ. An almost identical bill passed the Senate by unanimous consent in the 109th Congress.

This bipartisan bill amends the Lacey Act to prohibit transporting monkeys, great apes, lemurs, and other nonhuman primates across State lines for the pet trade, much like the Captive Wildlife Safety Act, which passed unanimously in 2003, did for tigers and other big cats.

This bill has no impact on trade or transportation of animals for zoos, medical and other licensed research facilities, or certain other licensed and regulated entities. The prohibitions in the Lacey Act only apply to the pet trade.

I am proud that this legislation is supported by the Humane Society of the United States, the American Zoo and Aquarium Association, the American Veterinary Medical Association, Defenders of Wildlife and the Wildlife Conservation Society and many other organizations.

I look forward to working with all my colleagues to enact this legislation.

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

S. 1503. A bill to improve domestic fuels security; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I rise to introduce the Gas Petroleum Refiner Improvement and Community Empowerment Act or Gas PRICE Act. While chairman of the Committee on Environment and Public Works, I sought to move a similar measure. Unfortunately, my colleagues on the other side of the aisle managed to block the bill at that time.

Today, motorists are facing record high gas prices and according to Labor statistics, those higher fuel prices are hurting the national economy as a whole. Unfortunately, the pain at the pump, the grocery store, and the shopping mall were predicted long ago and are largely a function of politicking, rhetoric, and finger pointing, actions that continue today.

According to Deutsche Bank energy experts Paul Sankey and Rich Volina, who testified May 15, 2007 before the Senate Energy Committee, ''Anybody who blames record high U.S. gasoline prices on ''gouging'' at the pump simply reveals their total ignorance of global supply and demand fundamentals.'' Yet yesterday the House narrowly passed a bill that; goes just that; goes after so called ''gougers'' while doing nothing to affect supply.

I am hopeful that my colleagues in the Senate will join me and quickly pass the bill I am introducing today. Our constituents elected us to solve problems and make their lives better, not to name call and demagogue.

I have been talking about the lack of adequate refining supplies for some years. In May 2004, while chairman of the Committee on Environment and Public Works, I held a hearing on the environmental issues regarding oil refining. The committee received testimony about the lack of adequate refining capacity and the obstacles the industry faced in order to meet consumer demand.

In a May 2005 speech, then-Federal Reserve Chairman Alan Greenspan stated, ''The status of world refining capacity has become worrisome as well. Of special concern is the need to add adequate coking and desulphurization capacity to convert the average gravity and sulphur content of much of the world's crude oil to the lighter and sweeter needs of product markets, which are increasingly dominated by transportation fuels that must meet ever-more stringent environmental requirements.''

The fact of the matter is that, like it or not, the U.S. needs to increase its

refining capacity if we are to solve the economic struggles facing every family.

The bill I am introducing today redefines and broadens our understanding of a ''refinery'' to be a ''domestic fuels facility.'' Oil has been and will continue to play a major role in the U.S. economy, but the future of our domestic transportation fuels system must also include new sources such as ultra-clean syn-fuels derived from coal and cellulosic ethanol derived from home-grown grasses and biomass.

Expanding existing domestic fuels facilities like refineries or constructing new ones face a maze of environmental permitting challenges. The Gas PRICE Act provides a Governor with the option of requiring the Federal EPA to provide the state with financial and technical resources to accomplish the job and establishes a certain permitting process for all parties. And it does so without waiving environmental laws and working with local governments.

The public demands increasing supplies of transportation fuel, but they also expect that fuel to be good for their health and the environment. To that end, the bill requires the EPA to establish a demonstration to assess the use of Fischer-Tropsch FT diesel and jet fuel as an emission control strategy. Initial tests have found that FT diesel emits 25 percent less NO_X, nearly 20 percent less PM1O, and approximately 90 percent less SO_X than low sulfur petroleum diesel. Further, U.S. Air Force tests at Tinker base in my home state found that blends of FT aircraft fuel reduced particulate 47–90 percent and completely eliminated SO_X emissions over contemporary fuels in use today.

Good concepts in Washington are bad ideas if no one wants them at home. As a former Mayor of Tulsa, I am a strong believer in local and state control. The Federal Government should provide incentives to not mandate on local communities. Increasing clean domestic fuel supplies is in the nation's security interest, but those facilities can also provide high paying jobs to people and towns in need. My bill provides financial incentives to the two most economically distressed communities in the Nation, towns affected by BRAC and Indian tribes consider building coal-to-liquids and commercial scale cellulosic ethanol facilities.

I am very proud that my home state of Oklahoma is a leader in the development of energy crops for cellulosic biofuels, and specifically coordinated programs through the Noble Foundation in Ardmore. The key now is to promote investment in this exciting area, and nothing would speed the rapid expansion of the cellulosic biofuels industry more than investment by the Nation's traditional providers of liquid transportation fuels.

Many integrated oil companies have formed or substantially expanded their biofuels divisions within the past year to prepare for the eventuality of cost-competitive cellulosic biofuels. Cellulosic biorefineries will want to create an assured supply of feedstock and will enter into long-term contracts with surrounding biomass producers.

One of the incentives for oil companies to invest in exploration is that their stock prices are affected by their declared proved reserves. Creating a definition of renewable reserves would create a similar incentive for them to invest in cellulosic biofuels.

In 1975, Congress directed the SEC to promulgate a definition of proved reserves. At that time, the SEC based its definition upon broadly-accepted industry standards established by the Society of Petroleum Engineers 1978 FASB System. While no broadly accepted industry standards yet exist for thinking about dedicated energy crops, industry, growers and agronomists could be brought together to agree on standards and practices. Agronomists could play a similar role in estimation of renewable reserves to that of petroleum engineers in proved reserves by providing independent projections of biomass yields.

The Energy Policy Act of 2005 directed the Department of Energy to accelerate the commercial development of oil shale and tar sands. As these unconventional fuel sources reach viability, the SEC will be pressured to develop methodology to incorporate them into its reserves hierarchy. Given the country's interest in developing renewable alternatives to fossil fuels, it is logical that the SEC would develop criteria for the incorporation of biomass feedstock sources into its hierarchy at the same time.

This is Congress's least expensive way to jumpstart the cellulosic biofuels industry.

Much has changed in Washington since I was chairman of the Environment Committee and held hearings on the need to improve our domestic transportation fuels system. I hope that the new majority joins me in quickly passing the Gas PRICE Act doing so would be a material and substantive action toward their stated goal of ''energy independence'' and would go far beyond more partisan symbolism.

By Mr. GREGG (for himself, Mr. BURR, and Mr. COBURN):

S. 1505. A bill to amend the Public Health Service Act to provide for the approval of biosimilars, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, next month the Senate Health, Education, Labor, and Pensions Committee is expected to markup legislation creating a regulatory pathway for the approval of follow-on biologics, or ''biosimilars''. I look forward to working with my colleagues on this important issue and would especially like to thank Senator Hatch for his leadership in this area.

There are significant differences between small molecule drugs and larger protein derived therapeutic biologics. These differences are going to require a much more detailed and a much more complex approval pathway than the generic drug approval process. To protect patient safety, the FDA must be empowered to apply rigorous scientific standards to biosimilars seeking approval, while at the same time avoiding duplicative testing and unnecessary expense.

Biological products are among the most promising and effective medicines for the treatment of serious and life-threatening diseases. Unfortunately these medicines are often very expensive, and current U.S. law does not provide an abbreviated approval pathway for ''follow-on'' versions of these innovative products after key patents expire. Therefore, Congress should act so that patients can have access to less expensive versions of biologics, just as they do with generic small molecule drugs.

In addition to the great benefits associated with biologic products, the American biotech industry has become the world leader in development of new therapies for serious or life-threatening illnesses. This will only continue as there are now at least 400 biologics currently in development. To preserve this incredibly innovative industry, biotechnology companies need to have a meaningful period of time to recoup the extraordinary expenses incurred in bringing these life-saving medicines to market. If not, U.S. based research and development of new biotech medicines will be threatened.

Therefore, today I am introducing the Affordable Biologics for Consumers Act of 2007. It requires the FDA develop science-based rules for approval of biologics on a product-class basis. The legislation also provides 14 years of data exclusivity for innovator drug manufacturer products, with an additional 2 years available if the Secretary approves a new indication for the reference product. This legislation will ensure that patients have access to safe and affordable biologics, while protecting innovation and spurring the development of new life-saving therapies.

I urge my colleagues to join me, and the many patient groups that have endorsed this legislation, in supporting this crucial piece of legislation.

Mr. HATCH. Mr. President, I rise to commend our colleagues, Senators GREGG, BURR, and COBURN, for their introduction today of the Affordable Biologics for Consumers Act, S. 1505.

As my colleagues are aware, I am the original author with Representative HENRY WAXMAN of the Drug Price Competition and Patent Term Restoration Act, a law which gave rise to today's generic drug industry. And so, I have a long-standing interest in making certain that consumers have access to affordable medications and that we provide the appropriate incentives for development of the new products that are eventually to be copied.

We must rectify the fact that there is no clear pathway for follow-on copies

of biological products, such as human growth hormone or insulin, to take two easy examples. And it must be rectified on a priority basis.

That the Hatch-Waxman law did not cover these biologic products was not a simple omission. Indeed, the market for biologicals really did not develop until after enactment of Waxman-Hatch in 1984.

For many years, I have worked toward development of a pathway for these ''follow-on'' products, but it was not until recently that I believe we have developed a public consensus that there is the scientific and regulatory underpinning necessary to write a good law.

Comes now the Gregg-Burr-Coburn bill, which must be seen as an important contribution to the necessary dialog on follow-on biologics.

The Gregg-Burr-Coburn proposal addresses elements which I believe are key to any law we enact. First, there must be sufficient incentive for the development of biologic products. That incentive is tied inherently to an appropriate protection of the innovator's intellectual property. And the protection must be for a sufficient length of time to allow inventors of the molecule and others who have a financial stake in its development to recoup the substantial time and investment necessary to invent a biologic. Such protections are key for biotechnology companies, large and small, but also for universities that conduct much of the research on new molecules and the other investors who support that promising research.

Second, we should not create unnecessary barriers to marketing of lower-cost, successor biologic products. While the law must contemplate that the follow-on products be subjected to a rigorous scientific review to ensure they are safe, pure and potent, that review, however, should be flexible enough to make certain there are not unnecessary barriers to market entry for the lower-cost alternatives.

Third, past history should inform our decision-making when it can, but any law we write must reflect the emerging realities of today's pharmaceutical market.

And, finally, the law must reflect a careful balance. We all want consumers to have access to more affordable medications, and surely there is a need to allow patients to buy less expensive biological products. At the same time, we want to make certain that the abbreviated pathway for these follow-on biologics contemplates review of products which are truly follow-ons to the innovators' products, and not new biologics. This is tied inherently to the standard which is developed for ''similarity'' of the follow-on to the innovator.

As many are aware, Senators Kennedy, Enzi, Clinton and I have been meeting for some time to discuss the elements that must be included in any follow-on biologics legislation. While I have been working on draft legislation for some time, I have not introduced a proposal pending a successful conclusion to those discussions. It has been our hope, and it remains our hope, that our meetings will lead to development of a consensus document that will provide the basis for the expected HELP Committee markup on June 13th.

There is no doubt in my mind that the Gregg-Burr-Coburn proposal will help inform the discussions of we four Senators, and indeed the HELP Committee's deliberations on this issue. Senators Gregg, Burr and Coburn have a proven record in contributing greatly to the body of law we call the Food, Drug and Cosmetic Act. Their bill is a thoughtful and serious contribution and it is a significant work that this body should recognize.

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

S. 1506. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation that would increase protections for the Nation's beaches and the public.

This bill, the Beach Protection Act, will amend the sections of the Clean Water Act that were enacted in the Beaches Environmental Assessment and Coastal Health, BEACH, Act, which I wrote in 1990, and which was enacted and signed by President Clinton in 2000.

The BEACH Act required states to adopt the Environmental Protection Agency's 1986 national bacteria standard for beach water quality and provided incentive grants for States to set up beach monitoring and public notification programs. At the time Congress passed the BEACH Act, only 7 States had adopted water quality standards for bacteria at least as stringent as those recommended by EPA in 1986. Only 9 States had programs in place to monitor all or most of their beaches for pathogens, and to close the beaches or issue advisories when coastal waters are not safe. Only 5 States compiled and publicized records of beach closings and advisories. New Jersey was one of the leaders in all three of these categories.

Now, thanks to the BEACH Act, every coastal State except Alaska has a monitoring program and a program for public notification of contamination of beach waters. In addition, every State has adopted standards at least as stringent as those set by EPA.

The Beach Protection Act would build upon the progress we have made since passage of the BEACH Act, to improve monitoring and notification requirements, and improve the protection of our beaches.

The Beach Protection Act will reauthorize the Federal grants created under the BEACH Act, and make several improvements to the program, based upon the lessons learned over the last 7 years. These amendments will increase protections and help reduce the water pollution that threatens the environment and public health.

First, the Beach Protection Act will increase the funds available to States, and expand the uses of those funds to include tracking the sources of pollution that cause beach closures, and supporting pollution prevention efforts. It will also require EPA to develop methods for rapid testing of beach water, so that results are available in 2 hours, instead of 2 days.

Secondly, this legislation will strengthen the requirements for public notification of health risks posed by beach water contamination, and ensure that all State and local agencies that play a role in protecting the environment and public health are notified of violations of water quality standards.

Finally, the Beach Protection Act will improve accountability for states that fail to comply with the requirements of the Act.

These measures will improve the public's awareness of health risks posed by contamination of coastal waters, and create additional tools for addressing the sources of pollution that cause beach closures, including leaking or overflowing sewer systems and stormwater runoff.

Clean water is an economic and public health necessity for New Jersey and other coastal states. I have devoted my career to keeping New Jersey's waters clean and safe for swimming and fishing. The original BEACH Act I authored was an important step toward ensuring cleaner, safer beaches. The Beach Protection Act will further strengthen protections for the public and our beaches.

I am pleased that Senator Menendez is joining me as an original cosponsor of this legislation. I look forward to working with my colleagues to move this legislation forward toward passage.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1507. A bill to amend title XVIII of the Social Security Act to provide for drug and health care claims data release; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague from Montana, Senator BAUCUS in introducing the Access to Medicare Data Act of 2007. This legislation is based on S. 3897, the Medicare Data Access and Research Act, which Senator BAUCUS and I introduced in the 109th Congress.

The bill we are introducing today establishes a framework under which Federal agencies within the Department of Health and Human Services would have access to Medicare data, including data collected under the Medicare prescription drug benefit, to conduct research consistent with the agencies' missions. The legislation also creates a process through which university-based and other researchers who

meet a strict set of requirements would be permitted to use Medicare data for research purposes.

As I said last year, Medicare data, particularly prescription drug data, are an immense resource that can support critical health services research, especially research on drug safety. Examining Medicare data could help the FDA identify situations, such as the one involving Vioxx more quickly and to take quick action to protect the public's health and safety.

But the FDA isn't the only place that this important research can and should occur. The study issued earlier this week in the New England Journal of Medicine regarding the prescription medicine Avandia clearly demonstrates that point. Researchers from the Cleveland Clinic found that there are serious problems with Avandia a drug that has been on the market for 8 years and is used to treat diabetes. Specifically, the researchers believe that taking Avandia increases the likelihood that a diabetic patient will have a heart attack and maybe even die. The researchers came to this conclusion after reviewing information from 42 clinical trials. Making Medicare data available to researchers like those at the Cleveland Clinic will offer another avenue for them to take in conducting research like this.

I want to be clear that, similar to last year's bill, the Access to Medicare Data Act won't permit just anyone to get the Medicare data. In applying for data access, researchers at universities and other organizations will have to meet strict criteria. They must have well-documented experience in analyzing the type and volume of data to be provided under the agreement. They must agree to publish and publicly disseminate their research methodology and results. They must obtain approval for their study from a review board. They must comply with all safeguards established by the Secretary to ensure the confidentiality of information. These safeguards cannot permit the disclosure of information to an extent greater than permitted by the Health Insurance Portability and Accountability Act of 1996 and the Privacy Act of 1974.

I am hopeful that we can get this bill approved soon. I, for one, don't want to be standing here next year talking about another Vioxx or another Avandia. We need to improve and create more opportunities for the government, as well as other researchers, to spot potential trouble with a drug more quickly and to take swifter steps to protect the public's health and safety. The Access to Medicare Data Act will help us accomplish that critical goal.

By Ms. LANDRIEU (for herself, Mr. KERRY, Mr. NELSON of Florida, and Mr. MARTINEZ):

S. 1509. A bill to improve United States hurricane forecasting, monitoring, and warning capabilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak about a very important, and timely issue, for constituents all along the Gulf Coast, as well as coastal residents along the Atlantic seaboard, the need for accurate hurricane forecasting and tracking. This issue is particularly timely with the 2007 Atlantic Hurricane season beginning next week. According to the National Hurricane Center, 2007 is estimated to have between 13 to 17 named storms, 7 to 10 hurricanes, and 3 to 5 major hurricanes. When I hear ''three to five major hurricanes'' I have to admit it makes me and my constituents a little nervous because, in 2005, as the world is well aware, we had another active hurricane season with three major storms, Katrina, Rita and Wilma impacting the Gulf Coast States. Two of these powerful storms, Katrina and Rita, slammed into my State of Louisiana. We lost hundreds of lives and thousands of businesses as a result. To this day, the region is still slowly recovering, but by all accounts, the loss of life and property could have been much worse had we not had top notch forecasting and tracking of these storms. Accurate monitoring of these storms, from their development in the Gulf and Atlantic Ocean, until they slammed into the Gulf Coast, literally saved lives as thousands of residents were able to evacuate from the impacted areas. This accurate forecast, showing residents if they are in the possible ''danger zone,'' is provided by the experts in the National Hurricane Center but they cannot do their job without the necessary data. Such data is provided via buoys in the water, Hurricane Hunter Aircraft, radar stations on the ground, as well as satellites.

With recent advances in technology, I believe sometimes we take for granted these satellites, which are so far removed from our daily existence as to be ''out of sight, out of mind.'' However, they are a major part of our daily lives as satellites now provide us with our radio stations, give us driving directions, bring us our favorite television shows. These same satellites also give us views of distant galaxies/stars and allow us to see weather patterns days before they come through our towns. It is this use of weather tracking satellites of which I would like to highlight with the upcoming hurricane season. As Hurricane Katrina showed us, Federal and State response plans are not worth the paper they are printed on if you do not know where or when the disaster might strike. No amount of satellite phones or stockpiles of supplies are helpful if they are on the other side of the country when a disaster hits. Pre-positioning personnel and supplies ahead of a disaster, as well as efficient evacuations of residents from a possible disaster area depends just as much on accurate weather forecasting as it does on efficient planning. That is why these weather satellites are so key, they allow experts to say with some certainty that one area will be out of harm's way while another area is in potential danger.

One of these weather satellites is the Quick Scatterometer, or QuikSCAT satellite. QuikSCAT is an ocean-observing satellite launched in June 1999 to replace the capability of the National Aeronautics and Space Administration Scatterometer, NSCAT, satellite. The NSCAT lost power in 1997, 9 months after launch in September 1996. QuikSCAT has the objective of improving weather forecasts near coastlines by using wind data in numerical weather-and-wave prediction. It also was launched with the purpose of improving hurricane warning/monitoring as well as serving as the next ''El Niño watcher'' for NASA. This particular satellite was instrumental in accurate tracking of Tropical Storm, later Hurricane Katrina, as it provided NOAA experts with accurate data on the wind speed and direction for Katrina. It gives experts an estimate of the size of the tropical storm winds and the hurricane winds.

Given how important this satellite is for hurricane forecasting, many in Congress including myself are concerned as this essential satellite is currently 5 years over its intended 3 year lifespan and could fail at any moment. I am aware that there are ongoing discussions in terms of getting a replacement satellite for QuikSCAT but it is just that, discussions. As it stands today, there are currently no contingency plans in place should this satellite fail and no program in place to fast track a next-generation QuikSCAT. What would the impact be you ask if this satellite fails? Well, according to Bill Proenza, Director of the National Hurricane Center, without QuikSCAT, hurricane forecasting would be 16 percent less accurate 72 hours before hurricane landfall and 10 percent less accurate 48 hours before hurricane landfall. This loss of accuracy means a great deal for those impacted by future storms as experts would have to expand the area possibly impacted to fully ensure those impacted were properly warned. For example, a 16 percent loss of accuracy at 72 hours before landfall would increase the area expected to be under hurricane danger from 197 miles to 228 miles on average. With a 10 percent loss of accuracy at 48 hours before landfall, the area expected to be under hurricane danger would rise from 136 miles to 150 miles on average. Greater inaccuracy of this type would lead to more ''false alarm'' evacuations along the Gulf Coast and Atlantic Coast and, as a result, decrease the possibility of impacted populations sufficiently heeding mandatory evacuations. As someone who has spent my whole life in Louisiana and who has been through many hurricanes, I can tell you that if someone evacuates and then the storm turns or does not impact their area,

they are less likely to evacuate for the next storm. It is human nature and although Katrina has left many in my part of the country more attentive to evacuation orders, as time passes certainly people will not heed orders if inaccurate hurricane forecasts cause them to pack their belongings and rush away from their homes, only to have the storm hit another State. So it is essential to provide the National Hurricane Center and NOAA with the tools they need to get the forecast right and better prepare coastal residents for future hurricanes and storms.

With this in mind, I am introducing today the Improved Hurricane Tracking and Forecasting Act of 2007. I am proud to be joined on this legislation by Senators KERRY, BILL NELSON, and MARTINEZ. My colleagues from Florida spend much time working on hurricane preparedness and I am honored to have their support on this bill, as well as the support from my friend from Massachusetts. This broad array of support from senators from both the Gulf Coast and Atlantic Coast shows how essential this particular satellite program is for our coastal residents. Furthermore, my colleague from Louisiana, Representative CHARLIE MELANCON, introduced the House version of this bill along with Representative RON KLEIN from Florida.

This is very straightforward bill as it authorizes $375 million for a new satellite. QuikSCAT is 5 years past its projected lifespan and a new replacement is needed so this bill fills the need. The funds would go to NOAA for the design and launch of an improved QuikSCAT satellite. This new satellite would take advantage of recent advances in technology and maintain continuity of operations for the current QuikSCAT weather forecasting and warning capabilities. To ensure that we are not left in another position like this, with an ailing satellite in space and no contingency plans for a replacement, this bill also institutes some reporting requirements for the new QuikSCAT satellite. When this satellite is launched, NOAA would be required to update Congress on the operational status of the satellite and its data capabilities. I believe this is a commonsense requirement which would put the Congress in a position in the future to fast track authorization or funding should it be necessary, rather than having to play catch up.

I strongly believe this bill is necessary to protect our coastal residents from future hurricanes. This is because, according to the U.S. Census Bureau, close to 53 percent of the U.S. population resides within the first 50 miles of the coast. You also have to take into account that although hurricanes usually hit the Gulf Coast or southern Atlantic Coast, hurricanes have and possibly will strike the more populous northeast Atlantic Coast. Hurricane Katrina devastated Alabama, Louisiana and Mississippi but consider the same magnitude of storm striking heavily populated New York, Massachusetts, or Pennsylvania it would not only devastate the region but leave the Nation's financial and commerce centers in ruins. I urge my colleagues to support this legislation since it will help improve hurricane forecasting and will maintain continuity of operations for current hurricane forecasting and warning capabilities.

I ask unanimous consent that the text of the bill and articles relating to QuikSCAT be printed in the RECORD.

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

S. 1509

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 ''Improved Hurricane Tracking and Forecasting Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Scatterometers on satellites are state-of-the-art radar instruments which operate by transmitting high-frequency microwave pulses to the ocean surface and measuring echoed radar pulses bounced back to the satellite.

(2) Scatterometers can acquire hundreds of times more observations of surface wind velocity each day than can ships and buoys, and are the only remote-sensing systems able to provide continuous, accurate and high-resolution measurements of both wind speeds and direction regardless of weather conditions.

(3) The Quick Scatterometer satellite (QuikSCAT) is an ocean-observing satellite launched on June 19, 1999, to replace the capability of the National Aeronautics and Space Administration Scatterometer (NSCAT), an instrument which lost power in 1997, 9 months after launch in September 1996.

(4) The QuikSCAT satellite has the operational objective of improving weather forecasts near coastlines by using wind data in numerical weather-and-wave prediction, as well as improve hurricane warning and monitoring and acting as the next ''El Nino watcher'' for the National Aeronautics and Space Administration.

(5) The QuikSCAT satellite was built in just 12 months and was launched with a 3-year design life, but continues to perform per specifications, with its backup transmitter, as it enters into its 8th year—5 years past its projected lifespan.

(6) The QuikSCAT satellite provides daily coverage of 90 percent of the world's oceans, and its data has been a vital contribution to National Weather Service forecasts and warnings over water since 2000.

(7) Despite its continuing performance, the QuikSCAT satellite is well beyond its expected design life and a replacement is urgently needed because, according to the National Hurricane Center, without the QuikSCAT satellite—

(A) hurricane forecasting would be 16 percent less accurate 72 hours before hurricane landfall and 10 percent less accurate 48 hours before hurricane landfall resulting in—

(i) with a 16 percent loss of accuracy at 72 hours before landfall, the area expected to be under hurricane danger would rise from 197 miles to 228 miles on average; and

(ii) with a 10 percent loss of accuracy at 48 hours before landfall, the area expected to be under hurricane danger would rise from 136 miles to 150 miles on average; and

(B) greater inaccuracy of this type would lead to more ''false alarm'' evacuations along the Gulf Coast and Atlantic Coast and decrease the possibility of impacted populations sufficiently heeding mandatory evacuations.

(8) According to recommendations in the National Academies of Science report entitled ''Decadal Survey'', a next generation ocean surface wind vector satellite mission is needed during the three year period beginning in 2013.

(9) According to the National Hurricane Center, a next generation ocean surface vector wind satellite is needed to take advantage of current technologies that already exist to overcome current limitations of the QuikSCAT satellite and enhance the capabilities of the National Hurricane Center to better warn coastal residents of possible hurricanes.

SEC. 3. PROGRAM FOR IMPROVED OCEAN SURFACE WINDS VECTOR SATELLITE.

(a) REQUIREMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the Administrator of the National Aeronautics and Space Administration and the head of any other department or agency of the United States Government designated by the President for purposes of this section, carry out a program for an improved ocean surface winds vector satellite.

(b) PURPOSES.—The purposes of the program required under subsection (a) shall be to provide for the development of an improved ocean surface winds vector satellite in order to—

(1) address science and application questions related to air-sea interaction, coastal circulation, and biological productivity;

(2) improve forecasting for hurricanes, coastal winds and storm surge, and other weather-related disasters;

(3) ensure continuity of quality for satellite ocean surface vector wind measurements so that existing weather forecasting and warning capabilities are not degraded;

(4) advance satellite ocean surface vector wind data capabilities; and

(5) address such other matters as the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Administrator of the National Aeronautics and Space Administration, considers appropriate.

(c) ANNUAL REPORTS.—

(1) REPORTS REQUIRED.—Not later than six months after the date of the enactment of this Act and annually thereafter until the termination of the program required under subsection (a), the Administrator of the National Oceanic and Atmospheric Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on the program required under subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) A current description of the program required under subsection (a), including the amount of funds expended for the program during the period covered by such report and the purposes for which such funds were expended.

(B) A description of the operational status of the satellite developed under the program, including a description of the current capabilities of the satellite and current estimate of the anticipated lifespan of the satellite.

(C) A description of current and proposed uses of the satellite by the United States Government, and academic, research, and other private entities, during the period covered by such report.

(D) Any other matters that the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Administrator of the National Aeronautics and Space Administration, considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the National Oceanic and Atmospheric Administration $375,000,000 to carry out the program required under subsection (a).

[From Florida Today, May 17, 2007]

KEY HURRICANE-DETECTING SATELLITE MAY FAIL SOON

(By Jim Waymer)

FORT LAUDERDALE, FLA.—A vital satellite for determining a hurricane's power could soon go kaput. NASA's QuikSCAT polar satellite is running on borrowed time and may soon leave forecasters—and therefore the general public—without the best, most precise information about how powerful approaching storms might become, a top hurricane official warned. And there's nothing to replace it. ''We are already on its backup transmitter,'' Bill Proenza, director of the National Hurricane Center, told a crowd of about 4,000 Wednesday at the first day of the Governor's Hurricane Conference in Fort Lauderdale. ''When we lose that, that satellite is gone.''

Proenza said the QuikSCAT satellite, launched in 1999, could take up to five years and $400 million to replace. The satellite was only designed to operate for three to five years, the new director of the hurricane center said. Proenza recently replaced Max Mayfield as director. ''I came in and was very concerned it wasn't being addressed,'' Proenza said in an interview with Florida Today. Proenza said he has emphasized the satellite's importance to top officials from the National Oceanic and Atmospheric Administration.

QuikSCAT measures broad windfields, giving forecasters a bigger picture of storms than ships or aircraft. Last year, the satellite's data revealed that what forecasters thought a weak tropical storm was really Hurricane Helene, a Category 2 hurricane. Kinks in an infrared camera and $3 billion in cost overruns have stalled the next generation of weather satellites, threatening a three-year or longer gap in coverage from orbiters that loop the Earth's poles and help predict where the next big hurricane will hit. The gap could worsen forecast errors from a few miles to a few hundred miles.

The precision of the two-day forecast would drop 10 percent, Proenza said, and the three-day forecast by 16 percent. Either loss in accuracy would equate to landfall predictions being off by potentially hundreds of miles in Florida, since storms approach at a steep angle.

Officials rely on precise predictions for tracks to avoid expensive, unnecessary evacuations—or worse, a failure to evacuate those in harm's way. A QuikSCAT failure and less precise predictions could lead to ''hurricane fatigue,'' with more people deciding to take their chances against approaching storms, officials said. ''There will be more cries of wolf,'' said Charlie Roberts, senior emergency management coordinator for Brevard County (Fla.) Emergency Management. ''And the probability of us jumping the gun increases.''

Launches of six replacement satellites were to start in 2009. But engineering difficulties with the satellites' cameras, bureaucratic snags and other delays caused the cost of the project to skyrocket to $10 billion—about 30 percent over budget—triggering a Department of Defense review of the project. Now, the earliest launch for the first replacement satellites would be 2012.

Forecasters worry that if the last of a fleet of older-generation satellites, planned for launch in late 2007, fails at or shortly after liftoff—one in 10 do—they would have insufficient satellite coverage beyond 2010. Longer high-altitude aerial flights could help make up for breaks in satellite forecast coverage. But airplanes are only good for forecasting small regions surrounding the storms, not the three- to five-day forecasts so vital for evacuation planning, Proenza said. Other NASA or European satellites may help compensate for some data lapses, too, but many of those are designed to gather long-term climate data, not storm information.

''I would like to see something that would last 10 years,'' Proenza said of a QuikSCAT replacement. ''NOAA needs to take it as a top priority from here.''

[From the Houston Chronicle, March 16, 2007]

EXPERT WARNS OF WORSE HURRICANE FORECASTS IF SATELLITE FAILS

(By Jessica Gresko)

MIAMI.—Certain hurricane forecasts could be up to 16 percent less accurate if a key weather satellite that is already beyond its expected lifespan fails, the National Hurricane Center's new director said Friday in calling for hundreds of millions of dollars in new funding for expanded research and predictions.

Bill Proenza also told the Associated Press in an wide-ranging interview that ties between global warming and increased hurricane strength seemed a ''natural linkage.'' But he cautioned that other weather conditions currently play a larger part in determining the strength and number of hurricanes.

One of Proenza's immediate concerns is the so-called ''QuikScat'' weather satellite, which lets forecasters measure basics such as wind speed. Replacing it would take at least four years even if the estimated $400 million cost were available immediately, he said.

It is currently in its seventh year of operation and was expected to last five, Proenza said, and it is only a matter of time until it fails. Without the satellite providing key data, Proenza said, both two- and three-day forecasts of a storm's path would be affected. The two-day forecast could be 10 percent worse while the three-day one could be affected up to 16 percent, Proenza said. That would mean longer stretches of coastline would have to be placed under warnings, and more people than necessary would have to evacuate.

Average track errors last year were about 100 miles on two-day forecasts and 150 miles on three-day predictions. Track errors have been cut in half over the past 15 years. Losing QuikScat could erode some of those gains, Proenza acknowlegded, adding he did not know of any plans to replace It.

Proenza, 62, also discussed a series of other concerns, naming New Orleans, the Northeast and the Florida Keys as among the areas most vulnerable to hurricanes. Apart from working with the media and emergency managers to help vulnerable residents prepare, he proposed having students come up with plans at school to discuss with their parents.

He said he believes hundreds of millions of dollars more money is needed to better understand storms. At the same time, he strongly opposed a proposal to close any of the National Weather Service's 122 offices around the nation or have them operate part time, saying ''weather certainly doesh't take a holiday.''

Proenza took over one of meteorology's most highly visible posts in January. His predecessor, Max Mayfield, had held the top spot for six years.

Like Mayfield, Proenza stressed the importance of preparedness, but he also set out slightly different positions. Global warming was one of them. Last year, the Caribbean and western Atlantic had the second-highest sea temperatures since 1930, but the season turned out to be quieter than expected, Proenza said. ''So there's got to be other factors working and impacting hurricanes and tropical storms than just sea surface temperatures or global warming,'' he said.

His comments distinguished him from Mayfield, who had said climate change didn't substantially enhance hurricane activity, especially the number of storms. Both men talked about being in a period of heightened hurricane activity since 1995, as part of a natural fluctuation.

[From the Institute for Emergency Management, May 2, 2007]

FAILING HURRICANE TRACKING SATELLITE

Hurricanes take lives and destroy property along the Gulf and Atlantic coasts virtually every year. The danger to lives and property is increasing as more and more people move to the coastlines. Over 50 percent of the U.S. population lives within 50 miles of the coast. Of this population, 7 million have moved to the coast since 2005—many of these people have never faced a hurricane before.

As coastlines become more densely populated, longer lead times are needed to evacuate each area threatened by a storm. As a result, hurricane forecasting tools have become increasingly important. The nation's principal forecast agencies are the National Weather Service and the National Hurricane Center. The National Hurricane Center uses a variety of scientific instruments and tools, including satllites, reconnaissance planes, radar, and weather-sensing devices. One very crucial forecasting tool is the QuikSCAT satellite.

The QuikSCAT satellite was launched in 1999 by NASA's Jet Propulsion Laboratory, and was expected to last until 2002. It includes an experimental sensor to determine a Hurricane's intensity and wind patterns. It is like a storm's X-ray, showing the inner structure of a hurricane. The QuikSCAT is still functioning, but it is now 8 years old, five years past its projected lifespan. If it fails, tbe consequences could be dire.

There is considerable uncertainty about the path of a hurricane. When a storm is far out at sea, a large section of the coastline is identified as being a potential landfall site. As the storm gets closer, the area of expected landfall shrinks down. Since cities and communities have to evacuate many hours before expected landfall, it is important to know as early as possible where a storm might strike. Most cities along the coast require more than 36 hours to safely evacuate the majority of their residents. If there are large numbers of citizens without cars or the ability to move, the time needed to evacuate becomes considerably longer. In 2005, good forecasting prompted timely evacuations of appropriate areas, and was responsible for saving thousands of lives threatened by Hurricanes Katrina, Rita, and Wilma.

Without the QuikSCAT, the National Hurricane Center has estimated that hurricane forecasting would be 16 percent less accurate 72 hours before Hurricane landfall and 10 percent less accurate 48 hours before landfall. With a 16 percent loss of accuracy at 72 hours before landfall, the area expected to be under hurricane danger would rise from 197 miles to 228 miles, on the average. With a 10 percent loss of accuracy at 48 hours before landfall, the average area under hurricane danger would rise from 136 miles to 150 miles.

More communities being warned is not better. Greater inaccuracy will lead to many

''false alarms.'' If communities are evacuated multiple times, but do not suffer a direct hit, people will stop responding to evacuation mandates. There has been no assessment of how the loss of forecasting accuracy would impact deaths or damages from potential storms all along the Gulf and Atlantic coasts.

WHY HURRICANE HUNTER AIRCRAFT CANNOT REPLACE THE QUIKSCAT

The valiant Hurricane Hunter aircraft, managed by the U.S. Air Force Reserves, are important tools for assessing a developing storm. Hurricane Hunter pilots fly directly into the storm and gather data along the flight path. The crafts have been provided with ''active microwave scatterometers,'' technology similar to what is installed in the QuikSCAT. This technology, installed at a cost of $10 million, allows the aircraft to gather the same kind of data that the QuikSCAT collects.

However, the Hurricane Hunter craft cannot replace the QuikSCAT satellite. This is easiest to explain through analogy. Hurricane Katrina's massive storm winds filled the entire Gulf of Mexico and the storm system towered miles into the atmosphere. Imagine that the whole area covered by such a massive storm is an extremely large fishing pond. A single plane gathering data is like a tiny fishing line collecting data only along the single strand of the line. The satellite, on the other hand, provides rich, detailed data horizontally from one side of the storm to the other side, and vertically, from the ocean surface to the top of the storm's swirling winds. The QuikSCAT is like a detailed MRI.

LOOKING FORWARD

Designing and launching a replacement satellite for the aging QuikSCAT will take from three to five years and cost approximately $375 million. No plans are currently in place to replace the satellite, but if it stops functioning, we will face serious consequences. Dr. William M. Gray, storm forecaster, has predicted 17 named storms for 2007, including nine hurricanes, with five of them being intense.

By Mr. NELSON of Florida:

S. 1510. A bill require the Consumer Product Safety Commission to promulgate consumer product safety rules concerning the safety and labeling of portable generators; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, over the last several years, hundreds of Americans have died from inhaling the poisonous carbon monoxide emitted by portable, gas-powered generators. It is well past time for Congress to step in and end these needless deaths. That is why today I am introducing the Portable Generator Safety Act of 2007.

As most of us know, portable generators are frequently used to provide electricity during temporary power outages. These generators use fuel-burning engines that give off poisonous carbon monoxide gas in their exhaust.

Every hurricane season, news stories come from Florida and elsewhere about people killed or seriously injured by carbon monoxide poisoning caused by portable generators. From 2000 through 2006, at least 260 carbon monoxide poisoning deaths were reported to the U.S. Consumer Product Safety Commission. In the last 3 months of 2006 alone, 32 people died from carbon monoxide poisoning caused by generators. These people died because portable generators are not manufactured to automatically cut off when high carbon monoxide levels are reached, and because generators still do not have adequate carbon monoxide warning labels.

Here is what is especially troubling about these senseless deaths: the Consumer Product Safety Commission has studied and known for years that people were dying from carbon monoxide poisoning at an incredibly alarming rate. In study after study, Commission staff has recognized the high death rate from portable generators, and found that current regulations are inadequate to protect consumers. In January of this year, the Commission finally adopted warning label requirements for portable generators, nearly 10 years after they started looking into the issue. While I appreciate this initial step, I remain very troubled that the Commission again refused to take the most logical step, adoption of mandatory Federal safety standards.

Enough is enough. Industry self-regulation, which works in some settings, clearly is not working in this area. Congress must now step in and do its part to eliminate these tragic and avoidable deaths.

My bill, the Portable Generator Safety Act of 2007, takes some simple, common sense steps. The bill requires the Consumer Product Safety Commission to pass tough Federal regulations within 180 days of enactment of this bill. The new regulations would have three key components.

First, every portable generator would be required to have a sensor that automatically shuts off the generator before lethal levels of carbon monoxide are reached. Other products, such as portable heaters, already contain these types of sensors, and they save lives.

Second, every portable generator must have clearly written warnings on the packaging, in the instruction manual accompanying the generator, and on the generator itself. In January, the Consumer Product Safety Commission issued new regulations requiring placement of warning labels on generators. Unfortunately, these labels are not as clear as they should be. This bill will require clear, easy-to-read warnings that consumers will read both when they purchase the generators and when they power them up in emergency situations.

Third, this legislation will require the Consumer Product Safety Commission to carry out a comprehensive education program warning the public of the risks of carbon monoxide poisoning.

How many more innocent people must die before we require the Consumer Product Safety Commission and the portable generator industry to take some sensible, pro-consumer steps? The National Hurricane Center just issued its 2007 hurricane season forecast, and it looks like we will have an above-average year for hurricane activity. I hope we are not back here at the end of the year asking these same questions.

I ask unanimous consent that the text in 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. 1510

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 ''Portable Generator Safety Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Portable generators are frequently used to provide electricity during temporary power outages. These generators use fuel-burning engines that emit carbon monoxide gas in their exhaust.

(2) In the last several years, hundreds of people nationwide have been seriously injured or killed due to exposure to carbon monoxide poisoning from portable generators. From 2000 through 2006, at least 260 carbon monoxide poisoning deaths related to portable generator use were reported to the Consumer Product Safety Commission. In the last three months of 2006 alone, 32 carbon monoxide deaths were linked to generator use.

(3) Virtually all of the serious injuries and deaths due to carbon monoxide from portable generators were preventable. In many instances, consumers simply were unaware of the hazards posed by carbon monoxide.

(4) Since at least 1997, a priority of the Consumer Product Safety Commission has been to reduce injuries and deaths resulting from carbon monoxide poisoning.

(5) On January 4, 2007, the Consumer Product Safety Commission adopted certain labeling standards for portable generators (section 1407 of title 16, Code of Federal Regulations), but such standards do not go far enough to reduce substantially the potential harm to consumers.

(6) The issuance of mandatory safety standards and labeling requirements to warn consumers of the dangers associated with portable generator carbon monoxide would reduce the risk of injury or death.

SEC. 3. SAFETY STANDARD: REQUIRING EQUIPMENT OF PORTABLE GENERATORS WITH CARBON MONOXIDE INTERLOCK SAFETY DEVICES.

Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate consumer product safety rules, pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056), requiring, at a minimum, that every portable generator sold to the public for purposes other than resale shall be equipped with an interlock safety device that—

(1) detects the level of carbon monoxide in the areas surrounding such portable generator; and

(2) automatically turns off the portable generator before the level of carbon monoxide reaches a level that would cause serious bodily injury or death to people.

SEC. 4. LABELING AND INSTRUCTION REQUIREMENTS.

Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate consumer product safety rules, pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056), requiring, at a minimum, the following:

(1) WARNING LABELS.—Each portable generator sold to the public for purposes other than resale shall have a large, prominently displayed warning label in both English and Spanish on the exterior packaging, if any, of the portable generator and permanently affixed on the portable generator regarding the carbon monoxide hazard posed by incorrect use of the portable generator. The warning label shall include the word ''DANGER'' printed in a large font that is no smaller than 1 inch tall, and shall include the following information, at a minimum, presented in a clear manner:

(A) Indoor use of a portable generator can kill quickly.

(B) Portable generators should be used outdoors only and away from garages and open windows.

(C) Portable generators produce carbon monoxide, a poisonous gas that people cannot see or smell.

(2) PICTOGRAM.—Each portable generator sold to the public for purposes other than resale shall have a large pictogram, affixed to the portable generator, which clearly states ''POISONOUS GAS'' and visually depicts the harmful effects of breathing carbon monoxide.

(3) INSTRUCTION MANUAL.—The instruction manual, if any, that accompanies any portable generator sold to the public for purposes other than resale shall include detailed, clear, and conspicuous statements that include the following elements:

(A) A warning that portable generators emit carbon monoxide, a poisonous gas that can kill people.

(B) A warning that people cannot smell, see, or taste carbon monoxide.

(C) An instruction to operate portable generators only outdoors and away from windows, garages, and air intakes.

(D) An instruction never to operate portable generators inside homes, garages, sheds, or other semi-enclosed spaces, even if a person runs a fan or opens doors and windows.

(E) A warning that if a person begins to feel sick, dizzy, or weak while using a portable generator, that person should shut off the portable generator, get to fresh air immediately, and consult a doctor.

SEC. 5. PUBLIC OUTREACH.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall establish a program of public outreach to inform consumers of the dangers associated with the emission of carbon monoxide from portable generators.

(b) TIME.—The program required by subsection (a) shall place emphasis on informing consumers of the dangers described in such subsection during the start of each hurricane season.

By Mr. AKAKA (for himself, Ms. MURKOWSKI, and Ms. SNOWE):

S. 1511. A bill to promote the development and use of marine and hydrokinetic renewable energy technologies, and for other purposes; to the Committee on Finance.

Mr. AKAKA. Mr. President, today I introduce legislation that will create opportunities in the development and use of marine and hydrokinetic renewable energy technologies. I want to thank my colleagues Senator MURKOWSKI and Senator SNOWE for cosponsoring this measure.

We must work to encourage the production of clean, nongreenhouse gas emitting renewable energy. Ocean energy has the potential to be one of the largest sources of low-cost renewable energy in the United States by utilizing the power generated by waves in our oceans and major rivers, as well as tidal, current, and thermal power to generate turbine-powered electricity. As we look at ways to increase our renewable energy portfolio as a Nation, and decrease our dependence on oil, we would be remiss if we did not fully research and utilize the power that could be harnessed through water resources. I am acutely aware of this need in Hawaii, as we are an island State with finite natural resources, and who understand the necessity of environmentally friendly solutions to our energy problems. The ocean sits at our doorstep, providing us with sustenance in many different forms. To ignore the potential it can offer as a major source of renewable clean energy, not only in Hawaii, but for our entire country, would be a waste.

While the Energy Policy Act of 2005 qualified ocean energy for research assistance, grants and the federal purchase credit, various forms of ocean energy projects have yet to receive equitable funding.

According to the Electric Power Research Institute, ocean energy has the potential to generate 252 million megawatt hours of electricity. This represents 6.5 percent of today's entire energy portfolio. European nations, such as Portugal and Scotland, have successfully implemented commercial wave farms that are consistently producing clean power for consumer use. While the technology is not developed to the fullest, there is great potential.

However, ocean energy projects do not enjoy a production tax credit, an investment tax credit, or any other financial incentive currently being utilized by wind, solar, geothermal, biomass and other renewable energy resources.

This bill levels the playing field allowing ocean energy projects to be eligible for the financial and tax incentives that other renewable technologies receive. This will allow ocean energy projects to compete equitably in the future with other forms of renewable energy.

In order to work toward reducing greenhouse gas emissions and our dependence on fossil fuels, we must do all that we can to encourage the development and production of many different renewable energy technologies, such as ocean, wind, geothermal, biomass, ethanol, and others. Achieving our goals will only be possible if we approach the problem from many angles, and together, we will make an impact. I encourage my colleagues to support this measure.

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. 1511

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 ''Marine and Hydrokinetic Renewable Energy Promotion Act of 2007''.

SEC. 2. DEFINITION.

For purposes of this Act, the term ''marine and hydrokinetic renewable energy'' means electrical energy from—

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

The term shall not include energy from any source that utilizes a dam, diversionary structure, or impoundment for electric power purposes, except as provided in paragraph (3).

SEC. 3. RESEARCH AND DEVELOPMENT.

(a) PROGRAM.—The Secretary of Energy, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall establish a program of marine and hydrokinetic renewable energy research focused on—

(1) developing and demonstrating marine and hydrokinetic renewable energy technologies;

(2) reducing the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(3) increasing the reliability and survivability of marine and hydrokinetic renewable energy facilities;

(4) integrating marine and hydrokinetic renewable energy into electric grids;

(5) identifying opportunities for cross fertilization and development of economies of scale between offshore wind and marine and hydrokinetic renewable energy sources;

(6) identifying, in consultation with the Secretary of Commerce and the Secretary of the Interior, the environmental impacts of marine and hydrokinetic renewable energy technologies and ways to address adverse impacts, and providing public information concerning technologies and other means available for monitoring and determining environmental impacts; and

(7) standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out this section $50,000,000 for each of the fiscal years 2008 through 2017.

SEC. 4. ADAPTIVE MANAGEMENT AND ENVIRONMENTAL FUND.

(a) FINDINGS.—The Congress finds that—

(1) the use of marine and hydrokinetic renewable energy technologies can avoid contributions to global warming gases, and such technologies can be produced domestically;

(2) marine and hydrokinetic renewable energy is a nascent industry; and

(3) the United States must work to promote new renewable energy technologies that reduce contributions to global warming gases and improve our country's domestic energy production in a manner that is consistent with environmental protection, recreation, and other public values.

(b) ESTABLISHMENT.—The Secretary of Energy shall establish an Adaptive Management and Environmental Fund, and shall

lend amounts from that fund to entities described in subsection (f) to cover the costs of projects that produce marine and hydrokinetic renewable energy. Such costs include design, fabrication, deployment, operation, monitoring, and decommissioning costs. Loans under this section may be subordinate to project-related loans provided by commercial lending institutions to the extent the Secretary of Energy considers appropriate.

(c) REASONABLE ACCESS.—As a condition of receiving a loan under this section, a recipient shall provide reasonable access, to Federal or State agencies and other research institutions as the Secretary considers appropriate, to the project area and facilities for the purposes of independent environmental research.

(d) PUBLIC AVAILABILITY.—The results of any assessment or demonstration paid for, in whole or in part, with funds provided under this section shall be made available to the public, except to the extent that they contain information that is protected from disclosure under section 552(b) of title 5, United States Code.

(e) REPAYMENT OF LOANS.—

(1) IN GENERAL.—The Secretary of Energy shall require a recipient of a loan under this section to repay the loan, plus interest at a rate of 2.1 percent per year, over a period not to exceed 20 years, beginning after the commercial generation of electric power from the project commences. Such repayment shall be required at a rate that takes into account the economic viability of the loan recipient and ensures regular and timely repayment of the loan.

(2) BEGINNING OF REPAYMENT PERIOD.—No repayments shall be required under this subsection until after the project generates net proceeds. For purposes of this paragraph, the term ''net proceeds'' means proceeds from the commercial sale of electricity after payment of project-related costs, including taxes and regulatory fees that have not been paid using funds from a loan provided for the project under this section.

(3) TERMINATION.—Repayment of a loan made under this section shall terminate as of the date that the project for which the loan was provided ceases commercial generation of electricity if a governmental permitting authority has ordered the closure of the facility because of a finding that the project has unacceptable adverse environmental impacts, except that the Secretary shall require a loan recipient to continue making loan repayments for the cost of equipment, obtained using funds from the loan that have not otherwise been repaid under rules established by the Secretary, that is utilized in a subsequent project for the commercial generation of electricity.

(f) ADAPTIVE MANAGEMENT PLAN.—In order to receive a loan under this section, an applicant for a Federal license or permit to construct, operate, or maintain a marine or hydrokinetic renewable energy project shall provide to the Federal agency with primary jurisdiction to issue such license or permit an adaptive management plan for the proposed project. Such plan shall—

(1) be prepared in consultation with other parties to the permitting or licensing proceeding, including all Federal, State, municipal, and tribal agencies with authority under applicable Federal law to require or recommend design or operating conditions, for protection, mitigation, and enhancement of fish and wildlife resources, water quality, navigation, public safety, land reservations, or recreation, for incorporation into the permit or license;

(2) set forth specific and measurable objectives for the protection, mitigation, and enhancement of fish and wildlife resources, water quality, navigation, public safety, land reservations, or recreation, as required or recommended by governmental agencies described in paragraph (1), and shall require monitoring to ensure that these objectives are met;

(3) provide specifically for the modification or, if necessary, removal of the marine or hydrokinetic renewable energy project based on findings by the licensing or permitting agency that the marine or hydrokinetic renewable energy project has not attained or will not attain the specific and measurable objectives set forth in paragraph (2); and

(4) be approved and incorporated in the Federal license or permit.

(g) SUNSET.—The Secretary of Energy shall transmit a report to the Congress when the Secretary of Energy determines that the technologies supported under this Act have achieved a level of maturity sufficient to enable the expiration of the programs under this Act. The Secretary of Energy shall not make any new loans under this section after the report is transmitted under this subsection.

SEC. 5. PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.

The Secretary of Commerce and the Secretary of the Interior shall, in cooperation with the Federal Energy Regulatory Commission and the Secretary of Energy, and in consultation with appropriate State agencies, jointly prepare programmatic environmental impact statements which contain all the elements of an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), regarding the impacts of the deployment of marine and hydrokinetic renewable energy technologies in the navigable waters of the United States. One programmatic environmental impact statement shall be prepared under this section for each of the Environmental Protection Agency regions of the United States. The agencies shall issue the programmatic environmental impact statements under this section not later than 18 months after the date of enactment of this Act. The programmatic environmental impact statements shall evaluate among other things the potential impacts of site selection on fish and wildlife and related habitat. Nothing in this section shall operate to delay consideration of any application for a license or permit for a marine and hydrokinetic renewable energy technology project.

SEC. 6. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Subsection (c) of section 45 of the Internal Revenue Code of 1986 (relating to resources) is amended—

(1) in paragraph (1)—

(A) by striking ''and'' at the end of subparagraph (G),

(B) by striking the period at the end of subparagraph (H) and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.'', and

(2) by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in man-made channels, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is—

''(i) described in subparagraphs (A) through (H) of paragraph (1), or

''(ii) derived from any source that utilizes a dam, diversionary structure, or impoundment for electric power production purposes, except as provided in subparagraph (A)(iii).''.

(b) DEFINITION OF FACILITY.—Subsection (d) of section 45 of such Code (relating to qualified facilities) is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of this paragraph and before January 1, 2009.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 7. INVESTMENT CREDIT AND 5-YEAR DEPRECIATION FOR EQUIPMENT WHICH PRODUCES ELECTRICITY FROM MARINE AND HYDROKINETIC RENEWABLE ENERGY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 (relating to energy property) is amended—

(1) by striking ''or'' at the end of clause (iii),

(2) by inserting ''or'' at the end of clause (iv), and

(3) by adding at the end the following new clause:

''(v) equipment which uses marine and hydrokinetic renewable energy (as defined in section 45(c)(10)) but only with respect to periods ending before January 1, 2018,''.

(b) 30 PERCENT CREDIT.—Clause (i) of section 48(a)(2)(A) of such Code (relating to 30 percent credit) is amended—

(1) by striking ''and'' at the end of subclause (II), and

(2) by adding at the end the following new subclause:

''(IV) energy property described in paragraph (3)(A)(v), and''.

(c) CREDITS ALLOWED FOR INVESTMENT AND PRODUCTION.—Paragraph (3) of section 48(a) of such Code (relating to energy property) is amended by inserting ''(other than property described in subparagraph (A)(v))'' after ''any property'' in the last sentence thereof.

(d) DENIAL OF DUAL BENEFIT.—Paragraph (9) of section 45(e) of such Code (relating to coordination with credit for producing fuel from a nonconventional source) is amended—

(1) in subparagraph (A), by striking ''shall not include'' and all that follows and inserting ''shall not include—

''(i) any facility which produces electricity from gas derived from the biodegradation of municipal solid waste if such biodegradation occurred in a facility (within the meaning of section 45K) the production from which is allowed as a credit under section 45K for the taxable year or any prior taxable year, or

''(ii) any marine and hydrokinetic facility for which a credit is claimed by the taxpayer under section 48 for the taxable year.'', and

(2) in the header—

(A) by striking ''CREDIT'' and inserting ''CREDITS'', and

(B) by inserting ''AND INVESTMENT IN MARINE AND HYDROKINETIC RENEWABLE ENERGY'' after ''NONCONVENTIONAL SOURCE''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

By Mr. OBAMA:

S. 1513. A bill to amend the Higher Education Act of 1965 to authorize grant programs to enhance the access of low-income African-American students to higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, as a college education becomes ever more imperative for economic success, both for individual citizens and for our Nation, a growing number of African-American students enroll in colleges whose mission includes a focus on educating minority students. And, over the years, Congress has acknowledged the important role of similar institutions, recognizing for example, Historically Black Colleges and Universities, and Hispanic Serving Institutions, by establishing grant programs to support their missions. Today, I am introducing legislation to recognize the importance of Predominantly Black Institutions as an essential component of the American system of higher education.

The Predominantly Black Institution designation recognizes urban and rural colleges, many of which are 2-year community or technical colleges, which serve a large proportion of African-American students, most of whom are the first in their families to attend college, and most of whom receive financial aid. These students have already beaten the odds to progress this far, and it is fitting that we offer some support to the institutions they attend, to ensure that the education they receive is worthy of their efforts.

Whereas Predominantly Black Institutions and Historically Black Colleges and Universities both serve African-American students, they differ in ways that necessitate this legislation. Historically Black Colleges and Universities are not required to serve needy students, whereas Predominantly Black Institution must serve at least 50 percent low-income or first-generation college students. Historically Black Colleges and Universities, by definition, were established prior to 1964, whereas PBIs are of more recent origin.

Approximately 75 institutions, and more than a quarter of a million students, would benefit from grants awarded as a result of the Predominantly Black Institution designation. Grants could be used for a variety of purposes, from acquiring laboratory equipment to supporting teacher education to establishing community outreach programs for pre-college students.

Legislation to establish Predominantly Black Institutions was introduced last year by my good friend from Illinois, Congressman DANNY DAVIS. I urge my Senate colleagues to consider the needs of these students, to support their colleges and universities, and to join me in this effort.

By Mr. DODD (for himself, Mr. SMITH, and Mr. REED):

S. 1514. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to speak on a bill I am introducing with my colleagues, Senator SMITH and Senator REED. The bill is a reauthorization of the Garrett Lee Smith Memorial Act, a landmark legislation enacted nearly three years ago that significantly strengthened our commitment as a Nation to reduce the public and mental health tragedy of youth suicide. I would like to take a moment to thank my colleagues who joined me in this effort, particularly Senator SMITH. We all know the personal tragedy Senator SMITH, his wife, Sharon, and their family suffered when their son and brother, Garrett, took his life over 3 years ago. Since that time, Senator SMITH and Sharon have become tireless advocates in advancing the cause of youth suicide prevention, and their work should be commended.

Three years after this important legislation became law, suicide among our Nation's young people remains an acute crisis that knows no geographic, racial, ethnic, cultural, or socioeconomic boundaries. Each year, almost 3,000 young people take their lives, making suicide the third overall cause of death between the ages of 10 and 24. Young people under the age of 25 account for 15 percent of all suicides completed. In fact, more children and young adults die from their own hand than from cancer, heart disease, AIDS, birth defects, stroke and chronic lung disease combined.

Equally alarming are the numbers of young people who consider taking or attempt to take their lives. Centers for Disease Control and Prevention figures estimate that almost 3 million high school students, or 20 percent of young adults between the ages of 15 and 19, consider suicide every year. Furthermore, over 2 million children and young adults actually attempt suicide each year. Seventy percent of people who die by suicide tell someone about it in advance. Yet, tragically, few of these young people do not receive appropriate intervention services before it's too late.

When it was enacted into law, the Garrett Lee Smith Memorial Act became the first legislation specifically designed to prevent youth suicide. The legislation established a new grant initiative for the further development and expansion of youth suicide early intervention and prevention strategies and the community-based services they seek to coordinate. It additionally authorized a dedicated technical assistance center to assist States, localities, tribes, and community service providers with the planning, implementation, and evaluation of these strategies and services. It also established a new grant initiative to enhance and improve early intervention and prevention services specifically designed for college-aged students. Lastly, it created a new inter-agency collaboration to focus on policy development and the dissemination of data specifically pertaining to youth suicide. I am pleased to say that to date, 29 States, 7 tribes, and 55 colleges and universities have benefitted from $63.4 million in resources to increase their services to youth, provided by the Garrett Lee Smith Memorial Act.

The bill we introduce today seeks to continue the good work started by the initial legislation. First, it authorizes $210 million over 5 years for continued development and expansion of statewide youth suicide prevention and early intervention strategies. Second, it authorizes $31 million over 5 years to continue assisting college campuses meet the needs of their students. And third, it authorizes $25 million over 5 years to continue the vital research on suicide prevention for all age groups being conducted by the Suicide Prevention Technical Assistance Center.

I continue to believe that finding concrete, comprehensive and effective remedies to the epidemic of youth suicide cannot be done by lawmakers on Capitol Hill alone. Those remedies must also come from individuals, doctors, psychiatrists, psychologists, counselors, nurses, teachers, advocates, survivors, and affected families, who are dedicated to this issue or spend each day with children and young adults that suffer from illnesses related to suicide. Despite the goals we have achieved with the Garrett Lee Smith Memorial Act, I believe that our work is not done. I hope that, as a society, we can continue working collectively both to understand better the tragedy of youth suicide and develop innovative and effective public and mental health initiatives that reach every child and young adult in this country—compassionate initiatives that give them encouragement, hope, and above all, life.

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. 1514

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 ''Garrett Lee Smith Memorial Act Reauthorization of 2007''.

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

(a) INTERAGENCY RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTERS.—Section 520C of the Public Health Service Act (42 U.S.C. 290bb-34) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking ''youth suicide early intervention and prevention strategies'' and inserting ''suicide early intervention and prevention strategies for all ages, particularly for youth'';

(B) in paragraph (2), by striking ''youth suicide early intervention and prevention strategies'' and inserting ''suicide early intervention and prevention strategies for all ages, particularly for youth'';

(C) in paragraph (3)—

(i) by striking ''youth''; and

(ii) by inserting before the semicolon the following: ''for all ages, particularly for youth'';

(D) in paragraph (4), by striking ''youth suicide'' and inserting ''suicide for all ages, particularly among youth'';

(E) in paragraph (5), by striking ''youth suicide early intervention techniques and technology'' and inserting ''suicide early intervention techniques and technology for all ages, particularly for youth'';

(F) in paragraph (7)—

(i) by striking ''youth''; and

(ii) by inserting ''for all ages, particularly for youth,'' after ''strategies''; and

(G) in paragraph (8)—

(i) by striking ''youth suicide'' each place that such appears and inserting ''suicide''; and

(ii) by striking ''in youth'' and inserting ''among all ages, particularly among youth''; and

(2) in subsection (e)—

(A) in paragraph (1), by striking ''$4,000,000'' and all that follows through the period and inserting ''$4,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''; and

(B) in paragraph (2), by striking ''$3,000,000'' and all that follows through the period and inserting ''$5,000,000 for each of fiscal years 2008 through 2012.''.

(b) YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.—Section 520E of the Public Health Service Act (42 U.S.C. 290bb-36) is amended—

(1) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) LIMITATION.—In carrying out this section, the Secretary shall ensure that a State does not receive more than one grant or cooperative agreement under this section at any one time. For purposes of the preceding sentences, a State shall be considered to have received a grant or cooperative agreement if the eligible entity involved is the State or an entity designated by the State under paragraph (1)(B). Nothing in this paragraph shall be construed to apply to entities described in paragraph (1)(C).''; and

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

''(m) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $34,000,000 for fiscal year 2008, $38,000,000 for fiscal year 2009, $42,000,000 for fiscal year 2010, $46,000,000 for fiscal year 2011, and $50,000,000 for fiscal year 2012.''.

(c) MENTAL AND BEHAVIORAL HEALTH SERVICES ON CAMPUS.—Section 520E-2(h) of the Public Health Service Act (42 U.S.C. 290bb-36b(h)) is amended by striking ''$5,000,000 for fiscal year 2005'' and all that follows through the period and inserting ''$5,400,000 for fiscal year 2008, $5,800,000 for fiscal year 2009, $6,200,000 for fiscal year 2010, $6,600,000 for fiscal year 2011, and $7,000,000 for fiscal year 2012.''.

Mr. SMITH. Mr. President, today, I rise with my colleagues Senator DODD and Senator REED to introduce an important bill for our youth, the Garrett Lee Smith Memorial Act Reauthorization of 2007. Nearly 3 years ago, the Senate first passed this Act with 39 cosponsors. At that time, we heard an outpouring of support and sharing from other members of the Senate who have lost members of their families. On September 9, 2004, my son Garrett's birthday, the House and Senate passed the Garrett Lee Smith Memorial Act with overwhelming support. I remain thankful for their wisdom and support of the important programs this Act created that focused on youth suicide prevention.

As I said in 2004, this Act represents the best of American Government, an opportunity when our Nation's elected officials can come together, put aside their political parties and politics, to debate and pass legislation. During the last 3 years, this effort has resulted in nearly $65 million in suicide prevention and intervention funding to States, tribes, and on our Nation's higher education institutions.

I also want to recognize and thank my colleagues who have championed this cause for a great many years Senator DODD, Senator JACK REED, Senator HARRY REID AND SENATOR KENNEDY your work to raise awareness about youth suicide has been significant and for that I thank you. I also would like to thank Representative PATRICK KENNEDY for his support on this and so many other issues affecting persons with mental illness. I look forward to continuing to work with all of you to ensure passage of this reauthorization bill.

As most of you know, I came to be a champion of this issue not because I volunteered for it, but because I suffered for it. In September of 2003, Sharon and I lost our son Garrett Lee Smith to suicide. While Sharon and I think about Garrett every day and mourn his loss, we take solace in the time we had with him, and have committed ourselves to preserving his memory by helping others.

Sharon and I adopted Garrett a few days after his birth. He was such a handsome baby boy. He was unusually happy and playful, and he also was especially thoughtful of everyone around him as he grew older. His exuberance for life, however, began to dim in his elementary years. He struggled to spell. His reading and writing were stuck in the rudiments. We had him tested and were surprised to learn that he had an unusually high IQ, but struggled with a severe overlay of learning disabilities, including dyslexia.

However, it would be years later that we learned of the greatest challenge to face Garrett, his diagnosis of bi-polar disorder. Bipolar disorder, also known as manic-depressive illness, is a brain disorder that causes unusual shifts in a person's mood, energy and ability to function. Different from the normal ups and downs of life that everyone goes through, the symptoms of bipolar disorder are severe. As his parents, we knew how long and how desperately Garrett had suffered from his condition. Yet, tragically, over three years ago Garrett reached a point where his illness took over and he could no longer fight.

In his memory, I have committed myself to helping prevent other families from experiencing the tremendous pain that comes with the loss of a loved-one to suicide. We know that each year, more than 4,000 youth aged 15 to 24 die by suicide. From this number we know that since Garrett's death more than 14,000 young people have lost their lives to suicide. Too many young lives have been lost and continue to be lost.

While we can always do more, this Act has taken that first, significant step toward creating and funding an organized effort at the Federal, State and local levels to prevent and intervene when youth are at risk for mental and behavioral conditions that can lead to suicide. The loss of a life to suicide at any age is sad and traumatic, but when it happens to someone who has just begun their life, has just begun to fulfill their potential the impact somehow seems harsher, sadder and more pronounced.

Once signed into law, this bill will authorize $210 million in new funding over 5 years to further support States and Native American tribes in building systems of State-wide early intervention and prevention strategies. This bill will continue the current practice of ensuring that 85 percent of funding will be provided to entities focused on identifying and preventing suicide at the State and community level. Since the Garrett Lee Smith Memorial Act was signed into law in 2004, 29-States and seven tribes have received grants to help them plan for and implement youth suicide prevention strategies. The new and higher funding level will allow States that have never received a grant to receive funding. It also will allow States that have received grants in the past to expand their efforts to include more geographic areas and youth populations.

In my home State of Oregon, which has been especially active and forward-thinking in combating youth suicide, the Department of Human Services has been working in a number of counties throughout the State to increase referrals so care is available when needed, establish linkages to care and improve knowledge among clinicians, crisis response workers, school staff, youth and lay persons related to youth who are at-risk. The Native American Rehabilitation Association of the Northwest, Inc. also has implemented the Native Youth Prevention Project, which serves nine tribes and tribal confederations in Oregon where American Indian youth have the highest suicide rate in the State. Programs such as these can be important catalysts for change across the Nation and we must continue to support them.

The bill also reauthorizes a Suicide Prevention Resource Center, which provides technical assistance to States and local grantees to ensure that they are able to implement their State-wide early intervention and prevention strategy. It also collects data related to the programs, evaluates the effectiveness of the programs, and identifies and distributes best practices. Sharing technical data and program best practices is necessary to ensure that Federal funding is being utilized in the

best manner possible and that information is being circulated among participants. The Center will receive $25 million over 5 years for these purposes. Since 2004, the Center has done great work to support the grantees under this Act as well as push forward broader science-to-service efforts to combat youth suicide.

Finally, the bill will provide $31 million over 5 years to continue the colleges and universities grant program. This program works to establish mental health programs or enhance existing mental health programs focused on increasing access to and enhancing the range of mental and behavioral health services for students. Entering college can be one of the most disruptive and demanding times in a young person's life, but for persons with a mental illness the changes can become overwhelming. Loss of their parental support system, and lack of a familiar and easily accessed health care providers often can become too much of a burden to bear. We must ensure programs are in place to help them overcome these challenges.

So far, 55 colleges and universities have received grants through the Garrett Lee Smith Memorial Act, including two in my home State, helping countless students. However, with more than 4,000 degree-granting institutions in the United States, there are many more campuses that will be helped by this reauthorization.

I am pleased to be a champion of this cause and this bill and hope my colleagues will join me in supporting its passage.

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

S. 1515. A bill to establish a domestic violence volunteer attorney network to represent domestic violence victims; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, today I am introducing with my good friend from Pennsylvania, Senator SPECTER, an innovative bill that will help the lives of domestic violence victims. Sadly, domestic violence remains a reality for one out of four women in our country. Experts agree a pivotal factor to ending domestic violence is meaningful access to the justice system. Recent academic research finds that increased provision of legal services is ''one likely significant factor in explaining the decline [of domestic violence] . . . Because legal services help women with practical matters such as protective orders, custody, and child support they appear to actually present women with real, longterm alternatives to their relationships.'' Stopping the violence hinges on a victim's ability to obtain effective protection orders, initiate separation proceedings or design safe child custody.

Yet thousands of victims of domestic violence go without representation every day in this country. A patchwork of services do their best to provide represent domestic violence victims, law school clinics, individual State domestic violence coalitions, legal services, and private attorneys. But there are obvious gaps and simply not enough lawyers for victims and their myriad legal needs due to the abuse, including protection orders, divorce and child custody, immigration adjustments, and bankruptcy declarations. Experts estimate that current legal services serve about 170,000 low-income domestic violence victims each year and yet, there are at least 1 million victims each year. At best then, less than 1 out of 5 low-income victims ever see a lawyer.

I believe there is a wealth of untapped resources in this country, lawyers who want to volunteer. My National Domestic Violence Volunteer Act would harness the skills, enthusiasm and dedication of these lawyers and infuse 100,000 new volunteer lawyers into the justice system to represent domestic violence victims. We should make it as smooth and simple for volunteer lawyers. My bill creates a streamlined, organized and national system to connect lawyers to clients.

I can't overemphasize the importance of having a lawyer standing shoulder-to-shoulder with a victim as she navigates the system. We must match a willing lawyer to a victim as soon as the victim calls the Hotline, walks into a courtroom or involves the police. It is at that crucial moment a victim needs to feel support, and if she doesn't, she may retreat back into the abuse.

To enlist, train and place volunteer lawyers, my bill creates a new, electronic National Domestic Violence Attorney Network and Referral Project that will be administered by the American Bar Association Commission on Domestic Violence.

There are five components of my legislation.

First, it creates a National Domestic Violence Volunteer Attorney Network Referral Project to be managed by the American Bar Association Commission on Domestic Violence. With $2 million of new Federal funding each year, the American Bar Association Commission on Dometic Violence will solicit for volunteer lawyers and then create and maintain an electronic network. It will provide appropriate mentoring, training and technical assistance to volunteer lawyers. And it will establish and maintain a point of contact in each State, a statewide legal coordinator, to help match willing lawyers to victims.

Second, it enlists the National Domestic Violence Hotline and Internet sources to provide legal referrals. The bill will help the National Domestic Violence Hotline to update their system and train advocates on how to provide legal referrals to callers in coordination with the American Bar Association Commission on Domestic Violence. Legal referrals may also be done by qualified Internet-based services.

Third, it creates a Pilot Program and National Rollout of National Domestic Violence Volunteer Attorney Network and Referral Project. The bill designs a pilot program to implement the volunteer attorney network in five diverse States. The Office on Violence Against Women in the Department of Justice will administer these monies to qualified statewide legal coordinators to help them connect with the ABA Commission on Domestic Violence, the National Domestic Violence Hotline, and the volunteer lawyers. After a successful stint in five States, the bill will rollout the program nationally.

Fourth, the measure establishes a Domestic Violence Legal Advisory Task Force to monitor the program and make recommendations.

Fifth, the bill mandates the General Accounting Office to study each State and assess the scope and quality of legal services available to battered women and report back to Congress within a year.

A terrific roundtable of groups reviewed and contributed to this legislation, including the National Network to End Domestic Violence, the Legal Resource Center for Violence Against Women, the National Coalition Against Domestic Violence, the National Council of Juvenile and Family Court Judges, the American Bar Association, WomensLaw.org, the National Domestic Violence Hotline, the Legal Services Corporation, the American Prosecutors Research Institute, National Legal Aid and Defenders Association, National Center for State Courts, National Association for Attorneys General, Battered Women's Justice Project, National Association of Women Judges, National Association of Women Lawyers, National Crime Victim Bar Association and National Center for the Victims of Crime.

I want to end today with a story about an American hero, a woman who has been to hell and back and now is a tremendous advocate for domestic violence victims, Yvette Cade. I want to tell it to you because I think it serves as such a powerful message about why battered women should have legal assistance.

Yvette Cade, a Maryland resident, was doused with gasoline and set on fire by her estranged husband while she was at work. Half of her upper body, including her entire face, suffered third-degree burns, the most serious level.

Just three weeks before the attack, a judge dismissed the protective order Yvette had against her husband, despite her protests that he was violent. At the hearing in which the judge dismissed Cade's protective order, the judge told Cade he could not be her advocate, only the ''umpire.'' Cade told him that she no longer wanted to be married to her abusive husband. The judge replied, ''well, then get a lawyer, and get a divorce. That's all you have to do,'' I believe that today's National Domestic Violence Volunteer Attorney Network Act would make getting a lawyer a reality, not just good advice.

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. 1515

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 ''National Domestic Violence Volunteer Attorney Network Act''.

SEC. 2. DEFINITIONS.

In this Act, the terms ''dating partner'', ''dating violence'', ''domestic violence'', ''legal assistance'', ''linguistically and culturally specific services'', ''stalking'', and ''State domestic violence coalitions'' shall have the same meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162).

SEC. 3. NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended by adding at the end the following:

''(g) NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.—

''(1) IN GENERAL.—

''(A) GRANTS.—The Attorney General may award grants to the American Bar Association Commission on Domestic Violence to work in collaboration with the American Bar Association Committee on Pro Bono and Public Service and other organizations to create, recruit lawyers for, and provide training, mentoring, and technical assistance for a National Domestic Violence Volunteer Attorney Network.

''(B) USE OF FUNDS.—Funds allocated to the American Bar Association's Commission on Domestic Violence under this subsection shall be used to—

''(i) create and maintain a network to field and manage inquiries from volunteer lawyers seeking to represent and assist victims of domestic violence;

''(ii) solicit lawyers to serve as volunteer lawyers in the network;

''(iii) retain dedicated staff to support volunteer attorneys by—

''(I) providing field technical assistance inquiries;

''(II) providing on-going mentoring and support;

''(III) collaborating with national domestic violence legal technical assistance providers and statewide legal coordinators and local legal services programs; and

''(IV) developing legal education and other training materials; and

''(iv) maintain a point of contact with the statewide legal coordinator in each State regarding coordination of training, mentoring, and supporting volunteer attorneys representing victims of domestic violence.

''(2) AUTHORIZATION.—There are authorized to be appropriated to carry out this subsection $2,000,000 for each of the fiscal years 2008 and 2009 and $3,000,000 for each of the fiscal years 2010 through 2013.

''(3) ELIGIBILITY FOR OTHER GRANTS.—A receipt of an award under this subsection by the Commission on Domestic Violence of the American Bar Association shall not preclude the Commission from receiving additional grants under the Office on Violence Against Women's Technical Assistance Program to carry out the purposes of that program.

''(4) OTHER CONDITIONS.—

''(A) PROHIBITION ON TORT LITIGATION.—Funds appropriated for the grant program under this subsection may not be used to fund civil representation in a lawsuit based on a tort claim. This subparagraph shall not be construed as a prohibition on providing assistance to obtain restitution.

''(B) PROHIBITION ON LOBBYING.—Any funds appropriated under this subsection shall be subject to the prohibitions in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.''.

SEC. 4. DOMESTIC VIOLENCE VOLUNTEER ATTORNEY REFERRAL PROGRAM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—For fiscal years 2008 and 2009, the Office on Violence Against Women of the Department of Justice, in consultation with the Domestic Violence Legal Advisory Task Force, shall designate 5 States in which to implement the pilot program of the National Domestic Violence Volunteer Attorney Referral Project and distribute funds under this subsection.

(2) CRITERIA.—Criteria for selecting the States for the pilot program under this subsection shall include—

(A) equitable distribution between urban and rural areas, equitable geographical distribution;

(B) States that have a demonstrated capacity to coordinate among local and statewide domestic violence organizations;

(C) organizations serving immigrant women; and

(D) volunteer legal services offices throughout the State.

(3) PURPOSE.—The purpose of the pilot program under this subsection is to—

(A) provide for a coordinated system of ensuring that domestic violence victims throughout the pilot States have access to safe, culturally, and linguistically appropriate representation in all legal matters arising as a consequence of the abuse or violence; and

(B) support statewide legal coordinators in each State to manage referrals for victims to attorneys and to train attorneys on related domestic violence issues.

(4) ROLE OF STATEWIDE LEGAL COORDINATOR.—A statewide legal coordinator under this subsection shall—

(A) be employed by the statewide domestic violence coalition, unless the statewide domestic violence coalition determines that the needs of victims throughout the State would be best served if the coordinator was employed by another statewide organization;

(B) develop and maintain an updated database of attorneys throughout the State, including—

(i) legal services programs;

(ii) volunteer programs;

(iii) organizations serving immigrant women;

(iv) law school clinical programs;

(v) bar associations;

(vi) attorneys in the National Domestic Violence Volunteer Attorney Network; and

(vii) local domestic violence programs;

(C) consult and coordinate with existing statewide and local programs including volunteer representation projects or statewide legal services programs;

(D) provide referrals to victims who are seeking legal representation in matters arising as a consequence of the abuse or violence;

(E) participate in biannual meetings with other Pilot Program grantees, American Bar Association Commission on Domestic Violence, American Bar Association Committee on Pro Bono and Public Service, and national domestic violence legal technical assistance providers;

(F) receive referrals of victims seeking legal representation from the National Domestic Violence Hotline and other sources;

(G) receive and disseminate information regarding volunteer attorneys and training and mentoring opportunities; and

(H) work with the Office on Violence Against Women, the American Bar Association Commission on Domestic Violence, and the National Domestic Violence Legal Advisory Task Force to assess the effectiveness of the Pilot Program.

(5) ELIGIBILITY FOR GRANTS.—The Attorney General shall award grants to statewide legal coordinators under this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $750,000 for each of fiscal years 2008 and 2009 to fund the statewide coordinator positions and other costs associated with the position in the 5 pilot program States under this subsection.

(7) EVALUATION AND REPORTING.—An entity receiving a grant under this subsection shall submit to the Department of Justice a report detailing the activities taken with the grant funds, including such additional information as the agency shall require.

(b) NATIONAL PROGRAM.—

(1) PURPOSE.—The purpose of the national program under this subsection is to—

(A) provide for a coordinated system of ensuring that domestic violence victims throughout the country have access to safe, culturally and linguistically appropriate representation in legal matters arising as a consequence of the abuse or violence; and

(B) support statewide legal coordinators in each State to coordinate referrals to domestic violence attorneys and to train attorneys on related domestic violence issues, including immigration matters.

(2) GRANTS.—The Attorney General shall award grants to States for the purposes set forth in subsection (a) and to support designated statewide legal coordinators under this subsection.

(3) ROLE OF THE STATEWIDE LEGAL COORDINATOR.—The statewide legal coordinator under this subsection shall be subject to the requirements and responsibilities provided in subsection (a)(4).

(4) GUIDELINES.—The Office on Violence Against Women, in consultation with the Domestic Violence Legal Advisory Task Force and the results detailed in the Study of Legal Representation of Domestic Violence Victims, shall develop guidelines for the implementation of the national program under this section, based on the effectiveness of the Pilot Program in improving victims' access to culturally and linguistically appropriate legal representation in the pilot States.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $8,000,000 for each of fiscal years 2010 through 2013 to fund the statewide coordinator position in every State and other costs associated with the position.

(6) EVALUATION AND REPORTING.—An entity receiving a grant under this subsection shall submit to the Department of Justice a report detailing the activities taken with the grant funds, including such additional information as the agency shall require.

SEC. 5. TECHNICAL ASSISTANCE FOR THE NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.

(a) PURPOSES.—The purpose of this section is to allow—

(1) national domestic violence legal technical assistance providers to expand their services to provide training and ongoing technical assistance to volunteer attorneys in the National Domestic Violence Volunteer Attorney Network; and

(2) providers of domestic violence law to receive additional funding to train and assist attorneys in the areas of—

(A) custody and child support;

(B) employment;

(C) housing;

(D) immigrant victims' legal needs (including immigration, protection order, family and public benefits issues); and

(E) interstate custody and relocation law.

(b) GRANTS.—The Attorney General shall award grants to national domestic violence legal technical assistance providers to expand their services to provide training and ongoing technical assistance to volunteer attorneys in the National Domestic Violence Volunteer Attorney Network, statewide legal coordinators, the National Domestic Violence Hotline and Internet-based legal referral organizations described in section 1201(i)(1) of the Violence Against Women Act of 2000, as added by section 6.

(c) ELIGIBILITY FOR OTHER GRANTS.—A receipt of an award under this section shall not preclude the national domestic violence legal technical assistance providers from receiving additional grants under the Office on Violence Against Women's Technical Assistance Program to carry out the purposes of that program.

(d) ELIGIBLE ENTITIES.—In this section, an eligible entity is a national domestic violence legal technical assistance provider that—

(1) has expertise on legal issues that arise in cases of victims of domestic violence, dating violence and stalking, including family, immigration, housing, protection order, public benefits, custody, child support, interstate custody and relocation, employment and other civil legal needs of victims; and

(2) has an established record of providing technical assistance and support to lawyers representing victims of domestic violence.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $800,000 for national domestic violence legal technical assistance providers for each fiscal year from 2008 through 2013.

SEC. 6. NATIONAL DOMESTIC VIOLENCE HOTLINE LEGAL REFERRALS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended by adding at the end the following:

''(h) LEGAL REFERRALS BY THE NATIONAL DOMESTIC VIOLENCE HOTLINE.—

''(1) IN GENERAL.—The Attorney General may award grants to the National Domestic Violence Hotline (as authorized by section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416)) to provide information about statewide legal coordinators and legal services.

''(2) USE OF FUNDS.—Funds allocated to the National Domestic Violence Hotline under this subsection shall be used to—

''(A) update the Hotline's technology and systems to reflect legal services and referrals to statewide legal coordinators;

''(B) collaborate with the American Bar Association Commission on Domestic Violence and the national domestic violence legal technical assistance providers to train and provide appropriate assistance to the Hotline's advocates on legal services; and

''(C) maintain a network of legal services and statewide legal coordinators and collaborate with the American Bar Association Commission on Domestic Violence.

''(3) AUTHORIZATION.—There are to be appropriated to carry out this subsection $500,000 for each of fiscal years 2008 through 2013.

''(i) LEGAL REFERRALS BY INTERNET-BASED SERVICES FOR DOMESTIC VIOLENCE VICTIMS.—

''(1) IN GENERAL.—The Attorney General may award grants to Internet-based nonprofit organizations with a demonstrated expertise on domestic violence to provide State-specific information about statewide legal coordinators and legal services through the Internet.

''(2) USE OF FUNDS.—Funds allocated to Internet-based organizations under this subsection shall be used to—

''(A) collaborate with the American Bar Association Commission on Domestic Violence and the national domestic violence legal technical assistance providers to train and provide appropriate assistance to personnel on referring legal services; and

''(B) maintain a network of legal services and statewide legal coordinators, and collaborate with the American Bar Association Commission on Domestic Violence and the National Domestic Violence Hotline.

''(3) AUTHORIZATION.—There are to be appropriated to carry out this subsection $250,000 for each fiscal years of 2008 through 2013.''.

SEC. 7. STUDY OF LEGAL REPRESENTATION OF DOMESTIC VIOLENCE VICTIMS.

(a) IN GENERAL.—The General Accountability Office shall study the scope and quality of legal representation and advocacy for victims of domestic violence, dating violence, and stalking, including the provision of culturally and linguistically appropriate services.

(b) SCOPE OF STUDY.—The General Accountability Office shall specifically assess the representation and advocacy of—

(1) organizations providing direct legal services and other support to victims of domestic violence, dating violence, and stalking, including Legal Services Corporation grantees, non-Legal Services Corporation legal services organizations, domestic violence programs receiving Legal Assistance for Victims grants or other Violence Against Women Act funds to provide legal assistance, volunteer programs (including those operated by bar associations and law firms), law schools which operate domestic violence, and family law clinical programs; and

(2) organizations providing support to direct legal services delivery programs and to their volunteer attorneys, including State coalitions on domestic violence, National Legal Aid and Defender Association, the American Bar Association Commission on Domestic Violence, the American Bar Association Committee on Pro Bono and Public Service, State bar associations, judicial organizations, and national advocacy organizations (including the Legal Resource Center on Violence Against Women, and the National Center on Full Faith and Credit).

(c) ASSESSMENT.—The assessment shall, with respect to each entity under subsection (b), include—

(1) what kind of legal assistance is provided to victims of domestic violence, such as counseling or representation in court proceedings;

(2) number of lawyers on staff;

(3) how legal services are being administered in a culturally and linguistically appropriate manner, and the number of multilingual advocates;

(4) what type of cases are related to the abuse, such as protective orders, divorce, housing, and child custody matters, and immigration filings;

(5) what referral mechanisms are used to match a lawyer with a domestic violence victim;

(6) what, if any, collaborative partnerships are in place between the legal services program and domestic violence agencies;

(7) what existing technical assistance or training on domestic violence and legal skills is provided to attorneys providing legal services to victims of domestic violence;

(8) what training or technical assistance for attorneys would improve the provision of legal services to victims of domestic violence;

(9) how does the organization manage means-testing or income requirements for clients;

(10) what, if any legal support is provided by non-lawyer victim advocates; and

(11) whether they provide support to or sponsor a pro bono legal program providing legal representation to victims of domestic violence.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the General Accountability Office shall submit to Congress a report on the findings and recommendations of the study required by this section.

SEC. 8. ESTABLISH A DOMESTIC VIOLENCE LEGAL ADVISORY TASK FORCE.

(a) IN GENERAL.—The Attorney General shall establish the Domestic Violence Legal Advisory Task Force to provide guidance for the implementation of the Study of Legal Representation of Domestic Violence Victims, the Pilot Program for the National Domestic Violence Volunteer Attorney Referral Project, and the National Program for the National Domestic Violence Volunteer Attorney Referral Project.

(b) COMPOSITION.—The Task Force established under this section shall be composed of experts in providing legal assistance to domestic violence victims and developing effective volunteer programs providing legal assistance to domestic violence victims, including judges with expertise on domestic violence, individuals with experience representing low-income domestic violence victims, and private bar members involved with volunteer legal services.

(c) RESPONSIBILITIES.—The Task Force shall provide—

(1) ongoing advice to the American Bar Association Commission on Domestic Violence, the National Domestic Violence Hotline, and the Statewide Coordinators regarding implementation of the Pilot Program and the National Program of the Domestic Violence Volunteer Attorney Referral Project;

(2) recommendations to the Office on Violence Against Women regarding the selection of the 5 sites for the Pilot Program; and

(3) attend regular meetings covered by American Bar Association Commission or Domestic Violence.

(d) REPORT.—The Task Force shall report to Congress every 2 years on its work under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000 for each of fiscal years 2008 through 2013.

By Mr. REED (for himself, Mr. ALLARD, Ms. MIKULSKI, Mr. BOND, Mr. DURBIN, Ms. COLLINS, Mr. SCHUMER, Mr. AKAKA, Mrs. CLINTON, Mr. WHITEHOUSE, Mr. LEVIN, Mr. BROWN, and Mrs. BOXER):

S. 1518. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I introduce, along with Senators ALLARD, MIKULSKI, BOND, DURBIN, COLLINS, SCHUMER, AKAKA, CLINTON, WHITEHOUSE, LEVIN, BROWN, and BOXER, the Community Partnership to End Homelessness Act of 2007, CPEHA. This legislation would reauthorize and amend the housing titles of the McKinney-Vento Homeless Assistance Act of 1987. Specifically, our bill would realign the incentives behind the Department of Housing and Urban Development's homelessness assistance programs to accomplish the goals of preventing and ending homelessness.

According to the Homelessness Research Institute at the National Alliance to End Homelessness, as many as 3.5 million Americans experience homelessness each year. On any one night, approximately 744,000 men, women, and children are without homes.

Many of these people have served our country in uniform. According to the National Coalition for Homeless Veterans, nearly 200,000 veterans of the United States armed forces are homeless on any given night, and about one-third of homeless men are veterans.

Statistics regarding the number of children who experience homelessness are especially troubling. Each year, it is estimated that at least 1.35 million children experience homelessness. Over 900,000 homeless children and youth were identified and enrolled in public schools in the 2005–2006 school year. However, this Department of Education count does not include preschool children, and over 40 percent of homeless children are under the age of five. Whatever their age, we know that children who are homeless are in poorer health, have developmental delays, and suffer academically.

In addition, many of those who are homeless have a disability. According to the Homelessness Research Institute, about 23 percent of homeless people were found to be ''chronically homeless,'' which according to the current HUD definition means that they are homeless for long periods of time or homeless repeatedly, and they have a disability. For many of these individuals and families, housing alone, without some attached services, may not be enough.

Finally, as rents have soared and affordable housing units have disappeared from the market during the past several years, even more working Americans have been left unable to afford housing. According to the National Low Income Housing Coalition's most recent ''Out of Reach'' report, nowhere in the country can a minimum wage earner afford a one-bedroom home. Eighty-eight percent of renters in cities live in areas where they cannot afford the fair market rent for a two-bedroom rental even with two minimum wage jobs. Low income renters who live paycheck to paycheck are in precarious circumstances and sometimes must make tough choices between paying rent and buying food, prescription drugs, or other necessities. If one unforeseen event occurs in their lives, they can end up homeless.

So why should the Federal Government work to help prevent and end homelessness? Simply put, we cannot afford not to address this problem. Homelessness leads to untold costs, including expenses for emergency rooms, jails, shelters, foster care, detoxification, and emergency mental health treatment.

According to a number of studies, it costs just as much, if not more in overall expenditures, to allow men, women, and children to remain homeless as it does to provide them with assistance and get them back on the road to self-sufficiency.

It has been 20 years since the enactment of the Steward B. McKinney Homeless Assistance Act, and we have learned a lot about the problem of homelessness since then. At the time of its adoption in 1987, this legislation was viewed as an emergency response to a national crisis, and was to be followed by measures to prevent homelessness and to create more systemic solutions to the problem. It is now time to take what we have learned during the past 20 years, and put those best practices and proposals into action.

First and foremost, our bill would consolidate HUD's three main competitive homelessness programs, Supportive Housing Program, Shelter Plus Care, and Moderate Rehabilitation/Single Room Occupancy, into one program called the Community Homeless Assistance Program. The consolidation would reduce the administrative burden on communities caused by different program requirements. It also would allow funding to be used for an array of eligible activities maximizing flexibility, creativity, and local-decision making.

Second, the bill would create a new prevention title that would allow communities to apply for funding to prevent homelessness. This would allow them to serve people who move frequently for economic reasons, are doubled up, are about to be evicted, live in severely overcrowded housing, or otherwise live in an unstable situation that puts them at risk of homelessness. The program could fund short- to medium-term housing assistance, housing relocation and stabilization, and supportive services. The program would be authorized for up to $250 million in fiscal year 2008.

Third, the bill would create a more flexible set of requirements for rural communities by modifying HUD's long-dormant Rural Homelessness Grant Program. Under the new requirements, a rural community could use funds for homelessness prevention and housing stabilization, in addition to transitional housing, permanent housing, and supportive services. The application process for these funds would be streamlined to be more consistent with the capacities of rural homelessness programs.

Fourth, HUD would be required to provide incentives for communities to use proven strategies to end homelessness. These strategies would include permanent supportive housing for chronically homeless people, rapid rehousing programs for homeless families, and other research-based strategies that HUD, after public comment, determines are effective.

Fifth, thirty percent of total funds available nationally would be allocated for permanent housing for individuals with disabilities or families headed by a person with disabilities. At least 10 percent of overall funds would be allocated for permanently housing families with children.

Sixth, communities that demonstrate results, reducing the number of people who become homeless, the length of time people are homeless, and recidivism back into homelessness—would be allowed to use their homeless assistance funding more flexibly and to serve groups that are at risk of becoming homeless.

Finally, leasing, rental assistance, and operating costs of permanent housing programs would be renewed for 1 year at a time through the section 8 housing voucher account, provided that the applicant demonstrates need and compliance with appropriate standards.

There is a growing consensus on ways to help communities break the cycle of repeated and prolonged homelessness. If we combine Federal dollars with the right incentives to local communities, we can prevent and end long-term homelessness.

This bipartisan legislation seeks to do just that. It will reward communities for initiatives that prevent and end homelessness.

Groups that are endorsing the Community Partnership to End Homelessness Act include: The National Alliance to End Homelessness; the U.S. Conference of Mayors; the National Association of Counties; National Association of Local Housing Finance Agencies; National Community Development Association; the National Housing Conference; the Corporation for Supportive Housing; National Alliance on Mental Illness; Consortium for Citizens With Disabilities Housing Task Force; Habitat for Humanity; Technical Assistance Collaborative; and the Housing Assistance Council.

The Community Partnership to End Homelessness Act will set us on the path to meeting an important national goal. I hope my colleagues will join us in supporting this bill and other homelessness 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. 1518

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Community Partnership to End Homelessness Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS AND PURPOSE.

Section 102 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301) is amended to read as follows:

''SEC. 102. FINDINGS AND PURPOSE.

''(a) FINDINGS.—Congress finds that—

''(1) the United States faces a crisis of individuals and families who lack basic affordable housing and appropriate shelter;

''(2) assistance from the Federal Government is an important factor in the success of efforts by State and local governments and the private sector to address the problem of homelessness in a comprehensive manner;

''(3) there are several Federal Government programs to assist persons experiencing homelessness, including programs for individuals with disabilities, veterans, children, and youth;

''(4) homeless assistance programs must be evaluated on the basis of their effectiveness in reducing homelessness, transitioning individuals and families to permanent housing and stability, and optimizing their self-sufficiency;

''(5) States and units of general local government receiving Federal block grant and other Federal grant funds must be evaluated on the basis of their effectiveness in—

''(A) implementing plans to appropriately discharge individuals to and from mainstream service systems; and

''(B) reducing barriers to participation in mainstream programs, as identified in—

''(i) a report by the Government Accountability Office entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential', issued February 26, 1999; or

''(ii) a report by the Government Accountability Office entitled 'Homelessness: Barriers to Using Mainstream Programs', issued July 6, 2000;

''(6) an effective plan for reducing homelessness should provide a comprehensive housing system (including permanent housing and, as needed, transitional housing) that recognizes that, while some individuals and families experiencing homelessness attain economic viability and independence utilizing transitional housing and then permanent housing, others can reenter society directly and optimize self-sufficiency through acquiring permanent housing;

''(7) supportive housing activities include the provision of permanent housing or transitional housing, and appropriate supportive services, in an environment that can meet the short-term or long-term needs of persons experiencing homelessness as they reintegrate into mainstream society;

''(8) homeless housing and supportive services programs within a community are most effective when they are developed and operated as part of an inclusive, collaborative, locally driven homeless planning process that involves as decision makers persons experiencing homelessness, advocates for persons experiencing homelessness, service organizations, government officials, business persons, neighborhood advocates, and other community members;

''(9) homelessness should be treated as a symptom of many neighborhood, community, and system problems, whose remedies require a comprehensive approach integrating all available resources;

''(10) there are many private sector entities, particularly nonprofit organizations, that have successfully operated outcome-effective homeless programs;

''(11) Federal homeless assistance should supplement other public and private funding provided by communities for housing and supportive services for low-income households;

''(12) the Federal Government has a responsibility to establish partnerships with State and local governments and private sector entities to address comprehensively the problems of homelessness; and

''(13) the results of Federal programs targeted for persons experiencing homelessness have been positive.

''(b) PURPOSE.—It is the purpose of this Act—

''(1) to create a unified and performance-based process for allocating and administering funds under title IV;

''(2) to encourage comprehensive, collaborative local planning of housing and services programs for persons experiencing homelessness;

''(3) to focus the resources and efforts of the public and private sectors on ending and preventing homelessness;

''(4) to provide funds for programs to assist individuals and families in the transition from homelessness, and to prevent homelessness for those vulnerable to homelessness;

''(5) to consolidate the separate homeless assistance programs carried out under title IV (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

''(6) to allow flexibility and creativity in re-thinking solutions to homelessness, including alternative housing strategies, outcome-effective service delivery, and the involvement of persons experiencing homelessness in decision-making regarding opportunities for their long-term stability, growth, well-being, and optimum self-sufficiency; and

''(7) to ensure that multiple Federal agencies are involved in the provision of housing, health care, human services, employment, and education assistance, as appropriate for the missions of the agencies, to persons experiencing homelessness, through the funding provided for implementation of programs carried out under this Act and other programs targeted for persons experiencing homelessness, and mainstream funding, and to promote coordination among those Federal agencies, including providing funding for a United States Interagency Council on Homelessness to advance such coordination.''.

SEC. 3. UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS.

Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 201 (42 U.S.C. 11311), by striking the period at the end and inserting the following: ''whose mission shall be to develop and coordinate the implementation of a national strategy to prevent and end homelessness while maximizing the effectiveness of the Federal Government in contributing to an end to homelessness in the United States.'';

(2) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by striking ''(16)'' and inserting ''(19)''; and

(ii) by inserting after paragraph (15) the following:

''(16) The Commissioner of Social Security, or the designee of the Commissioner.

''(17) The Attorney General of the United States, or the designee of the Attorney General.

''(18) The Director of the Office of Management and Budget, or the designee of the Director.'';

(B) in subsection (c), by striking ''annually'' and inserting ''2 times each year''; and

(C) by adding at the end the following:

''(e) ADMINISTRATION.—The Assistant to the President for Domestic Policy within the Executive Office of the President shall oversee the functioning of the United States Interagency Council on Homelessness to ensure Federal interagency collaboration and program coordination to focus on preventing and ending homelessness, to increase access to mainstream programs (as identified in a report by the Government Accountability Office entitled 'Homelessness: Barriers to Using Mainstream Programs', issued July 6, 2000) by persons experiencing homelessness, to eliminate the barriers to participation in those programs, to implement a Federal plan to prevent and end homelessness, and to identify Federal resources that can be expended to prevent and end homelessness.'';

(3) in section 203(a) (42 U.S.C. 11313(a))—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (8), (9), and (10), respectively;

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following:

''(1) not later than 1 year after the date of enactment of the Community Partnership to End Homelessness Act of 2007, develop and submit to the President and to Congress a National Strategic Plan to End Homelessness;'';

(C) in paragraph (5), as redesignated by subparagraph (A), by striking ''at least 2, but in no case more than 5'' and inserting ''not less than 5, but in no case more than 10''; and

(D) by inserting after paragraph (5), as redesignated by subparagraph (A), the following:

''(6) encourage the creation of State Interagency Councils on Homelessness and the formulation of multi-year plans to end homelessness at State, city, and county levels;

''(7) develop mechanisms to ensure access by persons experiencing homelessness to all Federal, State, and local programs for which the persons are eligible, and to verify collaboration among entities within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the 2 reports described in section 102(a)(5)(B);''; and

(4) by striking section 208 (42 U.S.C. 11318) and inserting the following:

''SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $3,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal years 2009, 2010, 2011, and 2012.''.

SEC. 4. HOUSING ASSISTANCE GENERAL PROVISIONS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle A—General Provisions'';

(2) by redesignating section 401 (42 U.S.C. 11361) as section 403;

(3) by redesignating section 402 (42 U.S.C. 11362) as section 406;

(4) by inserting before section 403 (as redesignated in paragraph (2)) the following:

''SEC. 401. DEFINITIONS.

''In this title, the following definitions shall apply:

''(1) CHRONICALLY HOMELESS.—

''(A) IN GENERAL.—The term 'chronically homeless', used with respect to an individual or family, means an individual or family who—

''(i) is homeless and lives or resides in a place not meant for human habitation or in an emergency shelter;

''(ii) has been homeless and living or residing in a place not meant for human habitation or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and

''(iii) has an adult head of household with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

''(2) COLLABORATIVE APPLICANT.—The term 'collaborative applicant' means an entity that—

''(A) carries out the duties specified in section 402;

''(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C in accordance with a collaborative process; and

''(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

''(3) COLLABORATIVE APPLICATION.—The term 'collaborative application' means an application for a grant under subtitle C that—

''(A) satisfies section 422; and

''(B) is submitted to the Secretary by a collaborative applicant.

''(4) CONSOLIDATED PLAN.—The term 'Consolidated Plan' means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

''(5) ELIGIBLE ENTITY.—The term 'eligible entity' means, with respect to a subtitle, a public entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to receive directly grant amounts under that subtitle.

''(6) GEOGRAPHIC AREA.—The term 'geographic area' means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

''(7) HOMELESS INDIVIDUAL WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'homeless individual with a disability' means an individual who is homeless, as defined in section 103, and has a disability that—

''(i)(I) is expected to be long-continuing or of indefinite duration;

''(II) substantially impedes the individual's ability to live independently;

''(III) could be improved by the provision of more suitable housing conditions; and

''(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse;

''(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

''(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

''(B) RULE.—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

''(8) LEGAL ENTITY.—The term 'legal entity' means—

''(A) an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code;

''(B) an instrumentality of State or local government; or

''(C) a consortium of instrumentalities of State or local governments that has constituted itself as an entity.

''(9) METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.—The terms 'metropolitan city', 'urban county', and 'nonentitlement area' have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

''(10) NEW.—The term 'new', used with respect to housing, means housing for which no assistance has been provided under this title.

''(11) OPERATING COSTS.—The term 'operating costs' means expenses incurred by a project sponsor operating transitional housing or permanent housing under this title with respect to—

''(A) the administration, maintenance, repair, and security of such housing;

''(B) utilities, fuel, furnishings, and equipment for such housing; or

''(C) coordination of services as needed to ensure long-term housing stability.

''(12) OUTPATIENT HEALTH SERVICES.—The term 'outpatient health services' means outpatient health care services, mental health services, and outpatient substance abuse treatment services.

''(13) PERMANENT HOUSING.—The term 'permanent housing' means community-based housing without a designated length of stay, and includes permanent supportive housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult.

''(14) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means an organization—

''(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

''(B) that has a voluntary board;

''(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

''(D) that practices nondiscrimination in the provision of assistance.

''(15) PROJECT.—The term 'project', used with respect to activities carried out under subtitle C, means eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

''(16) PROJECT-BASED.—The term 'project-based', used with respect to rental assistance, means assistance provided pursuant to a contract that—

''(A) is between—

''(i) a project sponsor; and

''(ii) an owner of a structure that exists as of the date the contract is entered into; and

''(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

''(17) PROJECT SPONSOR.—The term 'project sponsor', used with respect to proposed eligible activities, means the organization directly responsible for the proposed eligible activities.

''(18) RECIPIENT.—Except as used in subtitle B, the term 'recipient' means an eligible entity who—

''(A) submits an application for a grant under section 422 that is approved by the Secretary;

''(B) receives the grant directly from the Secretary to support approved projects described in the application; and

''(C)(i) serves as a project sponsor for the projects; or

''(ii) awards the funds to project sponsors to carry out the projects.

''(19) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(20) SERIOUS MENTAL ILLNESS.—The term 'serious mental illness' means a severe and persistent mental illness or emotional impairment that seriously limits a person's ability to live independently.

''(21) STATE.—Except as used in subtitle B, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

''(22) SUPPORTIVE SERVICES.—The term 'supportive services' means the supportive services described in section 425(c).

''(23) TENANT-BASED.—The term 'tenant-based', used with respect to rental assistance, means assistance that allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

''(A) in a particular structure or unit for not more than the first year of the participation; and

''(B) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A).

''(24) TRANSITIONAL HOUSING.—The term 'transitional housing' means housing, the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

''(25) UNIFIED FUNDING AGENCY.—The term 'unified funding agency' means a collaborative applicant that performs the duties described in section 402(f).

''SEC. 402. COLLABORATIVE APPLICANTS.

''(a) ESTABLISHMENT AND DESIGNATION.—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

''(1) submit an application for amounts under this subtitle; and

''(2) perform the duties specified in subsection (e) and, if applicable, subsection (f).

''(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—An entity may be established to serve as a collaborative applicant under this section without being a legal entity.

''(c) REMEDIAL ACTION.—If the Secretary finds that a collaborative applicant for a geographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting other eligible entities to apply directly for grants.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

''(e) DUTIES.—A collaborative applicant shall—

''(1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, in such a manner as to provide information necessary for the Secretary—

''(A) to determine compliance with—

''(i) the program requirements under section 425; and

''(ii) the selection criteria described under section 427; and

''(B) to establish priorities for funding projects in the geographic area involved;

''(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

''(3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system for purposes of—

''(A) collecting unduplicated counts of individuals and families experiencing homelessness;

''(B) analyzing patterns of use of assistance provided under subtitles B and C for the geographic area involved; and

''(C) providing information to project sponsors and applicants for needs analyses and funding priorities.

''(f) UNIFIED FUNDING.—

''(1) IN GENERAL.—In addition to the duties described in subsection (e), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

''(A) the collaborative applicant—

''(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

''(ii) is selected to perform such responsibilities by the Secretary; or

''(B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—

''(i) a finding by the Secretary that the applicant—

''(I) has the capacity to perform such responsibilities; and

''(II) would serve the purposes of this Act as they apply to the geographic area; and

''(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

''(2) REQUIRED ACTIONS BY A UNIFIED FUNDING AGENCY.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

''(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that all financial transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

''(B) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

''(g) CONFLICT OF INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.'';

(5) by inserting after section 403 (as redesignated in paragraph (2)) the following:

''SEC. 404. TECHNICAL ASSISTANCE.

''(a) TECHNICAL ASSISTANCE FOR PROJECT SPONSORS.—The Secretary shall make effective technical assistance available to private nonprofit organizations and other nongovernmental entities, States, metropolitan cities, urban counties, and counties that are not urban counties that are potential project sponsors, in order to implement effective planning processes for preventing and ending homelessness, to optimize self-sufficiency among individuals experiencing homelessness, and to improve their capacity to become project sponsors.

''(b) TECHNICAL ASSISTANCE FOR COLLABORATIVE APPLICANTS.—The Secretary shall make effective technical assistance available to collaborative applicants—

''(1) to improve their ability to carry out the duties required under subsections (e) and (f) of section 402;

''(2) to design and execute outcome-effective strategies for preventing and ending homelessness in their geographic areas consistent with the provisions of this title; and

''(3) to design and implement a community-wide process for assessing the performance of the applicant and project sponsors in meeting the purposes of this Act.

''(c) RESERVATION.—The Secretary may reserve not more than 1 percent of the funds made available for any fiscal year for carrying out subtitles B and C, to make available technical assistance under subsections (a) and (b).

''SEC. 405. APPEALS.

''(a) IN GENERAL.—Not later than 3 months after the date of enactment of the Community Partnership to End Homelessness Act of 2007, the Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to an application for funding.

''(b) PROCESS.—The Secretary shall ensure that appeals procedure established under subsection (a) permits appeals submitted by—

''(1) collaborative applicants;

''(2) entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs); and

''(3) homeless planning bodies not established as collaborative applicants.''; and

(6) by inserting after section 406 (as redesignated in paragraph (2)) the following:

''SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $1,800,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal years 2009, 2010, 2011, and 2012.''.

SEC. 5. EMERGENCY HOMELESSNESS PREVENTION AND SHELTER GRANTS PROGRAM.

Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle B—Emergency Homelessness Prevention and Shelter Grants Program'';

(2) by striking section 412 (42 U.S.C. 11372) and inserting the following:

''SEC. 412. GRANT ASSISTANCE.

''The Secretary shall make grants to States and local governments (and to private nonprofit organizations providing assistance to persons experiencing homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 414.

''SEC. 412A. AMOUNT AND ALLOCATION OF ASSISTANCE.

''(a) IN GENERAL.—Of the amount made available to carry out this subtitle and subtitle C for a fiscal year, the Secretary shall allocate nationally not less than 10 nor more than 15 percent of such amount for activities described in section 414.

''(b) ALLOCATION.—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by collaborative applicants that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 414, in consultation with the collaborative applicants.'';

(3) in section 413(b) (42 U.S.C. 11373(b)), by striking ''amounts appropriated'' and all that follows through ''for any'' and inserting ''amounts appropriated under section 407 and made available to carry out this subtitle for any'';

(4) by striking section 414 (42 U.S.C. 11374) and inserting the following:

''SEC. 414. ELIGIBLE ACTIVITIES.

''Assistance provided under section 412 may be used for the following activities:

''(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

''(2) The provision of essential services, including services concerned with employment, health, education, family support services for homeless youth, alcohol or drug abuse prevention or treatment, or mental health treatment, if such essential services have not been provided by the local government during any part of the immediately preceding 12-month period, or the use of assistance under this subtitle would complement the provision of those essential services.

''(3) Maintenance, operation, insurance, provision of utilities, and provision of furnishings.

''(4) Housing relocation or stabilization services for individuals and families at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, short- or medium-term rental assistance, assistance with moving costs, or other activities that are effective at—

''(A) stabilizing individuals and families in their current housing; or

''(B) quickly moving such individuals and families to other housing before such individuals and families become homeless.'';

(5) by repealing section 417 (42 U.S.C. 11377); and

(6) by redesignating section 418 as section 417.

SEC. 6. HOMELESS ASSISTANCE PROGRAM.

Subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle C—Homeless Assistance Program'';

(2) by striking sections 421 through 424 (42 U.S.C. 11381 et seq.) and inserting the following:

''SEC. 421. PURPOSES.

''The purposes of this subtitle are—

''(1) to promote community-wide commitment to the goal of ending homelessness;

''(2) to provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;

''(3) to promote access to, and effective utilization of, mainstream programs identified by the Government Accountability Office in the 2 reports described in section 102(a)(5)(B) and programs funded with State or local resources; and

''(4) to optimize self-sufficiency among individuals and families experiencing homelessness.

''SEC. 422. COMMUNITY HOMELESS ASSISTANCE PROGRAM.

''(a) PROJECTS.—The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.

''(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a Notification of Funding Availability for grants awarded under this subtitle 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) APPLICATIONS.—

''(1) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under subsection (a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing—

''(A) such information as the Secretary determines necessary—

''(i) to determine compliance with the program requirements and selection criteria under this subtitle; and

''(ii) to establish priorities for funding projects in the geographic area.

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

''(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

''(1) REQUIREMENTS FOR OBLIGATION.—

''(A) IN GENERAL.—Not later than 9 months after the announcement referred to in subsection (c)(2), each recipient of a grant announced under such subsection shall, with respect to a project to be funded through such grant, meet, or cause the project sponsor to meet, all requirements for the obligation of funds for such project, including site control, matching funds, and environmental review requirements, except as provided in subparagraph (C).

''(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 15 months after the announcement referred to in subsection (c)(2), each recipient of a grant announced under such subsection seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under such subsection shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

''(C) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient of a grant announced under subsection (c)(2) shall meet or cause a project sponsor to meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, or completing the technical submission requirements for the project.

''(2) OBLIGATION.—Not later than 45 days after a recipient meets or causes a project sponsor to meet the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

''(3) DISTRIBUTION.—A unified funding agency that receives funds through a grant under this section—

''(A) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

''(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

''(4) EXPENDITURE OF FUNDS.—The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by the recipient or project sponsors involved. The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this subtitle to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

''(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this subtitle that the Secretary determines meets the purposes of this subtitle, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

''(f) CONSIDERATIONS IN DETERMINING RENEWAL FUNDING.—When providing renewal funding for leasing or rental assistance for permanent housing, the Secretary shall take into account increases in the fair market rents for modest rental property in the geographic area.

''(g) MORE THAN 1 APPLICATION FOR A GEOGRAPHIC AREA.—If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 427.

''SEC. 423. ELIGIBLE ACTIVITIES.

''(a) IN GENERAL.—The Secretary may award grants to project sponsors under section 422 to carry out homeless assistance projects that consist of 1 or more of the following eligible activities:

''(1) Construction of new housing units to provide transitional or permanent housing to homeless individuals and families.

''(2) Acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families.

''(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families, or providing supportive services to homeless individuals and families.

''(4) Provision of rental assistance to provide transitional or permanent housing to homeless individuals and families. The rental assistance may include tenant-based or project-based rental assistance.

''(5) Payment of operating costs for housing units assisted under this subtitle.

''(6) Provision of supportive services to homeless individuals and families, or individuals and families who in the prior 6 months have been homeless but are currently residing in permanent housing.

''(7) Provision of rehousing services, including housing search, mediation or outreach to property owners, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that—

''(A) are effective at moving homeless individuals and families immediately into housing; or

''(B) may benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing.

''(8) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(e)(3).

''(9) Operation of, participation in, and ensuring consistent participation by project sponsors in, a community-wide homeless management information system.

''(10) In the case of a collaborative applicant that is a legal entity, payment of administrative costs related to meeting the requirements described in paragraphs (1) and (2) of section 402(e), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

''(11) In the case of a collaborative applicant that is a unified funding agency under section 402(f), payment of administrative costs related to meeting the requirements of that section, for which the unified funding agency may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

''(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 5 percent of the total funds made available to that project sponsor through this subtitle for such costs.

''(b) MINIMUM GRANT TERMS.—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

''(c) USE RESTRICTIONS.—

''(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 15 years.

''(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

''(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the collaborative applicant or unified funding agency involved to carry out instead a project for the direct benefit of low-income persons, and the collaborative applicant or unified funding agency determines that the initial project is no longer needed to provide transitional or permanent housing, the collaborative applicant or unified funding agency may recommend that the Secretary approve the project described in the request and authorize the recipient or project sponsor to carry out that project. If the collaborative applicant or unified funding agency is the recipient or project sponsor, it shall submit such a request directly to the Secretary who shall determine if the conversion of the project is appropriate.

''(d) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

''(1) REPAYMENT.—If a recipient (or a project sponsor receiving funds from the recipient) receives assistance under section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

''(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient (or the project sponsor receiving funds from the recipient) to repay 100 percent of the assistance; or

''(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient (or the project sponsor receiving funds from the recipient) to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

''(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning on the date that operation of the project begins, the recipient (or the project sponsor receiving funds from the recipient) who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient (or a project sponsor receiving funds from the recipient) from unduly benefitting from such sale or disposition.

''(3) EXCEPTION.—A recipient (or a project sponsor receiving funds from the recipient) shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

''(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

''(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle; or

''(C) there are no individuals and families in the geographic area who are homeless, in which case the project may serve individuals and families at risk of homelessness under section 1004.

''SEC. 424. FLEXIBILITY INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.

''(a) DESIGNATION AS A HIGH-PERFORMING COMMUNITY.—

''(1) IN GENERAL.—The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

''(2) CONSIDERATION.—In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability.

''(3) 2-YEAR PHASE IN.—In each of the first 2 years after the date of enactment of this section, the Secretary shall designate not more than 10 collaborative applicants as high-performing communities.

''(4) EXCESS OF QUALIFIED APPLICANTS.—In the event that during the 2-year period described under paragraph (2) more than 10 collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the 10 that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

''(5) TIME LIMIT ON DESIGNATION.—The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

''(b) APPLICATION TO BE A HIGH-PERFORMING COMMUNITY.—

''(1) IN GENERAL.—A collaborative applicant seeking designation as a high-performing community under subsection (a) shall submit an application to the Secretary at such time, and in such manner as the Secretary may require.

''(2) CONTENT OF APPLICATION.—In any application submitted under paragraph (1), a collaborative applicant shall include in such application—

''(A) a report showing how any money received under this subtitle in the preceding year was expended; and

''(B) information that such applicant can meet the requirements described under subsection (d).

''(3) PUBLICATION OF APPLICATION.—The Secretary shall—

''(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and

''(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

''(c) USE OF FUNDS.—

''(1) BY PROJECT SPONSORS IN A HIGH-PERFORMING COMMUNITY.—Funds awarded under section 422(a) to a project sponsor who is located in a high-performing community may be used—

''(A) for any of the eligible activities described in section 423; or

''(B) for any of the eligible activities described in section 1003.

''(2) COMMUNITY HOMELESSNESS PREVENTION FUNDS.—

''(A) IN GENERAL.—Funds used for activities that are eligible under section 1003 but not under section 423 shall be subject to—

''(i) the matching requirements of section 1008 rather than section 430; and

''(ii) the other program requirements of title X rather than of this subtitle.

''(B) DUTY OF SECRETARY.—The Secretary shall transfer any funds awarded under section 422(a) for activities that are eligible under section 1003 but not under section 423 from the account for this subtitle to the account for title X.

''(d) DEFINITION OF HIGH-PERFORMING COMMUNITY.—For purposes of this section, the term 'high-performing community' means a geographic area that demonstrates through reliable data that all of the following 4 requirements are met for that geographic area:

''(1) The mean length of episodes of homelessness for that geographic area—

''(A) is less than 20 days; or

''(B) for individuals and families in similar circumstances in the preceding year was at least 10 percent less than in the year before.

''(2) Of individuals and families—

''(A) who leave homelessness, less than 5 percent of such individuals and families become homeless again at any time within the next 2 years; or

''(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least ⅕ within the preceding year.

''(3) The communities that compose the geographic area have—

''(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

''(B) included each homeless individual or family who sought homeless assistance services in the data system used by that community for determining compliance with this subsection.

''(4) If recipients in the geographic area have used funding awarded under section 422(a) for eligible activities described under section 1003 in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

''(e) COOPERATION AMONG ENTITIES.—A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by the collaborative applicant to reduce homelessness.'' ;

(3) in section 426 (42 U.S.C. 11386)—

(A) by striking subsection (a) and inserting the following:

''(a) SITE CONTROL.—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of the 12-month period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing assistance under section 423(a)(3) or housing that will eventually be owned or controlled by the families and individuals served. An applicant may obtain ownership or control of a suitable site different from the site specified in the application. If any recipient (or project sponsor receiving funds from the recipient) fails to obtain ownership or control of the site within 12 months after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle.'';

(B) by striking subsection (b) and inserting the following:

''(b) REQUIRED AGREEMENTS.—The Secretary may not provide assistance for a proposed project under this subtitle unless the collaborative applicant involved agrees—

''(1) to ensure the operation of the project in accordance with the provisions of this subtitle;

''(2) to monitor and report to the Secretary the progress of the project;

''(3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;

''(4) to require certification from all project sponsors that—

''(A) they will maintain the confidentiality of records pertaining to any individual or family provided family violence prevention or treatment services through the project;

''(B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person responsible for the operation of such project;

''(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, subtitle B of title VII, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

''(D) they will provide data and reports as required by the Secretary pursuant to the Act; and

''(E) if the project includes the provision of permanent housing to people with disabilities, the housing will be provided for not more than—

''(i) 8 such persons in a single structure or contiguous structures;

''(ii) 16 such persons, but only if not more than 20 percent of the units in a structure are designated for such persons; or

''(iii) more than 16 such persons if the applicant demonstrates that local market conditions dictate the development of a large project and such development will achieve the neighborhood integration objectives of the program within the context of the affected community;

''(5) if a collaborative applicant is a unified funding agency under section 402(f) and receives funds under subtitle C to carry out the payment of administrative costs described in section 423(a)(7), to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, such funds in order to ensure that all financial transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

''(6) to monitor and report to the Secretary the provision of matching funds as required by section 430; and

''(7) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.'';

(C) by redesignating subsection (d) as subsection (c);

(D) in subsection (c) (as redesignated in subparagraph (C)), in the first sentence, by striking ''recipient'' and inserting ''recipient or project sponsor'';

(E) by striking subsection (e);

(F) by redesignating subsections (f), (g), and (h), as subsections (d), (e), and (f), respectively;

(G) in subsection (e) (as redesignated in subparagraph (F)), in the first sentence, by striking ''recipient'' each place it appears and inserting ''recipient or project sponsor'';

(H) by striking subsection (i); and

(I) by redesignating subsection (j) as subsection (g);

(4) by repealing section 429 (42 U.S.C. 11389);

(5) by redesignating sections 427 and 428 (42 U.S.C. 11387, 11388) as sections 431 and 432, respectively; and

(6) by inserting after section 426 the following:

''SEC. 427. SELECTION CRITERIA.

''(a) IN GENERAL.—The Secretary shall award funds to recipients by a national competition between geographic areas based on criteria established by the Secretary.

''(b) REQUIRED CRITERIA.—

''(1) IN GENERAL.—The criteria established under subsection (a) shall include—

''(A) the previous performance of the recipient regarding homelessness, measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

''(i) the length of time individuals and families remain homeless;

''(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;

''(iii) the thoroughness of grantees in the geographic area in reaching all homeless individuals and families;

''(iv) overall reduction in the number of homeless individuals and families;

''(v) jobs and income growth for homeless individuals and families;

''(vi) success at reducing the number of individuals and families who become homeless; and

''(vii) other accomplishments by the recipient related to reducing homelessness;

''(B) the plan of the recipient, which shall describe—

''(i) how the number of individuals and families who become homeless will be reduced in the community;

''(ii) how the length of time that individuals and families remain homeless will be reduced; and

''(iii) the extent to which the recipient will—

''(I) address the needs of all relevant subpopulations, including—

''(aa) individuals with serious mental illness, addiction disorders, HIV/AIDS and other prevalent disabilities;

''(bb) families with children;

''(cc) unaccompanied youth;

''(dd) veterans; and

''(ee) other subpopulations with a risk of becoming homeless;

''(II) incorporate all necessary strategies for reducing homelessness, including the interventions referred to in section 428(d);

''(III) set quantifiable performance measures;

''(IV) set timelines for completion of specific tasks;

''(V) identify specific funding sources for planned activities;

''(VI) identify an individual or body responsible for overseeing implementation of specific strategies;

''(VII) include a review of local policies and practices relating to discharge planning from institutions, access to benefits and services from mainstream government programs, and zoning and land use, to determine whether such local policies and practices aggravate or ameliorate homelessness in the geographic area;

''(VIII) include interventions that will help reunify families that have been split up as a result of homelessness; and

''(IX) incorporate the findings and recommendations of the most recently completed annual assessments, conducted pursuant to section 2034 of title 38, United States Code, of the Department of Veterans Affairs medical centers or regional benefits offices whose service areas include the geographic area of the recipient;

''(C) the methodology of the recipient used to determine the priority for funding local projects under section 422(c)(1), including the extent to which the priority-setting process—

''(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid return to permanent housing for those served by the project, taking into account the severity of barriers faced by the people the project serves;

''(ii) includes evaluations obtained directly from the individuals and families served by the project;

''(iii) evaluates whether the population served by the project matches the priority population for that project;

''(iv) is based on objective criteria that have been publicly announced by the recipient;

''(v) is open to proposals from entities that have not previously received funds under this subtitle; and

''(vi) avoids conflicts of interest in the decision-making of the recipient;

''(D) the extent to which the recipient has a comprehensive understanding of the extent and nature of homelessness in the geographic area and efforts needed to combat the problem of homelessness in the geographic area;

''(E) the need for the types of projects proposed in the geographic area to be served and the extent to which the prioritized programs of the recipient meet such unmet needs;

''(F) the extent to which the amount of assistance to be provided under this subtitle to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the 2 reports described in section 102(a)(5)(B);

''(G) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness and at risk of homelessness in the planning and operation of projects, to the extent practicable;

''(H) the degree to which homeless individuals and families in the geographic area, including members of all relevant subpopulations listed in subparagraph (B)(III)(I), are able to access—

''(i) public benefits and services for which they are eligible, besides the services funded under this subtitle, including public schools; and

''(ii) the benefits and services provided by the Department of Veterans Affairs;

''(I) the extent to which the opinions and views of the full range of people in the geographic area are considered, including—

''(i) homeless individuals and families, individuals and families at risk of homelessness, and individuals and families who have experienced homelessness;

''(ii) individuals associated with community-based organizations that serve homeless individuals and families and individuals and families at risk of homelessness;

''(iii) persons who act as advocates for the diverse subpopulations of individuals and families experiencing or at risk of homelessness;

''(iv) relatives of individuals and families experiencing or at risk of homelessness;

''(v) Federal, State, and local government agency officials, particularly those officials responsible for administering funding under programs targeted for individuals and families experiencing homelessness, and other programs for which individuals and families experiencing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the 2 reports described in section 102(a)(5)(B);

''(vi) local educational agency liaisons designated under section 722(g)(1)(J)(ii), or their designees;

''(vii) members of the business community;

''(viii) members of neighborhood advocacy organizations; and

''(ix) members of philanthropic organizations that contribute to preventing and ending homelessness in the geographic area of the collaborative applicant; and

''(J) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

''(2) ADDITIONAL CRITERIA.—In addition to the criteria required under paragraph (1), the criteria established under subsection (a) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

''(A) NOTICE.—The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the Notice of Funding Availability for grants under section 422(b), of the pro rata estimated need amount under this subtitle for the geographic area represented by the collaborative applicant.

''(B) AMOUNT.—

''(i) BASIS.—The estimated need amount under subparagraph (A) shall be based on a percentage of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year that is equal to the percentage of the total amount available for section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306) for the prior fiscal year that—

''(I) was allocated to all metropolitan cities and urban counties within the geographic area represented by the collaborative applicant; or

''(II) would have been distributed to all counties within such geographic area that are not urban counties, if the 30 percent portion of the allocation to the State involved (as described in subsection (d)(1) of that section 106) for that year had been distributed among the counties that are not urban counties in the State in accordance with the formula specified in that subsection (with references in that subsection to nonentitlement areas considered to be references to those counties).

''(ii) RULE.—In computing the estimated need amount under subparagraph (A), the Secretary shall adjust the estimated need amount determined pursuant to clause (i) to ensure that—

''(I) 75 percent of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year are allocated to the metropolitan cities and urban counties that received a direct allocation of funds under section 413 for the prior fiscal year; and

''(II) 25 percent of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year are allocated—

''(aa) to the metropolitan cities and urban counties that did not receive a direct allocation of funds under section 413 for the prior fiscal year; and

''(bb) to counties that are not urban counties.

''(iii) COMBINATIONS OR CONSORTIA.—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

''(iv) AUTHORITY OF SECRETARY.—The Secretary may increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this subtitle for the geographic area.

''SEC. 428. ALLOCATION AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

''(a) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.—

''(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult.

''(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

''(3) ADJUSTMENT.—The 30 percent figure in paragraph (1) shall be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A).

''(4) SUSPENSION.—The requirement established in paragraph (1) shall be suspended for any year in which available funding for grants under this subtitle would not be sufficient to renew for 1 year existing grants that would otherwise be funded under this subtitle.

''(5) TERMINATION.—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

''(b) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS FAMILIES WITH CHILDREN.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.

''(c) FUNDING FOR ACQUISITION, CONSTRUCTION, AND REHABILITATION OF PERMANENT OR TRANSITIONAL HOUSING.—Nothing in this subtitle shall be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

''(d) INCENTIVES FOR PROVEN STRATEGIES.—

''(1) IN GENERAL.—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this subtitle for activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation.

''(2) RULE OF CONSTRUCTION.—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

''(A) permanent supportive housing for chronically homeless individuals and families;

''(B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services; and

''(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally or reducing homelessness for a specific subpopulation.

''(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.—

''(1) IN GENERAL.—If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or section 1003 for homeless people generally or for the relevant subpopulation.

''(2) USE OF FUNDS.—Bonus or incentive funds awarded under this subsection that are used for activities that are eligible under section 1003 but not under section 423 shall be subject to—

''(A) the matching requirements of section 1008 rather than section 430; and

''(B) the other program requirements of title X rather than of this subtitle.

''(3) DUTY OF SECRETARY.—The Secretary shall transfer any bonus or incentive funds awarded under this subsection for activities that are eligible under section 1003 but not under section 423 from the account for this subtitle to the account for title X.

''SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR PERMANENT HOUSING.

''(a) IN GENERAL.—Of the total amount available in the account or accounts designated for appropriations for use in connection with section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), the Secretary shall use such sums as may be necessary for the purpose of renewing expiring contracts for leasing, rental assistance, or operating costs for permanent housing.

''(b) RENEWALS.—The sums made available under subsection (a) shall be available for the renewal of contracts for a 1-year term for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the date of enactment of the Community Partnership to End Homelessness Act of 2007). The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of certification by the collaborative applicant for the geographic area that—

''(1) there is a demonstrated need for the project; and

''(2) the project complies with program requirements and appropriate standards of housing quality and habitability, as determined by the Secretary.

''(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the Secretary from renewing contracts under this subtitle in accordance with criteria set forth in a provision of this subtitle other than this section.

''SEC. 430. MATCHING FUNDING.

''(a) IN GENERAL.—A collaborative applicant in a geographic area in which funds are awarded under this subtitle shall specify contributions that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided to recipients in the geographic area.

''(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.

''(c) COUNTABLE ACTIVITIES.— The contributions required under subsection (a) may consist of—

''(1) funding for any eligible activity described under section 423; and

''(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423.''.

SEC. 7. RURAL HOUSING STABILITY ASSISTANCE.

Subtitle D of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.), as redesignated by section 9, is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle D—Rural Housing Stability Assistance Program''; and

(2) in section 491—

(A) by striking the section heading and inserting ''rural housing stability grant program.'';

(B) in subsection (a)—

(i) by striking ''rural homelessness grant program'' and inserting ''rural housing stability grant program'';

(ii) by inserting ''in lieu of grants under subtitle C and title X'' after ''eligible organizations''; and

(iii) by striking paragraphs (1), (2), and (3), and inserting the following:

''(1) rehousing or improving the housing situations of individuals and families who are homeless or in the worst housing situations in the geographic area;

''(2) stabilizing the housing of individuals and families who are in imminent danger of losing housing; and

''(3) improving the ability of the lowest-income residents of the community to afford stable housing.'';

(C) in subsection (b)(1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (I), (J), and (K), respectively; and

(ii) by striking subparagraph (D) and inserting the following:

''(D) construction of new housing units to provide transitional or permanent housing to homeless individuals and families;

''(E) acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families;

''(F) leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families, or providing supportive services to homeless individuals and families;

''(G) provision of rental assistance to provide transitional or permanent housing to homeless individuals and families, such rental assistance may include tenant-based or project-based rental assistance;

''(H) payment of operating costs for housing units assisted under this title;'';

(D) in subsection (b)(2), by striking ''appropriated'' and inserting ''transferred'';

(E) in subsection (c)—

(i) in paragraph (1)(A), by striking ''appropriated'' and inserting ''transferred''; and

(ii) in paragraph (3), by striking ''appropriated'' and inserting ''transferred'';

(F) in subsection (d)—

(i) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(ii) in paragraph (6)—

(I) by striking ''an agreement'' and all that follows through ''families'' and inserting the following: ''a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved by the organization''; and

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

(iii) by adding at the end the following:

''(7) a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project; and

''(8) a description of the extent and nature of homelessness and of the worst housing situations in the community.'';

(G) by striking subsections (f) and (g) and inserting the following:

''(f) MATCHING FUNDING.—

''(1) IN GENERAL.—An organization eligible to receive a grant under subsection (a) shall specify matching contributions that shall be made available in an amount equal to not less than 25 percent of the funds provided for the project or activity.

''(2) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the beneficiaries or clients of an eligible organization by an entity other than the organization may count toward the contributions in paragraph (1) only when documented by a memorandum of understanding between the organization and the other entity that such services will be provided.

''(3) COUNTABLE ACTIVITIES.—The contributions required under paragraph (1) may consist of—

''(A) funding for any eligible activity described under subsection (b); and

''(B) subject to paragraph (2), in-kind provision of services of any eligible activity described under subsection (b).

''(g) SELECTION CRITERIA.—The Secretary shall establish criteria for selecting recipients of grants under subsection (a), including—

''(1) the participation of potential beneficiaries of the project in assessing the need for, and importance of, the project in the community;

''(2) the degree to which the project addresses the most harmful housing situations present in the community;

''(3) the degree of collaboration with others in the community to meet the goals described in subsection (a);

''(4) the performance of the organization in improving housing situations, taking account of the severity of barriers of individuals and families served by the organization;

''(5) for organizations that have previously received funding under this section, the extent of improvement in homelessness and the worst housing situations in the community since such funding began;

''(6) the need for such funds, as determined by the formula established under section 427(b)(2); and

''(7) any other relevant criteria as determined by the Secretary.'';

(H) in subsection (h)—

(i) in paragraph (1)(A), by striking ''providing housing and other assistance to homeless persons'' and inserting ''meeting the goals described in subsection (a)'';

(ii) in paragraph (1)(B), by inserting ''in the worst housing situations'' after ''homelessness''; and

(iii) in paragraph (2), by inserting ''in the worst housing situations'' after ''homelessness'';

(I) in subsection (k)(1), by striking ''rural homelessness grant program'' and inserting ''rural housing stability grant program'';

(J) in subsection (l)—

(i) by striking the subsection heading and inserting ''PROGRAM FUNDING.—''; and

(ii) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Secretary shall determine the total amount of funding attributable under both section 427(b)(2) and section 1003(h) to meet the needs of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection from the Community Homeless Assistance Program and the grant program under section 1002 and consolidate such transferred amounts for grants under this section.''; and

(K) by adding at the end the following:

''(m) DIVISION OF FUNDS.—

''(1) AGREEMENT AMONG GEOGRAPHIC AREAS.—If the Secretary receives an application or applications to provide services in a geographic area under this subtitle, and also under subtitle C and title X, the Secretary shall consult with all applicants from the geographic area to determine whether all agree to proceed under either this subtitle or under subtitle C and title X.

''(2) DEFAULT IF NO AGREEMENT.—If no agreement is reached under paragraph (1), the Secretary shall proceed under this subtitle, or under subtitle C and title X, depending on which results in the largest total grant funding to the geographic area.''.

SEC. 8. FUNDS TO PREVENT HOMELESSNESS AND STABILIZE HOUSING FOR PRECARIOUSLY HOUSED INDIVIDUALS AND FAMILIES.

The McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended by inserting after title IX the following:

''TITLE X—PREVENTING HOMELESSNESS AND STABILIZING HOUSING FOR PRECARIOUSLY HOUSED INDIVIDUALS AND FAMILIES

''SEC. 1001. PURPOSES.

''The purposes of this title are—

''(1) to assist local communities to stabilize the housing of individuals and families who are most at risk of homelessness; and

''(2) to improve the ability of publicly funded institutions to avoid homelessness among individuals and families leaving the institutions.

''SEC. 1002. COMMUNITY HOMELESSNESS PREVENTION AND HOUSING STABILITY.

''(a) PROJECTS.—The Secretary shall award grants to recipients, on a competitive basis using the selection criteria described in section 1006, to carry out eligible activities under this title, for projects that meet the program requirements established under section 1005.

''(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a Notification of Funding Availability for grants awarded under this title 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) COLLABORATIVE APPLICANT.—

''(1) IN GENERAL.—A collaborative applicant, as such term is defined in section 401, shall for purposes of this title have the same responsibilities as set forth under section 402.

''(2) DUAL ROLE ENCOURAGED.—The Secretary shall encourage the same entity which serves as a collaborative applicant for purposes of subtitle C of title IV to serve as a collaborative applicant for purposes of this title.

''(d) APPLICATIONS.—

''(1) SUBMISSION TO THE SECRETARY.—A collaborative applicant 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 to determine if the applicant is in compliance with—

''(A) program requirements established under section 1005;

''(B) the selection criteria described in section 1006; and

''(C) the priorities for funding projects in the geographic area under this title.

''(2) COORDINATION WITH COMMUNITY HOMELESS ASSISTANCE PROGRAM.—The Secretary shall, to the maximum extent feasible, coordinate the application process under this section with the application processes for programs under subtitles B and C of title IV.

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

''(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this title that the Secretary determines is effective at preventing homelessness, and was included as part of a total application that met the criteria of subsection (d)(1), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

''(f) MORE THAN 1 APPLICATION FOR A GEOGRAPHIC AREA.—If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 1006.

''SEC. 1003. ELIGIBLE ACTIVITIES.

''The Secretary may award grants to qualified recipients under section 1002 to carry out homeless prevention projects that consist of 1 or more of the following eligible activities:

''(1) Leasing of property, or portions of property, not owned by the recipient involved, for use in providing short-term or medium-term housing to people at risk of homelessness, or providing supportive services to people at risk of homelessness.

''(2) Provision of rental assistance to provide short-term or medium-term housing to people at risk of homelessness. The rental assistance may include tenant-based or project-based rental assistance.

''(3) Payment of operating costs for housing units assisted under this title.

''(4) Supportive services for people at risk of homelessness.

''(5) Housing relocation or stabilization services, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at stabilizing individuals and families in their current housing or quickly moving them to other housing.

''(6) In the case of a collaborative applicant that is a legal entity payment of administrative costs related to meeting the requirements of section 1002(c), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle.

''(7) In the case of a collaborative applicant that is a unified funding agency, as such term is defined under section 402, payment of administrative costs related to meeting the requirements of serving as such an agency, for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this title.

''SEC. 1004. ELIGIBLE CLIENTS FOR FUNDED PROJECTS.

''(a) RULE OF CONSTRUCTION.—For purposes of this title, 'individuals and families at risk of homelessness' means individuals and families who meet all of the following criteria:

''(1) Have incomes below 20 percent of the median for the geographic area, adjusted for household size.

''(2) Have moved frequently due to economic reasons, are living in the home of another due to economic hardship, have been notified that their right to occupy their current housing or living situation will be terminated, live in severely overcrowded housing, or otherwise live in housing that has characteristics associated with instability and increased risk of homelessness as determined by the Secretary.

''(3) Have insufficient resources immediately available to attain housing stability.

''(b) WAIVER AUTHORITY.—The Secretary my waive any of the criteria described in subsection (a) in a geographic area upon a finding that all individuals and families who meet such criteria in the geographic area will be served under this title, and that individuals and families in the geographic area who do not meet the criteria described in subsection (a) remain at risk of homelessness.

''SEC. 1005. PROGRAM REQUIREMENTS.

''The program requirements set forth under section 426 shall apply to projects funded under this title.

''SEC. 1006. SELECTION CRITERIA.

''(a) IN GENERAL.—The Secretary shall award funds to recipients by a national competition based on criteria established by the Secretary.

''(b) REQUIRED CRITERIA.—The criteria established under subsection (a) shall include—

''(1) the previous performance of the recipient regarding stabilizing housing and preventing homelessness, measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individuals and families at risk of homelessness;

''(2) the plan of the recipient, which shall describe—

''(A) how the number of individuals and families who become homeless will be reduced in the community; and

''(B) how the length of time that individuals and families remain homeless will be reduced;

''(3) all of the criteria established under section 427(b)(1)(B)(iii);

''(4) the methodology used by the recipient to determine the priority for funding local projects under section 1002(d)(1), including use of the same methodology used in section 427(b)(1)(C);

''(5) the degree to which services are to be provided by the recipient to those individuals and families most at risk of homelessness; and

''(6) all of the criteria established under—

''(A) subparagraphs (D) through (J) of subsection (b)(1) of section 427; and

''(B) subsection (b)(2) of section 427.

''SEC. 1007. ELIGIBLE GRANT RECIPIENTS.

''The Secretary may make grants under this title to States, local governments, or nonprofit corporations.

''SEC. 1008. MATCHING REQUIREMENT.

''(a) IN GENERAL.—A collaborative applicant in a geographic area in which funds are awarded under this title shall specify contributions that shall be made available in that geographic area, in an amount equal to not less than 25 percent of the Federal funds provided under the grant, except that when services are provided to individuals and families who are or were within the past 2 years residents of institutions or systems of care funded, in whole or in part, by State or local government, including prison, jail, child welfare, and hospitals (including mental hospitals), for periods exceeding 2 years, then the collaborative applicant shall specify contributions that shall be made available in an amount equal to not less than 60 percent of the Federal funds provided under the grant.

''(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a recipient of a grant under this title by an entity other than the recipient may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the recipient and the other entity that such services will be provided.

''(c) COUNTABLE ACTIVITIES.— The contributions required under subsection (a) may consist of—

''(1) funding for any eligible activity described under section 423 or section 1003; and

''(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423 or section 1003.

''SEC. 1009. REGULATIONS.

''The Secretary shall promulgate regulations to carry out this title.

''SEC. 1010. REPORT TO CONGRESS.

''Not later than 1 year after the date of enactment of the Community Partnership to End Homelessness Act of 2007, the Secretary shall report to Congress on the accomplishments of the program in this title.

''SEC. 1011. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $250,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal years 2009, 2010, 2011, and 2012.''.

SEC. 9. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—Subtitles D, E, and F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., and 11403 et seq.) are repealed.

(b) CONFORMING AMENDMENT.—Subtitle G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.) is amended by redesignating subtitle G as subtitle D.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect 6 months after the date of enactment of this Act.

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

S. 1519. A bill to amend title XVIII of the Social Security Act to provide for a transition to a new voluntary quality reporting program for physicians and other health professionals; to the Committee on Finance.

Mr. CARDIN. Mr. President, today I rise to introduce the Voluntary Medicare Quality Reporting Act of 2007. I thank my good friend, the gentleman from Pennsylvania, Mr. SPECTER, for joining me in this effort. This is an important bill for tens of millions of Medicare beneficiaries, for the physicians, nurse practitioners and allied health professionals who treat them, and for the future of the Medicare program.

At the end of this year, providers will again face the prospect of an across-the-board cut in their Medicare reimbursements. The scheduled cut for 2008 is the largest ever, 9.9 percent. These cuts are the result of a flawed reimbursement system created in 1997 that uses the Sustainable Growth Rate formula, or SGR, to determine an acceptable increase in the growth of provider expenditures.

Medicare reimbursements increase when the previous year's payments do not exceed a target level that is based on the growth of our economy. However, when the previous year's payments exceed that target level, reimbursements are cut. According to MedPAC, the SGR formula would reduce Medicare provider reimbursements by 40 percent over the next eight years if Congress does not act. MedPAC is also concerned that over the next several years these reductions ''would threaten beneficiary access to physician services over time, particularly those provided by primary care physicians.'' MedPAC recognizes the importance of provider participation in the Medicare program, particularly in our rural and underserved urban areas where the decision to not accept new Medicare patients can make all the difference in seniors' access to medical care.

Congress recognizes this as well, and so we have intervened to prevent scheduled cuts resulting from SGR from taking effect. For all except the newest members of this body, this process of enacting a ''physician fix'' is a familiar scenario. For the past four years, Congress has acted to prevent these cuts to providers, usually through a last-minute provision added to a must-pass bill.

In the 109th Congress, I introduced bipartisan legislation implementing MedPAC's recommendations and calling for Congress to repeal the SGR formula and update provider reimbursements by the cost of care. Replacing SGR will require a thoughtful and protracted process involving the input of lawmakers and the provider community, and it is costly, but it is something that we must do.

The most recent ''fix'' was made to the 2006 Tax Relief and Health Care Act, Public Law 109–432. That law froze payment rates, staving off an across-the-board cut of 5.1 percent. Congress also added a quality reporting system called the Physician Quality Reporting Initiative program PQRI, which made providers eligible for a bonus payment of 1.5 percent of their total allowed Medicare charges if they report to HHS on certain quality measures starting in July 2007.

This new system is also known as ''pay-for-reporting,'' and it is based on the concept that physicians should receive an increase in Medicare reimbursement only once they have participated in extensive quality reporting. Across my State, I have heard serious concerns that this will lead to a mandatory reporting system in the near future, and that we will soon see an untested ''pay-for-performance'' system in place.

Now, I think all my colleagues would agree that our seniors deserve the highest quality care. But in our quest for improved quality, we must answer two questions here: should we proceed with an untested system of reporting requirements just for the sake of reporting, and will we actually achieve better care for our seniors via the PQRI.

I am very concerned about implementing reporting requirements that have not been tested. I believe that we must have the right process in place for defining a quality reporting system for services provided to Medicare beneficiaries by health care professionals. We should not be establishing reporting requirements for health professionals just for the sake of reporting, and we should not be moving forward with this system until we have adequate time to evaluate each stage of its development.

Current law does not provide sufficient time to assess the appropriateness and effectiveness of this new system. Nor do they take into account the fact that most physicians and other health professionals have no experience in quality reporting and do not have in place the necessary health information technology and administrative infrastructures to participate in a reporting system.

The bill I am introducing today will assure that health professionals will be at the center of the process for defining areas where quality measures are needed, as well as for defining the relevant measures themselves. Why is this important? Health professionals must be actively engaged in developing and implementing an effective reporting system because they are on the front lines of health care delivery, and they best understand the nexus between care delivery and quality measurement. The development process for quality measures must be transparent and consistent for all health professionals because they are the ones who will determine its successful implementation.

Additionally, quality measures should be tested across a variety of specialties and practice settings before they are included in a reporting system because measures must be clinically valid to be relevant for defining quality, and because physicians and health professionals practice in a variety of settings, for example: small vs. large practices, urban vs. suburban vs. rural locations, office-based vs. hospital-base practices.

Most importantly, we should not be using hastily devised quality measures to justify reimbursement cuts. There are some who advocate pay-for-performance as a way to slow the growth of physician spending. They think we can accomplish lower physician expenditures by setting arbitrary standards and then cutting payments to physicians who fail to meet them. But across America, there are practices that would face tremendous obstacles in meeting such standards: they lack of the information technology necessary to document and report standards in a timely manner; they see patients with economic and language barriers that will result in higher noncompliance rates; they treat a patient population for whom ethnic and racial differences require different clinical interventions than for other patients. Ignoring these considerations will not only fail to dramatically improve quality, it will significantly penalize providers who treat traditionally underserved populations.

This bill provides an opportunity to thoughtfully and carefully develop effective quality measures that reflect differences in practice patterns, to share our findings, and to determine and encourage the most cost-effective methods of providing the highest quality care.

Rather than moving forward precipitously in 2008 with a permanent Medicare quality reporting system after a transitional 6-month period this year, as current law requires, our bill, the Voluntary Medicare Quality Reporting Act of 2007, instead would establish a more realistic timeline for quality measure reporting by health professionals. It does so by:

Requiring the Secretary first to evaluate the 6-month transitional reporting system and reporting findings to the Congress by June 1, 2008;

Requiring the Secretary to undertake demonstrations for defining appropriate mechanisms whereby health professionals may provide data on quality measures to the Secretary through an appropriate medical registry;

Allowing physicians and other eligible professionals to continue reporting to the Secretary quality measures developed for 2007, in order for the Secretary to refine systems for reporting quality measures;

After completion of the evaluation, phasing in a permanent Voluntary Medicare Quality Reporting Program, with implementation beginning January 1, 2010, based on a consistent set of rules that define an orderly and transparent process of quality measure development;

Requiring that the Physician Consortium for Performance Improvement of the American Medical Association be the beginning point for the designation of clinical areas where quality measures are needed;

Having the Consortium, in collaboration with physician specialty organizations and other eligible professional organizations, develop and propose quality measures to a consensus organization such as the National Quality Forum for endorsement; and

Prohibiting the Secretary from using any measures that have not been recommended by the Consortium and endorsed by the consensus organization.

I am confident that with all of these measures we will achieve a successful and effective quality reporting system that will truly make a difference in the quality of care that our Medicare beneficiaries receive. At the end of this year, as Congress moves forward to address the physician reimbursement issue, I urge my colleagues to support this rational approach to promoting quality and guaranteeing access to care.

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

S. 1521. A bill to provide information, resources, recommendations, and funding to help State and local law enforcement enact crime prevention and intervention strategies supported by rigorous evidence; to the Committee on the Judiciary.

Mr. FEINGOLD: Mr. President, today I will introduce the PRECAUTION Act the Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act. It is a long name, but it stands for an important principle that it is better to invest in precautionary measures now than it is to pay the costs of crime both in dollars and lives later on. I am very pleased that the Senator from Pennsyivania, Mr. SPECTER, will join me as a cosponsor of this legislation.

As the Memorial Day weekend approaches, there is a particular urgency for this bill. Last year, Milwaukee suffered a devastating surge of violence over that holiday weekend. Just to take one example, a gunmand opened fire on a crowd of picnickers that included, according to news reports, almost 50 children. By the end of the weekend, nearly 30 people were wounded in shootings around the city, many

of them fatal. Instead of spending their Memorial Day weekend remembering those who gave their lives in defense of this country, Milwaukee residents found themselves mourning the victims of a war-zone rising up in their own neighborhoods.

Violence has continued to dominate the news in Milwaukee ever since. Brandon Sprewer, a Special Olympian, was waiting at a bus stop when he was shot and killed for his wallet. Wisconsin Department of Justice officer Jay Balchunas was shot and killed for no apparent reason, the victim of a random robbery that turned violent. Shaina Mersman was shot and killed at noon in the middle of a busy shopping area. She was 8 months pregnant, and she died in the middle of the street. And just this very month, 4-year-old Jasmine Owens was shot and killed by a drive-by shooter. She had been skipping rope in her front yard. These are but a few of the senseless deaths in a list of names that is far too long.

According to a report released by the Police Executive Research Forum, Milwaukee's homicide rates have increased by 17 percent, robbery rates by 39 percent, and aggravated assault by 85 percent in the past 2 years. While Milwaukee has been one of those cities hardest hit, cities across America are struggling with rising crime rates. In fact, the 2005 FBI Uniform Crime Report showed a startling increase in violent crime, reporting the largest single year percent increase in violent crime in 14 years. The FBI has also reported that crime increased another 3.7 percent in the first half of 2006 when compared with the same time frame in 2005.

These statistics are shocking, and they show that this is not a localized problem. Yet David Kennedy, director of the Center for Crime Prevention and Control at the John Jay College of Criminal Justice, reported in an August 2006 Washington Post article that, ''State and local officials feel abandoned by the Federal Government. The Federal Government must return to its role as a real partner in conquering crime by providing funding and crafting effective approaches to key problems.'' Something must be done at the Federal level to stem the tide of violence threatening our Nation. Put very simply, we, as representatives of our constituents, have an obligation to act.

At the same time, we have an obligation to act responsibly. The Federal government must work in concert with state and local law enforcement, with the non profit criminal justice community, and with other branches of State and Federal government. While we have an obligation to provide leadership and support, we do not have the right to unilaterally take control from the state and local officials on the ground. We must also act wisely, investing our resources in crime-fighting measures that we are confident will work and whose effectiveness has been demonstrated. Sometimes, small and careful advances are the ones that yield the most benefit.

The PRECAUTION Act is based on the premise that the cornerstones of Federal participation in crime fighting are threefold. First, the Federal Government should develop and disseminate knowledge to State and local officials regarding the newest and most effective law enforcement techniques and strategies. Second, the Federal Government should provide financial support for innovations that our State and local partners cannot afford to fund on their own. With that funding, we also should provide the guidance, training, and technical assistance to implement those innovations. Third, the Federal Government needs to create and maintain effective partnerships among agencies at all levels of government, partnerships that are crafted to address specific law enforcement challenges. And in its implementation, the PRECAUTION Act fulfills all three of these principles.

The PRECAUTION Act creates a national commission to wade through the sea of information on crime prevention and intervention strategies currently available and identify those programs that are most ready for replication around the country. Over taxed law enforcement officials need a simple, accessible resource to turn to that recommends a few, top-tier crime prevention and intervention programs. They need a resource that will single out those existing programs that are truly ''evidence-based,'' programs that are proven by scientifically reliable evidence to be effective. And the commission created by the PRECAUTION Act will provide just such a report, one written in plain language and focused on pragmatic implementation issues, approximately a year and a half after the bill is enacted.

In the course of holding hearings and writing this first report, the commission will also identify some types of prevention and intervention strategies that are promising but need further research and development before they are ready for further implementation.

The National Institute of Justice then will administer a grant program that will fund pilot projects in these identified areas. The commission will follow closely the progress of these pilot projects, and at the end of the three years of the grant program, the commission will publish a second report, providing a detailed discussion of each pilot project and its effectiveness. This second report will include detailed implementation information will discuss frankly both the successes and failures that arose over the course of the 3 years of the grant program.

The PRECAUTION Act answers a call put out by police chiefs and mayors from more than 50 cities around the country during a national conference hosted by the Police Executive Research Forum. According to a report on the event from the Forum, these law enforcement leaders agreed that while there is a desperate need to focus on violent crime in the law enforcement community, ''other municipal agencies and social services organizations, including schools, mental health, public health, courts, corrections, and conflict management groups need to be brought together to partner toward the common goal of reducing violent crime.'' In the hearings held by the commission, these voices will all be heard. In the reports filed by the commission, these perspectives will be acknowledged. And in the pilot projects administered by the National Institute of Justice, these partnerships will be developed and fostered.

The PRECAUTION Act, though modest in scope, is an important supplement to the essential financial support the Federal Government provides to our state and local law enforcement partners through programs such as the Byrne Justice Assistance grants and the COPS grants. When State and local law enforcement receive Federal support for policing, they have difficult decisions to make on how to spend those Federal dollars. We all know that prevention and intervention are integral components of any comprehensive law enforcement plan. The PRECAUTION Act not only highlights the importance of these components, but will also help to single out some of the best, most effective forms of prevention and intervention programs available. At the same time, it will help to develop additional, cutting-edge strategies that are supported by solid scientific evidence of their effectiveness. I am pleased that the bill has been endorsed by the National Sheriffs' Association, the Council for Excellence in Government, the American Society of Criminology, and the Consortium of Social Science Associations.

It is my sincere hope that Milwaukee is able to enjoy a peaceful Memorial Day weekend this year, but I will not rest on hopes alone. As Ted Kamatchus, President of the National Sheriffs' Association, testified in a hearing before the Senate Judiciary Committee, Subcommittee on Crime and Drugs, this week, ''we need a coordinated national attack on crime, recognizing that there is no single 'silver bullet' solution. Political rhetoric must not prevail over action.'' I urge my colleagues to listen to this advice and to join Senator SPECTER and me in working to get this important piece of legislation passed.

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

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

S. 1521

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2007'' or the ''PRECAUTION Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) establish a commitment on the part of the Federal Government to provide leadership on successful crime prevention and intervention strategies;

(2) further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement offices around the country;

(3) develop a plain-language, implementation-focused assessment of those current crime and delinquency prevention and intervention strategies that are supported by rigorous evidence;

(4) provide additional resources to the National Institute of Justice to administer research and development grants for promising crime prevention and intervention strategies;

(5) develop recommendations for Federal priorities for crime and delinquency prevention and intervention research, development, and funding that may augment important Federal grant programs, including the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant programs administered by the Office of Community Oriented Policing Services of the Department of Justice, grant programs administered by the Office of Safe and Drug-Free Schools of the Department of Education, and other similar programs; and

(6) reduce the costs that rising violent crime imposes on interstate commerce.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COMMISSION.—The term ''Commission'' means the National Commission on Public Safety Through Crime Prevention established under section 4(a).

(2) RIGOROUS EVIDENCE.—The term ''rigorous evidence'' means evidence generated by scientifically valid forms of outcome evaluation, particularly randomized trials (where practicable).

(3) SUBCATEGORY.—The term ''subcategory'' means 1 of the following categories:

(A) Family and community settings (including public health-based strategies).

(B) Law enforcement settings (including probation-based strategies).

(C) School settings (including antigang and general antiviolence strategies).

(4) TOP-TIER.—The term ''top-tier'' means any strategy supported by rigorous evidence of the sizable, sustained benefits to participants in the strategy or to society.

SEC. 4. NATIONAL COMMISSION ON PUBLIC SAFETY THROUGH CRIME PREVENTION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Public Safety Through Crime Prevention.

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, 1 of whom shall be the Assistant Attorney General for the Office of Justice Programs or a representative of such Assistant Attorney General;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(B) REQUIRED REPRESENTATIVES.—At least—

(i) 2 members of the Commission shall be respected social scientists with experience implementing or interpreting rigorous, outcome-based trials; and

(ii) 2 members of the Commission shall be law enforcement practitioners.

(3) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(7) EX OFFICIO MEMBERS.—The Director of the National Institute of Justice, the Director of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Community Capacity Development Office, the Director of the Bureau of Justice Statistics, the Director of the Bureau of Justice Assistance, and the Director of Community Oriented Policing Services (or a representative of each such director) shall each serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) OPERATION.—

(1) CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall elect a chairperson from among its voting members, by a vote of ⅔ of the members of the Commission. The chairperson shall retain this position for the life of the Commission. If the chairperson leaves the Commission, a new chairperson shall be selected, by a vote of ⅔ of the members of the Commission.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the date on which all the members of the Commission have been appointed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, and the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this Act or other applicable law.

(d) PUBLIC HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) FOCUS OF HEARINGS.—The Commission shall hold at least 3 separate public hearings, each of which shall focus on 1 of the subcategories.

(3) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(e) COMPREHENSIVE STUDY OF EVIDENCE-BASED CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive study of the effectiveness of crime and delinquency prevention and intervention strategies, organized around the 3 subcategories.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of research on the general effectiveness of incorporating crime prevention and intervention strategies into an overall law enforcement plan;

(B) an evaluation of how to more effectively communicate the wealth of social science research to practitioners;

(C) a review of evidence regarding the effectiveness of specific crime prevention and intervention strategies, focusing on those strategies supported by rigorous evidence;

(D) an identification of—

(i) promising areas for further research and development; and

(ii) other areas representing gaps in the body of knowledge that would benefit from additional research and development;

(E) an assessment of the best practices for implementing prevention and intervention strategies;

(F) an assessment of the best practices for gathering rigorous evidence regarding the implementation of intervention and prevention strategies; and

(G) an assessment of those top-tier strategies best suited for duplication efforts in a range of settings across the country.

(3) INITIAL REPORT ON TOP-TIER CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(A) DISTRIBUTION.—Not later than 18 months after the date on which all members of the Commission have been appointed, the Commission shall submit a public report on the study carried out under this subsection to—

(i) the President;

(ii) Congress;

(iii) the Attorney General;

(iv) the chief federal public defender of each district;

(v) the chief executive of each State;

(vi) the Director of the Administrative Office of the Courts of each State.

(vii) the Director of the Administrative Office of the United States Courts; and

(viii) the attorney general of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) a summary of the top-tier strategies, including—

(I) a review of the rigorous evidence supporting the designation of each strategy as top-tier;

(II) a brief outline of the keys to successful implementation for each strategy; and

(III) a list of references and other information on where further information on each strategy can be found;

(iii) recommended protocols for implementing crime and delinquency prevention and intervention strategies generally;

(iv) recommended protocols for evaluating the effectiveness of crime and delinquency prevention and intervention strategies; and

(v) a summary of the materials relied upon by the Commission in preparation of the report.

(C) CONSULTATION WITH OUTSIDE AUTHORITIES.—In developing the recommended protocols for implementation and rigorous evaluation of top-tier crime and delinquency prevention and intervention strategies under this paragraph, the Commission shall consult with the Committee on Law and Justice at the National Academy of Science and with national associations representing the law enforcement and social science professions, including the National Sheriffs' Association, the Police Executive Research Forum, the International Association of Chiefs of Police, the Consortium of Social Science Associations, and the American Society of Criminology.

(f) RECOMMENDATIONS REGARDING DISSEMINATION OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 30 days after the date of the final hearing under subsection (d) relating to a subcategory, the Commission shall provide the Director of the National Institute of Justice with recommendations on qualifying considerations relating to that subcategory for selecting grant recipients under section 5.

(B) DEADLINE.—Not later than 13 months after the date on which all members of the Commission have been appointed, the Commission shall provide all recommendations required under this subsection.

(2) MATTERS INCLUDED.—The recommendations provided under paragraph (1) shall include recommendations relating to—

(A) the types of strategies for the applicable subcategory that would best benefit from additional research and development;

(B) any geographic or demographic targets;

(C) the types of partnerships with other public or private entities that might be pertinent and prioritized; and

(D) any classes of crime and delinquency prevention and intervention strategies that should not be given priority because of a preexisting base of knowledge that would benefit less from additional research and development.

(g) FINAL REPORT ON THE RESULTS OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) IN GENERAL.—Following the close of the 3-year implementation period for each grant recipient under section 5, the Commission shall collect the results of the study of the effectiveness of that grant under section 5(b)(3) and shall submit a public report to the President, the Attorney General, Congress, the chief executive of each State, and the attorney general of each State describing each strategy funded under section 5 and its results. This report shall be submitted not later than 5 years after the date of the selection of the chairperson of the Commission.

(2) COLLECTION OF INFORMATION AND EVIDENCE REGARDING GRANT RECIPIENTS.—The Commission's collection of information and evidence regarding each grant recipient under section 5 shall be carried out by—

(A) ongoing communications with the grant administrator at the National Institute of Justice;

(B) visits by representatives of the Commission (including at least 1 member of the Commission) to the site where the grant recipient is carrying out the strategy with a grant under section 5, at least once in the second and once in the third year of that grant;

(C) a review of the data generated by the study monitoring the effectiveness of the strategy; and

(D) other means as necessary.

(3) MATTERS INCLUDED.—The report submitted under paragraph (1) shall include a review of each strategy carried out with a grant under section 5, detailing—

(A) the type of crime or delinquency prevention or intervention strategy;

(B) where the activities under the strategy were carried out, including geographic and demographic targets;

(C) any partnerships with public or private entities through the course of the grant period;

(D) the type and design of the effectiveness study conducted under section 5(b)(3) for that strategy;

(E) the results of the effectiveness study conducted under section 5(b)(3) for that strategy;

(F) lessons learned regarding implementation of that strategy or of the effectiveness study conducted under section 5(b)(3), including recommendations regarding which types of environments might best be suited for successful replication; and

(G) recommendations regarding the need for further research and development of the strategy.

(h) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation.

(3) STAFF.—

(A) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of ⅔ of the members of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(i) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a ⅔ affirmative vote of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this Act. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section.

(k) TERMINATION.—The Commission shall terminate on the date that is 30 days after the date on which the Commission submits the last report required by this section.

(l) EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act.

SEC. 5. INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.

(a) GRANTS AUTHORIZED.—The Director of the National Institute of Justice may make grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. The purpose of grants under this section shall be to provide funds for all expenses related to the implementation of such a strategy and to conduct a rigorous study on the effectiveness of that strategy.

(b) GRANT DISTRIBUTION.—

(1) PERIOD.—A grant under this section shall be made for a period of not more than 3 years.

(2) AMOUNT.—The amount of each grant under this section—

(A) shall be sufficient to ensure that rigorous evaluations may be performed; and

(B) shall not exceed $2,000,000.

(3) EVALUATION SET-ASIDE.—

(A) IN GENERAL.—A grantee shall use not less than $300,000 and not more than $700,000 of the funds from a grant under this section for a rigorous study of the effectiveness of the strategy during the 3-year period of the grant for that strategy.

(B) METHODOLOGY OF STUDY.—

(i) IN GENERAL.—Each study conducted under subparagraph (A) shall use an evaluator and a study design approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(ii) CRITERIA.—The employee of the National Institute of Justice hired or assigned under subsection (c) shall approve—

(I) an evaluator that has successfully carried out multiple studies producing rigorous evidence of effectiveness; and

(II) a proposed study design that is likely to produce rigorous evidence of the effectiveness of the strategy.

(iii) APPROVAL.—Before a grant is awarded under this section, the evaluator and study design of a grantee shall be approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(4) DATE OF AWARD.—Not later than 6 months after the date of receiving recommendations relating to a subcategory from the Commission under section 4(f), the Director of the National Institute of Justice shall award all grants under this section relating to that subcategory.

(5) TYPE OF GRANTS.—One-third of the grants made under this section shall be made in each subcategory. In distributing grants, the recommendations of the Commission under section 4(f) shall be considered.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $18,000,000 to carry out this subsection.

(c) DEDICATED STAFF.—

(1) IN GENERAL.—The Director of the National Institute of Justice shall hire or assign a full-time employee to oversee the grants under this section.

(2) STUDY OVERSIGHT.—The employee of the National Institute of Justice hired or assigned under paragraph (1) shall be responsible for ensuring that grantees adhere to the study design approved before the applicable grant was awarded.

(3) LIAISON.—The employee of the National Institute of Justice hired or assigned under paragraph (1) may be used as a liaison between the Commission and the recipients of a grant under this section. That employee shall be responsible for ensuring timely cooperation with Commission requests.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $150,000 for each of fiscal years 2008 through 2012 to carry out this subsection.

(d) APPLICATIONS.—A public or private entity desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Institute of Justice may reasonably require.

(e) COOPERATION WITH THE COMMISSION.—Grant recipients shall cooperate with the Commission in providing them with full information on the progress of the strategy being carried out with a grant under this section, including—

(1) hosting visits by the members of the Commission to the site where the activities under the strategy are being carried out;

(2) providing pertinent information on the logistics of establishing the strategy for which the grant under this section was received, including details on partnerships, selection of participants, and any efforts to publicize the strategy; and

(3) responding to any specific inquiries that may be made by the Commission.

SEC. 6. ELIMINATION OF THE RED PLANET CAPITAL VENTURE CAPITAL PROGRAM.

(a) REDUCTION OF NASA BUDGET.—Section 203 of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16632) is amended—

(1) in the matter preceding paragraph (1), by striking ''$18,686,300,000'' and inserting ''$18,680,300,000''; and

(2) in paragraph (2), by striking ''$10,903,900,000'' and inserting ''$10,897,900,000''.

(b) PROHIBITION.—The Administrator of the National Aeronautics and Space Administration may not carry out the Red Planet Capital Venture Capital Program established by the Administrator during the period of fiscal years 2008 through 2012.

By Mr. WYDEN (for himself, Mr. SMITH, Mr. CRAIG, Mrs. MURRAY, Ms. CANTWELL, Mr. BAUCUS, Mr. CRAPO, and Mr. TESTER):

S. 1522. A bill to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, I am pleased to be joined today by all Members of the Senate from the Northwest: Senator GORDON SMITH, Senator LARRY CRAIG, Senator PATTY MURRAY, Senator MARIA CANTWELL, Senator JON TESTER, Senator MAX BAUCUS and Senator MIKE CRAPO in introducing the Fisheries Restoration and Irrigation Mitigation Act of 2007, or FRIMA. Our legislation extends a homegrown, commonsense program that has a proven track record in helping restore Northwestern salmon runs. Dollar-for-dollar, the fish screening and fish passage facilities funded by our legislation are among the most cost-effective uses of public and private restoration dollars. These projects protect fish while producing significant benefits. That is why it is important that this program be reauthorized and funding be appropriated now.

Since 2001, when the original Fisheries Restoration and Irrigation Mitigation Act of 2000, FRIMA, was enacted, more than $9 million in Federal funds has leveraged nearly $20 million in private, local funding. This money has been used to protect, enhance and restore more than 550 rivers miles of important fish habitat and species throughout Oregon, Washington, Idaho and western Montana. For decades, State, tribal and Federal fishery agencies in the Pacific Northwest have identified the screening of irrigation and other water diversions, and improved fish passage, as critically important for the survival of salmon and other fish populations.

This program is very popular and has the support of a wide range of constituents, including community leaders, environmental organizations, and agricultural producers. Senator SMITH and I are proud of the successful collaborative projects that irrigators and members of the Oregon Water Resources Congress have completed while putting this program to work in our home State. Our program also has the support of Oregon Governor Ted Kulongoski, irrigators throughout the Northwestern States, Oregon Trout, American Rivers and the National Audubon Society.

FRIMA authorizes the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features. It also authorizes inventories to provide the information needed for planning and making decisions about the survival and propagation of all Northwestern fish species. The program is currently carried out by the U.S. Fish and Wildlife Service on behalf of the Interior Secretary.

FRIMA provides benefits by: keeping fish out of places where they should not be, such as in an irrigation system; easing upstream and downstream fish passage; improving the protection, survival, and restoration of native fish species; helping avoid new endangered species listings by protecting and enhancing the fish populations not yet listed; making progress toward the delisting of listed species; utilizing a positive, win/win, public-private partnership; and, assisting in achieving both sustainable agriculture and fisheries. Since FRIMA's enactment in 2001, 103 projects have been installed. This is a true partnership and fine example of how our fisheries and farmers can work together to protect fish species throughout the Northwest.

While he was Governor of Idaho, Interior Secretary Dirk Kempthorne said, ''. . . . the FRIMA program serves as an excellent example of government and private land owners working together to promote conservation. The screening of irrigation diversions plays a key role in Idaho's efforts to restore salmon populations while protecting rural economies.'' This is from ''Fisheries Restoration and Irrigation Mitigation Programs, fiscal year 2002–2004'', U.S. Fish & Wildlife Service, Washington, DC, July, 2005, page 13.

The bill that we are introducing today specifically extends the authorization for tbis program through 2014; gives priority to projects costing less than $2.5 million, a reduction in a targeted project's cost from $5,000,000 to $2,500,000; clarifies that any Bonneville Power Administration, BPA, funds provided either directly or through a grant to another entity shall be considered nonFederal matching funds, because BPA's funding comes from ratepayers; requires an inventory report describing funded projects and their benefits; and changes the administrative expenses formula used by the Fish & Wildlife Service and the States of Oregon, Washington, Montana and Idaho, so that administrative costs may be held to a minimum while projects in the field receive the majority of available funding.

Ultimately, it will take the combined efforts of all interests in our region to recover our salmon. State and local governments, local watershed councils, private landowners and the Federal Government need to continue working together. Initiatives such as the bill I am introducing today help to sustain the partnerships upon which successful salmon recovery will be based.

I look forward to working with my colleagues to see this legislation pass.

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. 1522

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 ''Fisheries Restoration and Irrigation Mitigation Act of 2007''.

SEC. 2. PRIORITY PROJECTS.

Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking ''$5,000,000'' and inserting ''$2,500,000''.

SEC. 3. COST SHARING.

Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by striking ''The value'' and inserting the following:

''(1) IN GENERAL.—The value''; and

(2) by adding at the end the following:

''(2) BONNEVILLE POWER ADMINISTRATION.—

''(A) IN GENERAL.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

''(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.''.

SEC. 4. REPORT.

Section 9 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by inserting ''any'' before ''amounts are made''; and

(2) by inserting after ''Secretary shall'' the following: '', after partnering with local governmental entities and the States in the Pacific Ocean drainage area,''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) in subsection (a), by striking ''2001 through 2005'' and inserting ''2008 through 2014''; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) ADMINISTRATIVE EXPENSES.—

''(A) DEFINITION OF ADMINISTRATIVE EXPENSE.—In this paragraph, the term 'administrative expense' means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

''(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

''(ii) the review, processing, and provision of applications for funding under the Program.

''(B) LIMITATION.—

''(i) IN GENERAL.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

''(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

''(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

''(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

''(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

''(I) shall be divided evenly among all States provided assistance under the Program; and

''(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

''(aa) arranging meetings to promote the Program to potential applicants;

''(bb) assisting applicants with the preparation of applications for funding under the Program; and

''(cc) visiting construction sites to provide technical assistance, if requested by the applicant.''.

By Mr. STEVENS (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. CARPER, Ms. MURKOWSKI, and Ms. LANDRIEU):

S. 1526. A bill to direct the Secretary of Energy to develop standards for general service lamps that will operate more efficiently and assist in reducing costs to consumers, business concerns, government entities, and other users, to require that general service lamps and related products manufactured or sold in interstate commerce after 2013 meet those standards, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. STEVENS. Mr. President, I join my colleagues Senator CARPER, SNOWE, LIEBERMAN, MURKOWSKI, and LANDRIEU in introducing two important domestic energy bills.

The Senate has an opportunity to save consumers $15 billion annually in energy costs, eliminate the need for hundreds of new power plants, prevent the release of tons of mercury into our environment annually, reduce greenhouse gas emissions by 3 trillion pounds, lead the world in the innovation of new technologies and increase domestic employment opportunities.

How? The good old fashion light bulb.

Thomas Edison was one of our Nation's greatest inventors. He holds nearly 1100 patents, including the light bulb. Over 125 years ago, he invented the conventional incandescent light bulb. While most of his other inventions have been significantly improved upon since then, Edison's incandescent light bulb is still the most widely used bulb today. Unfortunately, only 10 percent of the electricity that goes into this light bulb is actually used to produce light. The remaining 90 percent is often wasted as heat.

Just as another Edison invention, the phonograph, evolved into compact discs and mp3 technologies, today, American innovation has improved upon the light bulb. This innovation will continue. Light bulb manufacturers and our hard-working Americans have developed technologies that are capable of reducing the electricity use associated with conventional incandescent light bulbs from between 10 to over 50 percent. These bulbs are available today.

These technological and domestic manufacturing capabilities can save consumers billions of dollars a year in energy costs.

My colleagues and I are proud to introduce two bills that will ensure that we take advantage of these new technologies to save energy, save consumers on their electricity bills and promote American ingenuity.

The first is the Bright Idea Act of 2007. This bill will establish efficiency targets for light bulbs that will cut light bulb energy consumption by at least half in just 6 years and triple the efficiency of today's incandescent bulbs by 2018.

These efficiency standards are merely the beginning. The bill establishes a working group of light bulb manufacturers, labor unions, environmentalists and consumer groups to evaluate the state of bulb technologies and domestic manufacturing capabilities every 3 years. If the technology has advanced and our businesses are capable of higher standards, the Secretary of Energy may raise these targets.

The bill also authorizes a technology-neutral research and development program to help our domestic manufacturers, in partnership with our national laboratories and universities, advance new lighting technologies and directs the Secretary of Energy to educate consumers about the benefits of using newer light bulbs.

We recognize the concerns related to new light bulbs such as mercury release and labeling requirements. The bill requires the Secretary, together with the EPA, to provide recommendations to Congress on how to deal with these challenges.

The second component of this light bulb package that we are introducing today is a bill that will ensure that our Nation is capable of taking full advantage of America's lighting innovation through the creation of additional domestic employment opportunities. This bill provides a construction tax credit for the costs associated with the renovation and construction of domestic light bulb manufacturing facilities designed to produce the next generation of lighting technology.

I urge Senators to join my colleagues and me in saving consumers billions of dollars in electricity costs, reducing greenhouse gas emissions, tempering energy demand, eliminating the need for at least dozens of new power plants annually, preventing the release of tons of mercury into our environment each year and building upon our innovation by creating additional domestic employment opportunities for Americans by supporting the Bright Idea Act of 2007 and tax incentives for domestic lighting technologies. I ask consent that the text of the bill be printed in the RECORD.

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

S. 1526

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 ''Bright Idea Act of 2007''.

SEC. 2. TECHNICAL STANDARDS FOR GENERAL SERVICE LAMPS.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF STANDARDS.—As soon as practicable after the date of enactment of this Act, the Secretary of Energy shall initiate a project to establish technical standards for general service lamps.

(2) CONSULTATION WITH INTERESTED PARTIES.—In carrying out the project, the Secretary shall consult with representatives of environmental organizations, labor organizations, general service lamp manufacturers, consumer organizations, and other interested parties.

(3) MINIMUM INITIAL STANDARDS; DEADLINE.—The initial technical standards established shall be standards that enable those general service lamps to provide levels of illumination equivalent to the levels of illumination provided by general service lamps generally available in 2007, but with—

(A) a lumens per watt rating of not less than 30 by calendar year 2013; and

(B) a lumens per watt rating of not less than 45 by calendar year 2018.

(b) MANUFACTURE AND DISTRIBUTION IN INTERSTATE COMMERCE.—If the Secretary of Energy, after consultation with the interested parties described in subsection (a)(2), determines that general service lamps meeting the standards established under subsection (a) are generally available for purchase throughout the United States at costs that are substantially equivalent (taking into account useful life, lifecycle costs, domestic manufacturing capabilities, energy consumption, and such other factors as the Secretary deems appropriate) to the cost of the general service lamps they would replace, then the Secretary shall take such action as may be necessary to require that at least 95 percent of general service lamps sold, offered for sale, or otherwise made available in the United States meet the standards established under subsection (a), except for those general service lamps described in subsection (c).

(c) EXCEPTION.—The standards established by the Secretary under subsection (a) shall not apply to general service lamps used in applications in which compliance with those standards is not feasible, as determined by the Secretary.

(d) REVISED STANDARDS.—After the initial standards are established under subsection (a), the Secretary shall consult periodically with the interested parties described in subsection (a)(2) with respect to whether those standards should be changed. The Secretary may change the standards, and the dates and percentage of lamps to which the changed standards apply under subsection (b), if after such consultation the Secretary determines that such changes are appropriate.

(e) REPORT.—The Secretary shall submit reports periodically to the Senate Committee on Commerce, Science, and Technology, the Senate Committee on Energy and Natural Resources, and the House of Representatives Committee on Energy and Commerce with respect to the development and promulgation of standards for lamps and lamp-related technology, such as switches, dimmers, ballast, and non-general service lighting, that includes the Secretary's findings and recommendations with respect to such standards.

SEC. 3. RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary of Energy may carry out a lighting technology research and development program—

(1) to support the research, development, demonstration, and commercial application of lamps and related technologies sold, offered for sale, or otherwise made available in the United States; and

(2) to assist manufacturers of general service lamps in the manufacturing of general service lamps that, at a minimum, achieve the lumens per watt ratings described in section 2(a).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2013.

(c) SUNSET.—The program under this section shall terminate on September 30, 2015.

SEC. 4. CONSUMER EDUCATION PROGRAM.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Commissioner of the Federal Trade Commission, shall carry out a comprehensive national program to educate consumers about the benefits of using light bulbs that have improved efficiency ratings.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 through 2014.

SEC. 5. REPORT ON MERCURY USE AND RELEASE.

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report describing recommendations relating to the means by which the Federal Government may reduce or prevent the release of mercury during the manufacture, transportation, storage, or disposal of light bulbs.

SEC. 6. REPORT ON LAMP LABELING.

Not later than 1 year after the date of enactment of this Act, the Commissioner of the Federal Trade Commission, in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall submit to Congress a report describing current lamp labeling practices by lamp manufacturers and recommendations for a national labeling standard.

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

S. 1529. A bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, throughout my time in the United States Congress, I have worked with my colleagues to promote the economic security of low-income and working American families. In many respects, we have made significant progress, but in others, much work remains to be done. The last several years have been difficult ones for low-income Americans. Since 2000, the number of Americans living in poverty has increased by 5 million. At the same time, wages have stagnated for Americans in the bottom tenth of earners. It's no surprise that more and more Americans have turned to vital Federal food assistance such as the Food Stamp Program, which this year will serve 26 million Americans.

The Food Stamp Program is our Nation's first line of defense against hunger, providing modest but vital benefits to millions of American families, and also serving our country during times of extraordinary need. In fact, the Food Stamp Program played a crucial role in helping millions of Americans who were devastated by the Gulf Coast hurricanes of 2005.

Unfortunately, Congress has not taken action to modernize the program so that it addresses the current challenges that low-income Americans must face. It is time for Congress to make such needed program improvements. With the food stamp reauthorization pending as part of the upcoming farm bill, we have an opportunity and an obligation to invest in the Food Stamp Program and, in so doing, in the food security and health of our country's families.

Today I am joined by my good friend and colleague, Senator LUGAR from Indiana, in introducing the Food Stamp Fairness and Benefit Restoration Act of 2007. I thank the Senator from Indiana for his long-time efforts to fight hunger in America, and for joining me today to introduce this legislation.

The bill that we are introducing today contains several particular improvements.

First and foremost, the legislation would halt food stamp benefit erosion that is occurring as a result of draconian cuts enacted in the mid-90s. As a result of these cuts, food stamp benefits are eroding with every passing year and, as they do, the economic situations of families receiving food stamps grows ever more precarious.

Second, the bill would enable families to deduct fully the costs of child care for purposes of eligibility and benefit determination. Currently, program rules allow families to deduct just $175 per month of the cost of child care. Not only has this deduction not been adjusted to account for increases in the cost of child care, but it comes nowhere near covering the cost of child care, which nationwide averages almost $650 per month.

Third, the legislation would update archaic program rules regarding the resources that a family may have and still receive food stamps. In 1977, Congress established a program rule that said that a family may have $1,750 in available liquid assets and still receive food stamps. Had this asset limit been adjusted for inflation, today a family would be able to have nearly $6,000 in savings and still receive food stamps. Instead, we allow just $2,000. This makes no sense. Not only does it actively discourage families from saving for their future, it all but requires families that experience an economic shock such as a job loss or a medical emergency to spend down their savings to hit absolute rock bottom just to receive meager food benefits. It is time to adjust this asset limit and stop discouraging families from doing what we tell every other American that they must do—save. To that end, the bill also exempts tax-preferred retirement and educational savings accounts.

Fourth, this bill restores food stamp eligibility for legal immigrant households. This too is nothing but a basic restoration of a principle of fairness that existed prior to the mid-1990s. Unfortunately, Congress chose, unwisely in my opinion, to take away benefits from those legal immigrants who played by the rules and legally entered our country. Keep in mind these are families who work and are part of our society. I disagreed with the decision then and I disagree with it today. It is time to rectify this grave injustice and abide by the basic principle that those who enter the country legally and play by the same rules as the rest of us, should also be eligible for the same benefits for which they pay taxes. Our bill would do that.

Fifth, the legislation would set more humane eligibility standards for unemployed, childless adults. These individuals are among the poorest in our country and often have significant

mental health and substance abuse problems. They are, in short, among the people who need our help the most. But ironically, they are among those who we deny the most basic of food assistance. Currently, such adults can receive food stamps for only 3 months out of every 3 years. This legislation proposes a modestly more sympathetic standard of 6 months out of every 2-year period.

Finally, my bill would increase funding for commodity purchases for food banks and community food providers. U.S. Government donations to food banks have dropped dramatically in recent years, even as the number of Americans seeking help from community food providers has consistently increased.

I know that the budget is tight and that Congress must be prudent in decisions about how we allocate funding. But I also know that there is no function of the federal government as basic and as critical as ensuring that low-income Americans, families with children, elderly living on fixed incomes, and persons with disabilities, have enough food for their next meal. It is past time for Congress to act in this regard, and I hope that my colleagues on both sides of the aisle will join me and the Senator from Indiana to enact the Food Stamp Fairness and Benefit Restoration Act of 2007.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 214—CALLING UPON THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN TO IMMEDIATELY RELEASE DR. HALEH ESFANDIARI

Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. BIDEN, Mr. LIEBERMAN, Mr. SMITH, Mrs. CLINTON, Mr. DODD, Mr. BINGAMAN, and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 214

Whereas Dr. Haleh Esfandiari, Ph.D., holds dual citizenship in the United States and the Islamic Republic of Iran;

Whereas Dr. Esfandiari taught Persian language and literature for many years at Princeton University, where she inspired untold numbers of students to study the rich Persian language and culture;

Whereas Dr. Esfandiari is a resident of the State of Maryland and the Director of the Middle East Program at the Woodrow Wilson International Center for Scholars in Washington, D.C. (referred to in this preamble as the ''Wilson Center'');

Whereas, for the past decade, Dr. Esfandiari has traveled to Iran twice a year to visit her ailing 93-year-old mother;

Whereas, in December 2006, on her return to the airport during her last visit to Iran, Dr. Esfandiari was robbed by 3 masked, knife-wielding men, who stole her travel documents, luggage, and other effects;

Whereas, when Dr. Esfandiari attempted to obtain replacement travel documents in Iran, she was invited to an interview by a representative of the Ministry of Intelligence of Iran;

Whereas Dr. Esfandiari was interrogated by the Ministry of Intelligence for hours on many days;

Whereas the questioning of the Ministry of Intelligence focused on the Middle East Program at the Wilson Center;

Whereas Dr. Esfandiari answered all questions to the best of her ability, and the Wilson Center also provided extensive information to the Ministry in a good faith effort to aid Dr. Esfandiari;

Whereas the harassment of Dr. Esfandiari increased, with her being awakened while napping to find 3 strange men standing at her bedroom door, one wielding a video camera, and later being pressured to make false confessions against herself and to falsely implicate the Wilson Center in activities in which it had no part;

Whereas Lee Hamilton, former United States Representative and president of the Wilson Center, has written to the President of Iran to call his attention to Dr. Esfandiari's dire situation;

Whereas Mr. Hamilton repeated that the Wilson Center's mission is to provide forums to exchange views and opinions and not to take positions on issues, nor try to influence specific outcomes;

Whereas the lengthy interrogations of Dr. Esfandiari by the Ministry of Intelligence of Iran stopped on February 14, 2007, but she heard nothing for 10 weeks and was denied her passport;

Whereas, on May 8, 2007, Dr. Esfandiari honored a summons to appear at the Ministry of Intelligence, whereby she was taken immediately to Evin prison, where she is currently being held; and

Whereas the Ministry of Intelligence has implicated Dr. Esfandiari and the Wilson Center in advancing the alleged aim of the United States Government of supporting a ''soft revolution'' in Iran: Now, therefore, be it

Resolved, That—

(1) the Senate calls upon the Government of the Islamic Republic of Iran to immediately release Dr. Haleh Esfandiari, replace her lost travel documents, and cease its harassment tactics; and

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

(A) the United States Government, through all appropriate diplomatic means and channels, should encourage the Government of Iran to release Dr. Esfandiari and offer her an apology; and

(B) the United States should coordinate its response with its allies throughout the Middle East, other governments, and all appropriate international organizations.

SENATE RESOLUTION 215—DESIGNATING SEPTEMBER 25, 2007, AS ''NATIONAL FIRST RESPONDER APPRECIATION DAY''

Mr. ALLARD (for himself, Mr. MCCAIN, Mr. CASEY, Mr. COCHRAN, Mr. ENZI, Mr. STEVENS, Mr. GRAHAM, Mr. CHAMBLISS, Mr. CRAIG, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 215

Whereas millions of Americans have benefited from the courageous service of first responders across the Nation;

Whereas the police, fire, emergency medical service, and public health personnel (commonly known as ''first responders'') work devotedly and selflessly on behalf of the people of this Nation, regardless of the peril or hazard to themselves;

Whereas in emergency situations, first responders carry out the critical role of protecting and ensuring public safety;

Whereas the men and women who bravely serve as first responders have found themselves on the front lines of homeland defense in the war against terrorism;

Whereas first responders are called upon in the event of a natural disaster, such as the tornadoes in Florida and the blizzard in Colorado in December 2006, the wildfires in the West in 2007, and the flooding in the Northeast in April 2007;

Whereas the critical role of first responders was witnessed in the aftermath of the mass shooting at the Virginia Polytechnic Institute and State University, when the collaborative effort of police officers, firefighters, and emergency medical technicians to secure the campus, rescue students from danger, treat the injured, and transport victims to local hospitals undoubtedly saved the lives of many students and faculty;

Whereas 670,000 police officers, 1,100,000 firefighters, and 891,000 emergency medical technicians risk their lives every day to make our communities safe;

Whereas these 670,000 sworn police officers from Federal, State, tribal, city, and county law enforcement agencies protect lives and property, detect and prevent crimes, uphold the law, and ensure justice;

Whereas these 1,100,000 firefighters, both volunteer and career, provide fire suppression, emergency medical services, search and rescue, hazardous materials response, response to terrorism, and critical fire prevention and safety education;

Whereas the 891,000 emergency medical professionals in the United States respond to and treat a variety of life-threatening emergencies, from cardiac and respiratory arrest to traumatic injuries;

Whereas these 2,661,000 ''first responders'' make personal sacrifices to protect our communities, as was witnessed on September 11, 2001, and in the aftermath of Hurricane Katrina, and as is witnessed every day in cities and towns across America;

Whereas according to the National Law Enforcement Officers Memorial Fund, a total of 1,649 law enforcement officers died in the line of duty during the past 10 years, an average of 1 death every 53 hours or 165 per year, and 145 law enforcement officers were killed in 2006;

Whereas, according to the United States Fire Administration, from 1996 through 2005 over 1500 firefighters were killed in the line of duty, and tens of thousands were injured;

Whereas 4 in 5 medics are injured on the job, more than 1 in 2 (52 percent) have been assaulted by a patient and 1 in 2 (50 percent) have been exposed to an infectious disease, and emergency medical service personnel in the United States have an estimated fatality rate of 12.7 per 100,000 workers, more than twice the national average;

Whereas most emergency medical service personnel deaths in the line of duty occur in ambulance accidents;

Whereas thousands of first responders have made the ultimate sacrifice;

Whereas, in the aftermath of the terrorist attacks of September 11, 2001, America's firefighters, law enforcement officers, and emergency medical workers were universally recognized for the sacrifices they made on that tragic day, and should be honored each year as these tragic events are remembered;

Whereas there currently exists no national day to honor the brave men and women of the first responder community, who give so much of themselves for the sake of others; and

Whereas these men and women by their patriotic service and their dedicated efforts