to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1523

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1523 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1524

At the request of Mr. SALAZAR, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Florida (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 1524 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mrs. CLINTON (for herself and Mr. SMITH):

S. 1604. A bill to Increase the number of well-educated nurses, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased to introduce the Nursing Education and Quality of Health Care Act of 2007. This legislation is essential for addressing our current and future nursing shortages.

I have been hearing from nurses and health care providers from every part of New York that we are facing an impending nursing crisis and their stories echo what nurses across the Nation tell me.

By 2014, the Bureau of Labor Statistics forecasts that there will be over 1 million job openings for registered nurses. In New York alone, we will need to produce over 80,000 new RNs to meet these projections. One of our greatest needs will be in rural areas where the pool of nurses is small and the loss of just one nurse from the workforce can have a profound impact on the health of the community.

I can proudly say we have made good progress in New York on one front. In 2006, 30 percent more registered nurses graduated than in 2004. I believe that we can credit this increase to the Nurse Reinvestment Act that was signed into law in 2002. Through this bipartisan legislation, we were able to make great strides in strengthening our Nation's nursing workforce.

The Nurse Reinvestment Act included a number of critical initiatives including one from the bipartisan bill I introduced with Senator SMITH to retain nurses who are already in the profession by encouraging hospitals to become magnet hospitals. Hospitals that have achieved magnet status report lower mortality rates, higher patient satisfaction, greater cost-efficiency, and patients experiencing shorter stays in hospitals and intensive care units underlining the importance of nursing in our health care system.

I am here today because nurses are still facing an urgent situation that requires our action. Even though we are making progress in graduating more nurses, in 2006 over 32,323 qualified applicants were turned away from nursing schools in the United States. In New York, it is estimated that nearly 3,000 nursing school applicants were denied entry. Put simply, we don't have the capacity in our nursing schools to train qualified potential students.

Not only are we facing a nursing shortage, we are setting ourselves up for a potential nursing crisis if we don't address the impending faculty shortage that will occur as baby boomer nurse faculty reach retirement age, leaving fewer and fewer faculty to teach the next generation of nurses.

We need to pave the way and recruit more people into the nursing profession. This shortage impacts not only nurses, but also patients since we know that the quality of care they receive is directly related to nurses.

The Nursing Education and Quality of Health Care Act supports recruitment, education, and training to help alleviate the nursing shortage in New York and in the rest of the Nation. This act will establish distance learning opportunities for peoplein rural communities who wish to pursue the nursing profession without leaving their home town. This legislation will also provide tuition assistance and loan forgiveness for those who choose to practice in rural communities.

To increase the number of nurses in the workforce we need to expand the nursing faculty so that thousands of qualified students are not turned away from the profession. This legislation will fund programs that enhance recruitment of faculty and allow for the expansion of nursing education programs by funding distance learning innovation, and by expanding the recruitment and training of community-based faculty for classroom and clinical education.

We also need nurses to participate and collaborate in patient-safety initiatives for the well-being of patients. The Nursing Education and Quality of Health Care Act will take the lead by supporting projects that integrate patient safety practices into nursing education programs and enhance the leadership of nurses in improving patients' outcomes within their health care settings.

We will all rely on nurses sometime in our life, and we need to make sure that this essential member of the health care team will always be present at our bedsides.

I am pleased to introduce legislation that supports nurses and that is supported by nursing organizations like the American Association of Colleges of Nursing, the American Nurses Association, the American Organization of Nurse Executives, the Brooklyn Nursing Partnership, and the New York State Area Health Education Center System. Nurses are critical to the successful operation of our hospitals and the quality of care patients receive and we must do everything we can to address the nursing shortage and make nursing an attractive and rewarding profession.

Mr. SMITH. Mr. President, I am pleased to join my colleague, Senator CLINTON, in introducing this important piece of legislation to help alleviate the nursing shortage in our Nation. This legislation will work to ensure that our nursing schools have increased capacity and the tools necessary to properly train nurses to enter into the workforce.

As many of my colleagues know, the shortage of nurses is a current and ever increasing problem in our Nation. As baby boomers age and demands for health care continue to increase, we will further see a shortage of nurses, which is not sustainable for the health needs of our Nation. While the number of graduates from nursing programs is increasing, we are still facing ongoing critical shortages and we must do better.

Incredibly, while we have an ever-increasing demand for nurses, we are also seeing our schools of nursing turn away scores of students each year who are viable candidates due to lack of capacity and lack of teaching staff. In fact, in my home State of Oregon, for each student position available in nursing programs, there are six applicants. This forces many young men and women who want to enter this field of work to give up on pursuing a nursing career. This is one of many reasons that we currently have 118,000 vacant positions for nurses nationwide, this translates to a national vacancy rate of 8.5 percent.

Our entire Nation is on an aging trajectory in all areas, and the nursing workforce is no exception. In Oregon, nearly half of our nurses are age 50 or older, and the proportion of nurses over the age of 50 has doubled in the last 20 years. We also know that according to a survey in 2006, 55 percent of surveyed

nurses reported their intention to retire between 2011 and 2020. Further, according to the Health Resources and Services Administration, HRSA, this will leave America with a deficit of more than 1 million nurses by the year 2020.

The bill that I am introducing today with Senator CLINTON will provide grants to enhance rural nurse training programs by improving the technology infrastructure. It also will provide grants for nurse faculty development so that schools of nursing can increase the number of nursing faculty in their programs, thereby increasing the number of students they can accept into their programs. This bill also will encourage pipeline programs to help increase the number of rural residents who pursue nursing in their communities. Lastly, it will provide grants for partnerships that advance the education, delivery and measurement of quality and patient safety in nursing practices. These important provisions will help in the recruitment and training of nurses as well as work towards enhanced quality and safety of nursing across the Nation.

I hope my colleagues will join me in support of this bill, and I look forward to working with Chairman KENNEDY and other members of the Health, Education, Labor, and Pensions Committee to secure its passage.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. HARKIN, Mr. SALAZAR, Mr. DOMENICI, Mr. BINGAMAN, Mr. SMITH, Mr. NELSON of Nebraska, Ms. SNOWE, Mrs. MURRAY, Mr. THUNE, Mr. DORGAN, Ms. COLLINS, Mr. JOHNSON, Mr. ENZI, and Mrs. LINCOLN):

S. 1605. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, it is with mixed emotions that I rise today to introduce the Rural Hospital and Provider Equity Act of 2007, or R-HoPE. This proposal is the result of months of work with my friend and colleague, Senator Craig Thomas, who just passed away. In fact, Senator Thomas and I were getting ready to introduce this bill the week we lost him.

This particular legislation is the product of work that Senator Thomas and I have done over many years as cochair of the rural health caucus. So it is a poignant moment for me to come to the floor to introduce this bill. I am asking my colleagues that we name this bill the Craig Thomas Rural Hospital and Provider Equity Act of 2007, as we pay tribute to the service of our colleague, Senator Thomas.

I can think of no better champion of rural health than Senator Craig Thomas, and there is not a more appropriate way to honor his Senate career than by enacting this legislation that will carry his name.

As Senator Thomas and I continually argued in this Chamber, Medicare shortchanges many rural hospitals and providers. Before the Medicare Modernization Act, rural providers received one-half the payments that urban areas received—one-half to provide exactly the same treatment for exactly the same illness. That was unfair.

Senator Thomas and I teamed up at the time to make changes that were in the Medicare prescription drug bill that began to level the playing field, but those provisions are about to run out.

I would be the first to admit that health care can be more expensive in urban areas than rural areas, but it is not twice as much. When I ask the doctors and hospital administrators of my State if they get a rural discount when they buy technology for hospitals, they laugh, they chuckle, they say, no, they don't get any rural discount. We know now it actually costs more to recruit doctors to rural parts of the country than it does more urban settings, and we know while there is some cost differential, it is not a 100-percent cost differential.

The Medicare bill, the prescription drug bill recognized this disparity in reimbursement and took steps to close the gap. Even with the additional funding, many rural hospitals and providers continue to experience negative margins.

If we are to maintain access to health care in rural areas, we cannot allow providers to lose 3 percent on nearly every patient they see. But that is what is occurring in rural America today.

Congress needs to take steps to fairly reimburse rural providers for the care they provide. The Craig Thomas R-HoPE bill will build on the progress made in the medicare Prescription Drug Act and add new provisions that would protect access to rural health care.

First, the bill will fulfill the promise made to those living and traveling in rural areas that they don't have to travel far for hospital care. The bill would also provide more reflective reimbursement for the cost of labor in rural areas. I should say reimbursement that more fairly reflects the costs in rural areas since they are often competing with more urban areas in the global health care marketplace.

In addition, our proposal would provide the resources currently lacking in rural hospitals to repair crumbling buildings. It also includes two changes to the Critical Access Hospital Program and will put these facilities on a sounder financial footing.

Second, R-HoPE will promise that rural Americans can see a doctor when they are sick. As is the case with most rural States, much of North Dakota is designated as a health professional shortage area. Recruiting doctors is extremely difficult. Our bill would extend the provision in current law that provides incentive payments for doctors who practice in rural areas.

Third, our bill would guarantee that when there is an emergency, there is an ambulance there to respond. Many rural ambulance services are closing because of lower Medicare reimbursement, resulting in response times far above the national average. R-HOPE would protect rural ambulance services and those living and traveling in these parts of the country by providing a 5-percent bonus payment for 2008 and 2009.

Finally, our bill takes a number of steps to help protect the availability of other health care providers, such as rural health clinics, home health agencies, and mental health professionals. This bill achieves the goal Senator Thomas and I have had for a number of years, that rural America enjoy the same level of health care access and affordability more urban areas enjoy. Rural America is the heart of our country. We cannot turn our backs on these areas and their health care needs.

Before I close, I also want to recognize Senator Thomas's staff member, Erin Tuggle, who has worked tirelessly on this legislation on behalf of rural health care and served Senator Craig Thomas so very well. She played a key role in developing this legislation, along with my staff, and I thank her for her efforts.

It is my hope this legislation, which will carry Senator Craig Thomas's name, will help strengthen our rural health care system. I can't think of a better tribute to my friend and our colleague, Senator Craig Thomas.

At this point, I wish to indicate that Senator ROBERTS is my leading cosponsor, Senator ROBERTS of Kansas, and we are joined by Senator HARKIN, Senator SALAZAR, Senator DOMENICI, Senator BINGAMAN, Senator SMITH, Senator NELSON of Nebraska, Senator SNOWE, Senator MURRAY, Senator THUNE, Senator DORGAN, Senator COLLINS, Senator JOHNSON, and Senator ENZI. I ask unanimous consent that they all appear as cosponsors of this legislation.

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

Mr. CONRAD. I should also indicate before I close that this bill has now been endorsed by the National Rural Health Association, the American Hospital Association, the American Ambulance Association, the American Telemedicine Association, the National Association for Home Care & Hospice, the American Association for Marriage and Family Therapy, the National Association of Rural Health Clinics, the North Dakota Hospital Association, and the Federation of American Hospitals, all of them joining together to send a message that this legislation is needed and it is needed now.

This is one way we can pay a tangible tribute to the service of Senator Craig Thomas. I think all of us who knew him and worked with him knew him as

a quintessential gentleman, and I hope very much that others of our colleagues will join us in cosponsoring this legislation in this tribute to Senator Thomas.

By Mr. LEVIN (for himself, Mr. AKAKA, Mr. MCCAIN, Mr. WARNER, Mrs. MURRAY, Mr. GRAHAM, Mr. KENNEDY, Mr. SESSIONS, Mr. ROCKEFELLER, Ms. COLLINS, Mr. BYRD, Mr. CHAMBLISS, Mr. OBAMA, Mrs. DOLE, Mr. LIEBERMAN, Mr. CORNYN, Mr. SANDERS, Mr. THUNE, Mr. REED, Mr. MARTINEZ, Mr. BROWN, Mr. NELSON of Florida, Mr. TESTER, Mr. NELSON of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. DURBIN, Ms. STABENOW):

S. 1606. A bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes; to the Committee on Armed Services.

Mr. LEVIN. Mr. President in February, a series of articles in the Washington Post highlighted shortfalls in the care and treatment of our wounded warriors at the Walter Reed Army Hospital. These articles described deplorable living conditions for some service members in an outpatient status; a bungled, bureaucratic process for assigning disability ratings that determine whether a service member will be medically retired with health and other benefits for himself and for his family; and a clumsy handoff between the Department of Defense and the Department of Veterans Affairs as the military member transitions from one department to the other. The Nation's shock and dismay reflected the American people's support, respect, and gratitude for the men and women who put on our Nation's uniform. They deserve the best, not shoddy medical care and bureaucratic snafus.

The Armed Services Committee and the Veterans' Affairs Committee held a rare joint hearing to identify the problems our wounded soldiers are facing. These committees continue to work together to address these issues, culminating in the bill we introduce today, the Dignified Treatment for Wounded Warriors Act. Our bill addresses the issues of substandard facilities, inconsistent disability ratings, lack of seamless transition from DOD to the VA, inadequacy of severance pay, care and treatment for traumatic brain injury and post-traumatic stress disorder, medical care for caregivers not eligible for TRICARE, and the sharing of medical records between the Department of Defense and the Department of Veterans Affairs.

The Dignified Treatment for Wounded Warriors Act requires the Secretary of Defense to establish standards for the treatment of and housing for military outpatients. These standards will require compliance with Federal and other standards for hospital facilities and operations and will be uniform and consistent throughout the Department of Defense.

Another shortfall identified in the aftermath of the Washington Post articles is the inconsistency in disability ratings for the same and similar disabilities. In many instances, disability ratings assigned by the Veterans' Administration are higher than the disability ratings assigned by the military services for the same injuries. The military services are not even consistent among themselves in assigning disabilities. The Dignified Treatment for Wounded Warriors Act addresses the issue of disparate disability ratings in several ways.

First, it requires the military departments to use VA standards for rating disabilities, allowing the military to deviate from these standards only when the deviation will result in a higher disability rating for the service member. In our view, requiring all of the military departments and the VA to use the same standards should result in identical disability ratings for the same or similar disabilities.

Second, the act will change the statutory presumption used by the military departments for determining whether a disability is incurred incident to military service or existed prior to military service to mirror the statutory presumption used by the VA. Currently, the military rule is that a disability is presumed to be incident to service if a member has been in the military for 8 or more years. That leaves out a high percentage of our troops. Under the revised rule, a disability will be presumed to be incident to service when the member has 6 months or more of active military service and the disability was not noted at the time the member entered active duty, unless compelling evidence or medical judgement warrant a finding that the disability existed before the member entered active duty. This should avoid the situation where the military assigns a disability rating of zero percent on the basis that a disability existed prior to service and the VA later awards a higher disability rating and disability compensation by using the VA presumption to conclude that the very same disability is service connected.

Third, the act will require two pilot programs to test the viability of using the VA to assess disability ratings for the Department of Defense. One pilot program will require the Veterans' Administration to assign the disability ratings for the Department of Defense, based on all medical conditions that render the service member medically unfit for military service. The other pilot program will require the military department and the VA to jointly assign the disability rating, also based on all medical conditions that render the service member medically unfit for military service.

Fourth, the act will require the Secretary of Defense to establish a board to review and, where appropriate, correct disability determinations of 20 percent or less for those service members separated from service because they were medically unfit for duty after September 11, 2001. This will give our service members an opportunity to correct unwarranted low disability ratings and ensure that disability ratings are uniform and equitable.

The Institute of Medicine has just completed a study for the Veterans' Disability Benefits Commission, concluding that current VA standards are out of step with modern medical advances in conditions such as traumatic brain injury and modern concepts of disability. The Disability Commission is due to report to Congress on its findings and recommendations in October. The Dignified Treatment for Wounded Warriors Act will require the Department of Defense to use any updated standards as soon as the Veterans' Administration adopts them.

Our bill addresses the lack of a seamless transition from the military to the Veterans' Administration by requiring the Secretary of Defense and the Secretary of Veterans Affairs to jointly develop a comprehensive policy on the care and management of service members who will transition from DOD to the VA. This policy will address the care and management of service members in a medical hold or medical holdover status, the medical evaluation and disability evaluation of disabled service members, the return of disabled service members to active duty when appropriate, and the transition of disabled service members from receipt of care and services from the Department of Defense to receipt of care and services from the VA.

Another problem identified by the committees is the inadequacy of separation pay for junior service members. Those separated with a disability rating of 30 percent or higher are medically retired with health care and additional benefits for the service members and their families. Those separated with a disability rating of less than 30 percent are discharged and given a severance pay that is based on how long they were in the military. For example, a service member with 2 years of service will receive the equivalent of only 4 months basic pay as severance pay. This bill increases the minimum severance pay to 1 year's basic pay for those separated for disabilities incurred in a combat zone and 6 months' basic pay for all others. Furthermore, under current law, severance pay is deducted from any VA disability compensation these service members receive. Our bill changes that by eliminating the requirement that severance

pay be deducted from disability compensation for disabilities incurred in a combat zone.

The signature injuries of the current conflicts are post-traumatic stress disorder, commonly referred to as PTSD, and traumatic brain injury, referred to as TBI. We still have a lot to do to adequately respond to these injuries. To address this, the Dignified Treatment of Wounded Warriors Act authorizes $50 million for improved diagnosis, treatment, and rehabilitation of members with TBI or PTSD. The act also requires the Secretary of Defense to establish Centers of Excellence for PTSD and for TBI. These centers will conduct research, train health care professionals, and provide guidance throughout the Department of Defense in the prevention, diagnosis, mitigation, treatment, and rehabilitation of these injuries. Finally, the act requires the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to report to Congress with comprehensive plans to prevent, diagnose, mitigate, treat, and otherwise respond to TBI and PTSD. These plans will address improvements of personnel protective equipment in addition to addressing the medical aspects of diagnosing and treating TBI and PTSD.

We are also addressing the problem that exists because medically retired service members, who are eligible for TRICARE as retirees, do not have access to some of the cutting-edge treatments that are available to members still on active duty. To address this shortfall, the act authorizes medically retired service members with disability ratings of 50 percent or higher to receive the active duty medical benefit for 3 years after the member leaves active duty.

We are also beginning to address the problem created when parents, siblings, and others who are not normally authorized to receive military health care leave their homes to serve as caregivers to military personnel with severe injuries while the members are undergoing extensive medical treatment. In many cases, these family members leave their jobs and lose their job-related health care. Even though these family members are in a military hospital, they are not authorized to receive medical care from the doctors at that facility when they need it. To address this, the act authorizes military and VA health care providers to provide urgent and emergency medical care and counseling to family members on invitational travel orders.

One of the significant shortfalls in the smooth transition from military health care to VA health care is the inability to share health records between the two Departments. Our bill will establish a Department of Defense and Department of Veterans Affairs Interagency Program Office to develop and implement a joint electronic health record.

The Dignified Treatment of Wounded Warriors Act is a comprehensive bill that lays out a path for the Department of Defense and the Department of Veterans Affairs to address shortfalls in the care and management of our wounded warriors. They deserve the best care and support we can muster. The American people rightly insist on no less.

Mr. AKAKA Mr. President, as chairman of the Veterans' Affairs Committee and as a member of the Armed Services Committee, I was delighted to work with Senator LEVIN, chairman of the Armed Services Committee, and others on this important legislation, the Dignified Treatment of Wounded Warriors Act of 2007. I really appreciated the willingness of the Armed Services Committee staff to work in close cooperation with the Veterans' Affairs Committee staff on its drafting. This legislation would improve the policies which govern the care and management of all servicemembers with a serious illness or injury that might render them unfit for duty in order to facilitate and enhance their care, rehabilitation, and physical evaluation, as well as improve their transition from the Department of Defense to the Department of Veterans Affairs.

This measure is a direct outcome of an unprecedented joint hearing held on April 12, 2007, by the Senate Armed Services and Veterans' Affairs Committees during which we heard testimony on the transition of servicemembers from DoD to VA. This measure will go a long way toward addressing the problems that first gained public attention with the stories about Walter Reed Army Medical Center and will help achieve the goal of providing optimal care and a truly seamless transition for the nation's wounded warriors.

I view issues relating to those servicemembers who may be rendered unfit as a result of an illness or injury from two different perspectives, both as chairman of the Veterans' Affairs Committee and as a member of the Armed Services Committee. As I said at the joint hearing, this is not solely a DoD or a VA problem. While DoD and VA are separate organizations, they both deal with the same servicemembers. A key element of this proposed legislation is the requirement that DoD and VA develop a comprehensive policy for transitioning those with serious illnesses or injuries from Active Duty military status to veteran status. As part of this effort, the two Departments will be required to conduct a comprehensive review of all regulations, policies, and procedures that impact these servicemembers and to identify best practices when developing joint policy. If we are going to fix the problems identified at Walter Reed, there must be uniform standards for the transition process that are understood by all parties and that are consistently applied by the military services.

I am delighted that the Dignified Treatment of Wounded Warriors Act embraces the reforms to the DoD Disability Evaluation System contained in S. 1252, legislation I introduced on April 30, 2007. For the Disability Evaluation System to work fairly and consistently, there must be uniform use by the military services of VA's disability rating schedule. The services must take into account all conditions which render a servicemember unfit when making a disability rating, as well as develop a program for the uniform training of Medical Evaluation Board and Physical Evaluation Board personnel. It is also essential that DoD develop a system of accountability to ensure that the military services comply with disability rating regulations and policies.

I am pleased to note that on June 27 the Veterans' Affairs Committee will conduct a markup of legislation that will complement the efforts of the Armed Services Committee to make sure that VA appropriately addresses problems confronting seriously wounded and injured servicemembers once they become veterans.

I commend Chairman LEVIN and the staff of the Armed Services Committee for crafting this comprehensive legislation. It will go a long way toward providing DoD and VA with a roadmap for improving the transition processes and ensuring that seriously ill and injured servicemembers and veterans get the benefits and services they need and deserve, the benefits and services these courageous men and women have earned by their service.

I urge all of our colleagues to support this proposed legislation.

Mr. MCCAIN. Mr. President, as ranking member of the Senate Armed Services Committee I am pleased to cosponsor the Dignified Treatment of Wounded Warriors Act, which would ensure that wounded and injured members of the Armed Forces receive the care and benefits that they deserve.

We were all surprised and deeply disappointed by the conditions at Walter Reed and the problems that our wounded warriors faced after their inpatient care was complete, living in substandard conditions at Building 18, being treated poorly, battling a Cold War-era disability evaluation process, and for some, simply falling through the cracks.

Since February of 2007, many encouraging changes have been initiated by the Department of Defense. First and foremost, Secretary Gates established and enforced a culture of accountability for the leadership failures that lead to the tragedy at Walter Reed. Medical facilities have now been inspected by all three military departments, and improvements are underway. Additional counselors and support has been provided to families. On April 25, 2007, a new Warrior Transition Brigade stood up at Walter Reed to manage all the needs of wounded and ill soldiers, both Active and Reserve. DOD has begun to exert greater management responsibility for the disability

evaluation systems of the military departments. We are on the right track to address the problems at Walter Reed and at other hospitals. We need to ensure that the effort is sustained. This legislation will ensure that these efforts continue.

The legislation requires that the Secretaries of Defense and Veterans Affairs work together to develop new policy to better manage the care and transition of our wounded soldiers. This policy would address many of the concerns that have been raised by wounded soldiers and their families, conditions while in a medical hold status, the need to streamline and make more transparent the medical and physical evaluation board processes, policies that facilitate the return to duty for soldiers who are able, and a policy governing the smooth transition of separating service members from the Department of Defense to the Department of Veterans Affairs which focuses on the needs of patients.

This legislation would improve health care benefits to severely wounded soldiers by extending their health care benefits as if the member were on active duty for a period of up to 5 years. This approach ensures that our most severely wounded have as many health care options as possible, especially for treatment of traumatic brain injury and other long term serious conditions.

This legislation authorizes additional funding for traumatic brain injury and post-traumatic stress disorder and requires the establishment of two centers of excellence for the prevention, research and treatment on these consequences of war. This legislation would also require DOD to develop a comprehensive plan for research, prevention and treatment of traumatic brain injury, which is long overdue in addressing the so-called signature injury of this war.

The administration requested, and this bill would provide, additional authorities to the Department of Defense to hire health care professionals to care for our service members and their families. It would also require the Department of Defense and Department of Veterans Affairs to jointly develop an electronic health record that can easily be shared between the two departments.

With respect to disability determinations for wounded warriors who leave military service, this legislation would require the Secretary of Defense to establish a special review board to independently review the findings and decisions of the Physical Evaluation Boards of the military departments since 2001, in cases in which the disability rates of 20 percent or less were awarded and members were not medically retired. We must act, in light of data showing that some members, particularly junior enlisted soldiers, may have unfairly been denied medical retirement. This legislation empowers the special board to correct military records and, if appropriate, restore to a wounded soldier a higher disability rating or retired status.

The bill would also end the requirement that disabled service members pay back severance pay if they obtain a higher disability rating from the VA, and increase the amount of severance pay that separating members receive.

To address the need for fundamental change in the way that the DOD and VA disability evaluation systems are structured, a belief shared by many of my colleagues, this legislation would require the Secretary of Defense to immediately implement pilot projects to test new improvements to the disability evaluation system. Such pilot programs will help expedite implementation of needed changes to the disability evaluation system.

This legislation would also require the Secretary of Defense to establish uniform standards for medical treatment facilities and medical residential housing facilities, and a DOD investment strategy to remedy all medical facility deficiencies. It would also require the Secretary of Defense to study the feasibility of accelerated construction of state-of-the art facilities and consolidation of patient care services at the new National Medical Center at Bethesda. As a condition for the closure of Walter Reed Army Medical Center, it would require the Secretary of Defense to certify that health care services would remain available in their totality until the new facility and staff are in place to effect a seamless transfer of care. The current facilities at Walter Reed have served the Nation well, but we can and must do better.

This legislation is a start on the journey to restore trust for America's wounded and her veterans, but it is not our final destination. It will take time to understand fully the complexities of the DOD and VA disability systems and to reconcile them in the best interests of our wounded veterans.

We must also look to the Department of Veterans Affairs to improve access to care for wounded veterans and improvements in its handling of veterans claims for disabilities. We must ensure that the VA maintains a robust medical infrastructure for quality health care, teaching and research, but one that also supports veterans beyond the limits of bricks and mortar in communities throughout the nation. I am developing legislation which would require the Secretary of Veterans Affairs to establish health care access standards for veterans with a service-connected disability throughout the VA health care delivery system, and, similar to DOD's TRICARE system, when services cannot be provided by the VA, authorize that care to be purchased from civilian providers. Civilian health care specialists are eager to do their part for America's veterans. Given the strain on the veterans health system, and the limits to our resources, we should give them that chance, and make certain that our Nation's veterans get the care that they need, when they need it.

There is no more important responsibility than to act on our moral obligation as a Nation to those who are willing to give their blood for its freedom. Let us continue to be guided by the words of President George Washington in 1789, who said, ''the willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country.''

I hope that my colleagues will join Senator Levin and me in a bipartisan effort to make a difference in the lives of our service members who have given so much in support of our Nation.

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

S. 1609. A bill to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce, by request of the administration, the National Offshore Aquaculture Act of 2007. I am joined by Senator STEVENS, the vice chairman of the Senate Commerce, Science and Transportation Committee. This bill would authorize the Secretary of Commerce to establish and implement a regulatory system for offshore aquaculture in the U.S. Exclusive Economic Zone. While Senator STEVENS and I understand this is a top priority for the administration, we continue to have concerns with the administration's bill as drafted, particularly with regard to the need for clearer safeguards for the environment and native fish stocks. Therefore, we are also filing several amendments that would address these concerns. The three amendments that I am filing, and which Senator STEVENS is cosponsoring, would strengthen requirements to address potential environmental risks from offshore aquaculture, including to native species; require a more comprehensive research and development program for offshore aquaculture; and ensure that offshore aquaculture permits could only be provided to citizens, residents, or business entities of the United States. Senator STEVENS is also filing an amendment, which I am cosponsoring, that would prohibit offshore aquaculture of finfish in the Exclusive Economic Zone off the coast of Alaska. I intend to introduce later this year a comprehensive bill that would address additional concerns with the administration's proposed legislation.

I ask unanimous consent that the text of this 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. 1609

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 Offshore Aquaculture Act of 2007''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is the policy of the United States—

(A) to support an offshore aquaculture industry that will produce food and other valuable products, protect wild stocks and the quality of marine ecosystems, and be compatible with other uses of the Exclusive Economic Zone;

(B) to encourage the development of environmentally responsible offshore aquaculture by authorizing offshore aquaculture operations and research;

(C) to establish a permitting process for offshore aquaculture that encourages private investment in aquaculture operations and research, provides opportunity for public comment, and addresses the potential risks to and impacts (including cumulative impacts) on marine ecosystems, human health and safety, other ocean uses, and coastal communities from offshore aquaculture; and

(D) to promote, through public-private partnerships, research and development in marine aquaculture science, technology, and related social, economic, legal, and environmental management disciplines that will enable marine aquaculture operations to achieve operational objectives while protecting marine ecosystem quality.

(2) Offshore aquaculture activities within the Exclusive Economic Zone of the United States constitute activities with respect to which the United States has proclaimed sovereign rights and jurisdiction under Presidential Proclamation 5030 of March 10, 1983.

SEC. 3. DEFINITIONS.

In this Act:

(1) COASTAL STATE.—The term ''coastal State'' means—

(A) a State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, or Long Island Sound; and

(B) Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, the Trust Territories of the Pacific Islands, and American Samoa.

(2) COASTLINE.—The term ''coastline'' means the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters.

(3) EXCLUSIVE ECONOMIC ZONE.—The term ''Exclusive Economic Zone'' means, unless otherwise specified by the President in the public interest in a writing published in the Federal Register, a zone, the outer boundary of which is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except as established by a maritime boundary treaty in force, or being provisionally applied by the United States or, in the absence of such a treaty where the distance between the United States and another nation is less than 400 nautical miles, a line equidistant between the United States and the other nation. Without affecting any Presidential Proclamation with regard to the establishment of the United States territorial sea or Exclusive Economic Zone, the inner boundary of that zone is—

(A) a line coterminous with the seaward boundary (as defined in section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1312)) of each of the several coastal States,;

(B) a line 3 marine leagues from the coastline of the Commonwealth of Puerto Rico;

(C) a line 3 geographical miles from the coastlines of American Samoa, the United States Virgin Islands, and Guam;

(D) for the Commonwealth of the Northern Mariana Islands—

(i) its coastline, until such time as the Commonwealth of the Northern Mariana Islands is granted authority by the United States to regulate all fishing to a line seaward of its coastline, and

(ii) upon the United States' grant of such authority, the line established by such grant of authority; and

(E) for any possession of the United States not described in subparagraph (B), (C), or (D), the coastline of such possession.

Nothing in this paragraph shall be construed as diminishing the authority of the Department of Defense, the Department of the Interior, or any other Federal department or agency.

(4) LESSEE.—The term ''lessee'' means any party to a lease, right-of-use and easement, or right-of-way, or an approved assignment thereof, issued pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(5) MARINE SPECIES.—The term ''marine species'' means finfish, mollusks, crustaceans, marine algae, and all other forms of marine life other than marine mammals and birds.

(6) OFFSHORE AQUACULTURE.—The term ''offshore aquaculture'' means all activities, including the operation of offshore aquaculture facilities, involved in the propagation and rearing, or attempted propagation and rearing, of marine species in the United States Exclusive Economic Zone.

(7) OFFSHORE AQUACULTURE FACILITY.—The term ''offshore aquaculture facility'' means—

(A) an installation or structure used, in whole or in part, for offshore aquaculture; or

(B) an area of the seabed or the subsoil used for offshore aquaculture of living organisms belonging to sedentary species.

(8) OFFSHORE AQUACULTURE PERMIT.—The term ''offshore aquaculture permit'' means an authorization issued under section 4(b) to raise specified marine species in a specific offshore aquaculture facility within a specified area of the Exclusive Economic Zone.

(9) PERSON.—The term ''person'' means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other nongovernmental entity (whether or not organized or existing under the laws of any State), and State, local or tribal government or entity thereof, and, except as otherwise specified by the President in writing, the Federal Government or an entity thereof, and, to the extent specified by the President in writing, a foreign government, or an entity thereof.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 4. OFFSHORE AQUACULTURE PERMITS.

(a) IN GENERAL.—

(1) The Secretary shall establish, through rulemaking, in consultation as appropriate with other relevant Federal agencies, coastal States, and regional fishery management councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852), a process to make areas of the Exclusive Economic Zone available to eligible persons for the development and operation of offshore aquaculture facilities. The process shall include—

(A) procedures and criteria necessary to issue and modify permits under this Act;

(B) procedures to coordinate the offshore aquaculture permitting process, and related siting, operations, environmental protection, monitoring, enforcement, research, and economic and social activities, with similar activities administered by other Federal agencies and coastal States;

(C) consideration of the potential environmental, social, economic, and cultural impacts of offshore aquaculture and inclusion, where appropriate, of permit conditions to address negative impacts;

(D) public notice and opportunity for public comment prior to issuance of offshore aquaculture permits;

(E) procedures to monitor and evaluate compliance with the provisions of offshore aquaculture permits, including the collection of biological, chemical and physical oceanographic data, and social, production, and economic data; and

(F) procedures for transferring permits from the original permit holder to a person that—

(i) meets the eligibility criteria in subsection (b)(2)(A); and

(ii) satisfies the requirements for bonds or other guarantees prescribed under subsection (c)(3).

(2) The Secretary shall prepare an analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the process for issuing permits.

(3) The Secretary shall periodically review the procedures and criteria for issuance of offshore aquaculture permits and modify them as appropriate, in consultation as appropriate with other Federal agencies, the coastal States, and regional fishery management councils, based on the best available science.

(4) The Secretary shall consult as appropriate with other Federal agencies and coastal States to identify the environmental requirements that apply to offshore aquaculture under existing laws and regulations. The Secretary shall establish through rulemaking, in consultation with appropriate Federal agencies, coastal States, and regional fishery management councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852), additional environmental requirements to address environmental risks and impacts associated with offshore aquaculture, to the extent necessary. The environmental requirements shall address, at a minimum—

(A) risks to and impacts on natural fish stocks and fisheries, including safeguards needed to conserve genetic resources, to prevent or minimize the transmission of disease or parasites to wild stocks, and to prevent the escape of marine species that may cause significant environmental harm;

(B) risks to and impacts on marine ecosystems; biological, chemical and physical features of water quality and habitat; marine species, marine mammals and birds;

(C) cumulative effects of the aquaculture operation and other aquaculture operations in the vicinity of the proposed site;

(D) environmental monitoring, data archiving, and reporting by the permit holder;

(E) requirements that marine species propagated and reared through offshore aquaculture be species native to the geographic region unless a scientific risk analysis shows that the risk of harm to the marine environment from the offshore culture of non-indigenous or genetically modified marine species is negligible or can be effectively mitigated; and

(F) maintaining record systems to track inventory and movement of fish or other marine species in the offshore aquaculture facility or harvested from such facility, and, if necessary, tagging, marking, or otherwise identifying fish or other marine species in the offshore aquaculture facility or harvested from such facility.

(5) The Secretary, in cooperation with other Federal agencies, shall—

(A) collect information needed to evaluate the suitability of sites for offshore aquaculture; and

(B) monitor the effects of offshore aquaculture on marine ecosystems and implement such measures as may be necessary to protect the environment, including temporary or permanent relocation of offshore aquaculture sites, a moratorium on additional sites within a prescribed area, and other appropriate measures as determined by the Secretary.

(b) PERMITS.—Subject to the provisions of subsection (e), the Secretary may issue offshore aquaculture permits under such terms and conditions as the Secretary shall prescribe. Permits issued under this Act shall authorize the permit holder to conduct offshore aquaculture consistent with the provisions of this Act, regulations issued under this Act, any specific terms, conditions and restrictions applied to the permit by the Secretary, and other applicable law.

(1) PROCEDURE FOR ISSUANCE OF PERMITS.—

(A) An applicant for an offshore aquaculture permit shall submit an application to the Secretary specifying the proposed location and type of operation, the marine species to be propagated or reared, or both, at the offshore aquaculture facility, and other design, construction, and operational information, as specified by regulation.

(B) Within 120 days after determining that a permit application is complete and has satisfied all applicable statutory and regulatory requirements, as specified by regulation, the Secretary shall issue or deny the permit. If the Secretary is unable to issue or deny a permit within this time period, the Secretary shall provide written notice to the applicant indicating the reasons for the delay and establishing a reasonable timeline for issuing or denying the permit.

(2) PERMIT CONDITIONS.—

(A) An offshore aquaculture permit holder shall—

(i) be a resident of the United States;

(ii) be a corporation, partnership, or other entity organized and existing under the laws of a State or the United States; or

(iii) if the holder does not meet the requirements of clause (i) or (ii), to the extent required by the Secretary by regulation after coordination with the Secretary of State, waive any immunity, and consent to the jurisdiction of the United States and its courts, for matters arising in relation to such permit, and appoint and maintain agents within the United States who are authorized to receive and respond to any legal process issued in the United States with respect to such permit holder.

(B) Subject to the provisions of subsection (e), the Secretary shall establish the terms, conditions, and restrictions that apply to offshore aquaculture permits, and shall specify in the permits the duration, size, and location of the offshore aquaculture facility.

(C) Except for projects involving pilot-scale testing or farm-scale research on aquaculture science and technologies and offshore aquaculture permits requiring concurrence of the Secretary of the Interior under subsection (e)(1), the permit shall have a duration of 20 years, renewable thereafter at the discretion of the Secretary in up to 20-year increments. The duration of permits requiring concurrence of the Secretary of the Interior under subsection (e)(1) shall be developed in consultation as appropriate with the Secretary of the Interior, except that any such permit shall expire no later than the date that the lessee, or the lessee's operator, submits to the Secretary of the Interior a final application for the decommissioning and removal of an existing facility upon which an offshore aquaculture facility is located.

(D) At the expiration or termination of an offshore aquaculture permit for any reason, the permit holder shall remove all structures, gear, and other property from the site, and take other measures to restore the site as may be prescribed by the Secretary.

(E) The Secretary may revoke a permit for failure to begin offshore aquaculture operations within a reasonable period of time, or prolonged interruption of offshore aquaculture operations.

(3) NATIONAL INTEREST DETERMINATION.—If the Secretary determines that issuance of a permit is not in the national interest, the Secretary may decline to issue such a permit or may impose such conditions as necessary to address such concerns.

(c) FEES AND OTHER PAYMENTS.—

(1) The Secretary may establish, through regulations, application fees and annual permit fees. Such fees shall be deposited as offsetting collections in the Operations, Research, and Facilities account. Fees may be collected and made available only to the extent provided in advance in appropriation Acts.

(2) The Secretary may reduce or waive applicable fees or other payments established under this section for facilities used primarily for research.

(3) The Secretary shall require the permit holder to post a bond or other form of financial guarantee, in an amount to be determined by the Secretary as sufficient to cover any unpaid fees, the cost of removing an offshore aquaculture facility at the expiration or termination of an offshore aquaculture permit, and other financial risks as identified by the Secretary.

(d) COMPATIBILITY WITH OTHER USES.—

(1) The Secretary shall consult as appropriate with other Federal agencies, coastal States, and regional fishery management councils to ensure that offshore aquaculture for which a permit is issued under this section is compatible with the use of the Exclusive Economic Zone for navigation, fishing, resource protection, recreation, national defense (including military readiness), mineral exploration and development, and other activities.

(2) The Secretary shall not authorize permits for new offshore aquaculture facilities within 12 miles of the coastline of a coastal State if that coastal State has submitted a written notice to the Secretary that the coastal State opposes such activities. This paragraph does not apply to permit applications received by the Secretary prior to the date the notice is received from a coastal State. A coastal State that transmits such a notice to the Secretary may revoke that notice in writing at any time.

(3) Federal agencies implementing this Act, persons subject to this Act, and coastal States seeking to review permit applications under this Act shall comply with the applicable provisions of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and regulations promulgated thereunder.

(4) Notwithstanding the definition of the term ''fishing'' in section 3(16) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(16)), the conduct of offshore aquaculture in accordance with permits issued under this Act shall not be considered ''fishing'' for purposes of that Act. The Secretary shall ensure, to the extent practicable, that offshore aquaculture does not interfere with conservation and management measures promulgated under the Magnuson-Stevens Fishery Conservation and Management Act.

(5) The Secretary may promulgate regulations that the Secretary finds to be reasonable and necessary to protect offshore aquaculture facilities, and, where appropriate, shall request that the Secretary of the department in which the Coast Guard is operating establish navigational safety zones around such facilities. In addition, in the case of any offshore aquaculture facility described in subsection (e)(1), the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of the Interior before designating such a zone.

(6) After consultation with the Secretary, the Secretary of State, and the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating may designate a zone of appropriate size around and including any offshore aquaculture facility for the purpose of navigational safety. In such a zone, no installations, structures, or uses will be allowed that are incompatible with the operation of the offshore aquaculture facility. The Secretary of the department in which the Coast Guard is operating may define, by rulemaking, activities that are allowed within such a zone.

(7)(A) Subject to subparagraph (B), if the Secretary, after consultation with Federal agencies as appropriate and after affording the permit holder notice and an opportunity to be heard, determines that suspension, modification, or revocation of a permit is in the national interest, the Secretary may suspend, modify, or revoke such permit.

(B) If the Secretary determines that an emergency exists that poses a risk to the safety of humans, to the marine environment, to marine species, or to the security of the United States and that requires suspension, modification, or revocation of a permit, the Secretary may suspend, modify, or revoke the permit for such time as the Secretary may determine necessary to meet the emergency. The Secretary shall afford the permit holder a prompt post-suspension or post-modification opportunity to be heard regarding the suspension, modification, or revocation.

(8) Permits issued under this Act do not supersede or substitute for any other authorization required under applicable Federal or State law or regulation.

(e) ACTIONS AFFECTING THE OUTER CONTINENTAL SHELF.—

(1) CONCURRENCE OF SECRETARY OF INTERIOR REQUIRED.—The Secretary shall obtain the concurrence of the Secretary of the Interior for permits for offshore aquaculture facilities located—

(A) on leases, right-of-use and easements, or rights of way authorized or permitted under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or

(B) within 1 mile of any other facility permitted or for which a plan has been approved under that Act.

(2) PRIOR CONSENT REQUIRED.— Offshore aquaculture may not be located on facilities described in paragraph (1)(A) without the prior consent of the lessee, its designated operator, and the owner of the facility.

(3) REVIEW FOR LEASE, ETC., COMPLIANCE.—The Secretary of the Interior shall review and approve any agreement between a lessee, designated operator, and owner of a facility described in paragraph (1) and a prospective aquaculture operator to ensure that it is consistent with the Federal lease terms, Department of the Interior regulations, and the Secretary of the Interior's role in the protection of the marine environment, property, or human life or health. An agreement under this subsection shall be part of the information reviewed pursuant to the Coastal Zone Management Act review process described in paragraph (4) and shall not be subject to a separate Coastal Zone Management Act review.

(4) COORDINATED COASTAL ZONE MANAGEMENT ACT REVIEW.—

(A) If the applicant for an offshore aquaculture facility that will utilize a facility described in paragraph (1) is required to submit to a coastal State a consistency certification for its aquaculture application under section 307(c)(3)(A) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(A)), the coastal State's review under the Coastal Zone Management Act and corresponding Federal regulations shall also include any modification to a lessee's approved plan or other document for which a consistency certification would otherwise be required under applicable Federal regulations, including changes to its plan for decommissioning any facilities, resulting from or necessary for the issuance of the offshore aquaculture permit, if information related to such modifications or changes is received by the coastal State at the time the coastal State receives the offshore aquaculture permit applicant's consistency certification. If the information related to such modifications or changes is received by the coastal State at the time the coastal State receives the offshore aquaculture permit applicant's consistency certification, a lessee is not required to submit a separate consistency certification for any such modification or change under section 307(c)(3)(B) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(B)) and the coastal State's concurrence or objection, or presumed concurrence, under section 307(c)(3)(A) of that Act (16 U.S.C. 1456(c)(3)(A)) in a consistency determination for the offshore aquaculture permit, shall apply to both the offshore aquaculture permit and to any related modifications or changes to a lessee's plan approved under the Outer Continental Shelf Lands Act.

(B) If a coastal State is not authorized by section 307(c)(3)(A) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(A)) and corresponding Federal regulations to review an offshore aquaculture application submitted under this Act, then any modifications or changes to a lessee's approved plan or other document requiring approval from the Department of the Interior, shall be subject to coastal State review pursuant to the requirements of section 307(c)(3)(B) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(B)), if a consistency certification for those modifications or changes is required under applicable Federal regulations.

(5) JOINT AND SEVERAL LIABILITY.—For offshore aquaculture located on facilities described in paragraph (1), the aquaculture permit holder and all parties that are or were lessees of the lease on which the facilities are located during the term of the offshore aquaculture permit shall be jointly and severally liable for the removal of any construction or modifications related to aquaculture operations if the aquaculture permit holder fails to do so and bonds established under this Act for aquaculture operations prove insufficient to cover those obligations. This paragraph does not affect obligations to decommission facilities under the Outer Continental Shelf Lands Act.

(6) ADDITIONAL AUTHORITY.—For aquaculture projects or operations described in paragraph (1), the Secretary of the Interior may—

(A) promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this subsection;

(B) require and enforce such additional terms or conditions as the Secretary of the Interior deems necessary to protect the marine environment, property, or human life or health to ensure the compatibility of aquaculture operations with all activities for which permits have been issued under the Outer Continental Shelf Lands Act;

(C) issue orders to the offshore aquaculture permit holder to take any action the Secretary of the Interior deems necessary to ensure safe operations on the facility to protect the marine environment, property, or human life or health. Failure to comply with the Secretary of the Interior's orders will be deemed to constitute a violation of the Outer Continental Shelf Lands Act; and

(D) enforce all requirements contained in such regulations, lease terms and conditions and orders pursuant to the Outer Continental Shelf Lands Act.

SEC. 5. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.— In consultation as appropriate with other Federal agencies, the Secretary may establish and conduct an integrated, multidisciplinary, scientific research and development program to further marine aquaculture technologies that are compatible with the protection of marine ecosystems.

(b) PARTNERSHIPS.—The Secretary may conduct research and development in partnership with offshore aquaculture permit holders.

(c) REDUCTION OF WILD FISH AS FOOD.—The Secretary, in collaboration with the Secretary of Agriculture, shall conduct research to reduce the use of wild fish in aquaculture feeds, including the substitution of seafood processing wastes, cultured marine algae, and microbial sources of nutrients important for human health and nutrition, agricultural crops, and other products.

SEC. 6. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary and appropriate to carry out the provisions of this Act. The Secretary may at any time amend such regulations, and such regulations shall, as of their effective date, apply to all operations conducted pursuant to permits issued under this Act, regardless of the date of the issuance of such permit.

(b) CONTRACT, ETC., AUTHORITY.—The Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act and on such terms as the Administrator of the National Oceanic and Atmospheric Administration deems appropriate.

(c) USE OF CONTRIBUTED GOVERNMENTAL RESOURCES.— For purposes related to the enforcement of this Act, the Secretary may use, with their consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization.

(d) AUTHORITY TO UTILIZE GRANT FUNDS.—

(1) Except as provided in paragraph (2), the Secretary may apply for, accept, and obligate research grant funding from any Federal source operating competitive grant programs where such funding furthers the purpose of this Act.

(2) The Secretary may not apply for, accept, or obligate any grant funding under paragraph (1) for which the granting agency lacks authority to grant funds to Federal agencies, or for any purpose or subject to conditions that are prohibited by law or regulation.

(3) Appropriated funds may be used to satisfy a requirement to match grant funds with recipient agency funds, except that no grant may be accepted that requires a commitment in advance of appropriations.

(4) Funds received from grants shall be deposited in the National Oceanic and Atmospheric Administration account that serves to accomplish the purpose for which the grant was awarded.

(e) RESERVATION OF AUTHORITY.—Nothing in this Act shall be construed to displace, supersede, or limit the jurisdiction, responsibilities, or rights of any Federal or State agency, or Indian Tribe or Alaska Native organization, under any Federal law or treaty.

(f) APPLICATION OF LAWS TO FACILITIES IN THE EEZ.—The Constitution, laws, and treaties of the United States shall apply to an offshore aquaculture facility located in the Exclusive Economic Zone for which a permit has been issued or is required under this Act and to activities in the Exclusive Economic Zone connected, associated, or potentially interfering with the use or operation of such facility, in the same manner as if such facility were an area of exclusive Federal jurisdiction located within a State. Nothing in this Act shall be construed to relieve, exempt, or immunize any person from any other requirement imposed by an applicable Federal law, regulation, or treaty. Nothing in this Act shall be construed to confer citizenship to a person by birth or through naturalization or to entitle a person to avail himself of any law pertaining to immigration, naturalization, or nationality.

(g) APPLICATION OF CERTAIN STATE LAWS.—The law of the nearest adjacent coastal State, now in effect or hereafter adopted, amended, or repealed, is declared to be the law of the United States, and shall apply to any offshore aquaculture facility for which a permit has been issued pursuant to this Act, to the extent applicable and not inconsistent with any provision or regulation under this Act or other Federal laws and regulations now in effect or hereafter adopted, amended, or repealed. All such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. For purposes of this subsection, the nearest adjacent coastal State shall be that State whose seaward boundaries, if extended beyond 3 nautical miles, would encompass the site of the offshore aquaculture facility. State taxation laws shall not apply to offshore aquaculture facilities in the Exclusive Economic Zone.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary $4,052,000 in fiscal year 2008 and thereafter such sums as may be necessary for purposes of carrying out the provisions of this Act.

SEC. 8. UNLAWFUL ACTIVITIES.

It is unlawful for any person—

(1) to falsify any information required to be reported, communicated, or recorded pursuant to this Act or any regulation or permit issued under this Act, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has the effect of rendering any such information false, incomplete, or misleading;

(2) to engage in offshore aquaculture within the Exclusive Economic Zone of the United States or operate an offshore aquaculture facility within the Exclusive Economic Zone of the United States, except pursuant to a valid permit issued under this Act;

(3) to refuse to permit an authorized officer to conduct any lawful search or lawful inspection in connection with the enforcement of this Act or any regulation or permit issued under this Act;

(4) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an authorized officer in the conduct of any search or inspection in connection with the enforcement of this Act or any regulation or permit issued under this Act;

(5) to resist a lawful arrest or detention for any act prohibited by this section;

(6) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such

person has committed any act prohibited by this section;

(7) to import, export, sell, receive, acquire or purchase in interstate or foreign commerce any marine species in violation of this Act or any regulation or permit issued under this Act;

(8) upon the expiration or termination of any aquaculture permit for any reason, to fail to remove all structures, gear, and other property from the site, or take other measures, as prescribed by the Secretary, to restore the site;

(9) to violate any provision of this Act, any regulation promulgated under this Act, or any term or condition of any permit issued under this Act; or

(10) to attempt to commit any act described in paragraph (1), (2), (7), (8) or (9).

SEC. 9. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES.—Subject to subparagraphs (B) and (D) of section 4(e)(6), this Act shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating.

(b) POWERS OF ENFORCEMENT.—

(1) Any officer who is authorized pursuant to subsection (a) of this section by the Secretary or the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this Act may—

(A) with or without a warrant or other process—

(i) arrest any person, if the officer has reasonable cause to believe that such person has committed or is committing an act prohibited by section 8 of this Act;

(ii) search or inspect any offshore aquaculture facility and any related land-based facility;

(iii) seize any offshore aquaculture facility (together with its equipment, records, furniture, appurtenances, stores, and cargo), and any vessel or vehicle, used or employed in aid of, or with respect to which it reasonably appears that such offshore aquaculture facility was used or employed in aid of, the violation of any provision of this Act or any regulation or permit issued under this Act;

(iv) seize any marine species (wherever found) retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 8 of this Act;

(v) seize any evidence related to any violation of any provision of this Act or any regulation or permit issued under this Act;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Any officer who is authorized pursuant to subsection (a) of this section by the Secretary or the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this Act may make an arrest without a warrant for (A) an offense against the United States committed in his presence, or (B) for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony. Any such authorized person may execute and serve a subpoena, arrest warrant or search warrant issued in accordance with Rule 41 of the Federal Rules of Criminal Procedure, or other warrant of civil or criminal process issued by any officer or court of competent jurisdiction for enforcement of the Act, or any regulation or permit issued under this Act.

(c) ISSUANCE OF CITATIONS.—If any authorized officer finds that a person is engaging in or has engaged in offshore aquaculture in violation of any provision of this Act, such officer may issue a citation to that person.

(d) LIABILITY FOR COSTS.—Any person who violates this Act, or a regulation or permit issued under this Act, shall be liable for the cost incurred in storage, care, and maintenance of any marine species or other property seized in connection with the violation.

SEC. 10. CIVIL ENFORCEMENT AND PERMIT SANCTIONS.

(a) CIVIL ADMINISTRATIVE PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated this Act, or a regulation or permit issued under this Act, shall be liable to the United States for a civil penalty. The amount of the civil penalty under this paragraph shall not exceed $200,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

(2) COMPROMISE OR OTHER ACTION BY THE SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty which is or may be imposed under this section and that has not been referred to the Attorney General for further enforcement action.

(b) CIVIL JUDICIAL PENALTIES.—Any person who violates any provision of this Act, or any regulation or permit issued thereunder, shall be subject to a civil penalty not to exceed $250,000 for each such violation. Each day of a continuing violation shall constitute a separate violation. The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States, and such court shall have jurisdiction to award civil penalties and such other relief as justice may require. In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations and such other matters as justice may require. In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.

(c) PERMIT SANCTIONS.—

(1) In any case in which—

(A) an offshore aquaculture facility has been used in the commission of an act prohibited under section 8 of this Act;

(B) the owner or operator of an offshore aquaculture facility or any other person who has been issued or has applied for a permit under section 4 of this Act has acted in violation of section 8 of this Act; or

(C) any amount in settlement of a civil forfeiture imposed on an offshore aquaculture facility or other property, or any civil penalty or criminal fine imposed under this Act or imposed on any other person who has been issued or has applied for a permit under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any permit issued with respect to such offshore aquaculture facility or applied for by such a person under this Act, with or without prejudice to the issuance of subsequent permits;

(ii) suspend such permit for a period of time considered by the Secretary to be appropriate;

(iii) deny such permit; or

(iv) impose additional conditions and restrictions on such permit.

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

(B) with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

(3) Transfer of ownership of an offshore aquaculture facility, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of an offshore aquaculture facility, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the offshore aquaculture facility at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

(4) In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(d) INJUNCTIVE RELIEF.—Upon the request of the Secretary, the Attorney General of the United States may commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation of any provision of this Act, or regulation or permit issued under this Act.

(e) HEARING.—For the purposes of conducting any investigation or hearing under this section or any other statute administered by the National Oceanic and Atmospheric Administration which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Nothing in this Act shall be construed to grant jurisdiction to a district court to entertain an application for an order to enforce a subpoena issued by the Secretary of Commerce to the Federal Government or any entity thereof.

(f) JURISDICTION.—The United States district courts shall have original jurisdiction of any action under this section arising out of or in connection with the construction or operation of aquaculture facilities, and proceedings with respect to any such action may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district of the adjacent coastal State nearest the place where the cause of action arose. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but

also in any other district as authorized by law.

(g) COLLECTION.—If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter may be referred to the Attorney General, who may recover the amount (plus interest at currently prevailing rates from the date of the final order). In such action the validity, amount and appropriateness of the final order imposing the civil penalty shall not be subject to review. Any person who fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such persons penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

(h) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this Act, process may be served in any district where the defendant is found, resides, transacts business or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with Rule 4 of the Federal Rules of Civil Procedure.

SEC. 11. CRIMINAL OFFENSES.

(a) IN GENERAL.—Any person (other than a foreign government or any entity of such government) who knowingly commits an act prohibited by subsection (c), (d), (e), or (f) of section 8, shall be imprisoned for not more than 5 years or shall be fined not more than $500,000 for individuals or $1,000,000 for an organization, or both; except that if in the commission of any such offense the individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this Act, or places any such officer in fear of imminent bodily injury, the maximum term of imprisonment is not more than 10 years.

(b) OTHER OFFENSES.—Any person (other than a foreign government or any entity of such government) who knowingly violates any provision of section 8 other than subsection (c), (d), (e) or (f), any provision of any regulation promulgated pursuant to this Act, or any permit issued under this Act, shall be imprisoned for not more than 5 years, or shall be fined not more than $500,000 for an individual or $1,000,000 for an organization, or both.

(c) JURISDICTION OF DISTRICT COURTS.—The United States district courts shall have original jurisdiction of any action arising under this section out of or in connection with the construction or operation of aquaculture facilities, and proceedings with respect to any such action may be instituted in the judicial district in which any defendant resides or may be found. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized under law.

SEC. 12. FORFEITURES.

(a) CRIMINAL FORFEITURE.—A person who is convicted of an offense under section 11 of this Act shall forfeit to the United States—

(1) any property, real or personal, constituting or traceable to the gross proceeds obtained, or retained, as a result of the offense including, without limitation, any marine species (or the fair market value thereof) taken or retained in connection with or as a result of the offense; and

(2) any property, real or personal, used or intended to be used to commit or to facilitate the commission of the offense, including, without limitation, any offshore aquaculture facility or vessel, including its structure, equipment, furniture, appurtenances, stores, and cargo, and any vehicle or aircraft.

Pursuant to section 2461(c) of title 28, United States Code, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d), shall apply to criminal forfeitures under this section.

(b) CIVIL FORFEITURE.—The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(1) Any property, real or personal, constituting or traceable to the gross proceeds obtained, or retained, as a result of a violation of any provision of section 8 or section 4(b)(2)(D) of this Act, including, without limitation, any marine species (or the fair market value thereof) taken or retained in connection with or as a result of the violation.

(2) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any such violation, including, without limitation, any offshore aquaculture facility or vessel, including its structure, equipment, furniture, appurtenances, stores, and cargo, and any vehicle or aircraft.

Civil forfeitures under this section shall be governed by the procedures set forth in chapter 46 of title 18, United States Code.

(c) REBUTTABLE PRESUMPTION.—In any criminal or civil forfeiture proceeding under this section, there is a rebuttable presumption that all marine species found within an offshore aquaculture facility and seized in connection with a violation of section 8 of this Act were taken or retained in violation of this Act.

SEC. 13. SEVERABILITY AND JUDICIAL REVIEW.

(a) SEVERABILITY.—If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(b) JUDICIAL REVIEW.—

(1) IN GENERAL.—Judicial review of any action taken by the Secretary under this chapter shall be in accordance with sections 701 through 706 of title 5, United States Code, except that—

(A) review of any final agency action of the Secretary taken pursuant to subsection (a) or (c) of section 11 may be had only by the filing of a complaint by an interested person in the United States District Court for the appropriate district; any such complaint must be filed within 30 days of the date such final agency action is taken; and

(B) review of all other final agency actions of the Secretary under this chapter may be had only by the filing of a petition for review by an interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business which is directly affected by the action taken; such petition shall be filed within 120 days from the date such final action is taken.

(2) LIMITATION OF JUDICIAL REVIEW.—Final agency action with respect to which review could have been obtained under paragraph (1)(B) of this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

(3) AWARDS OF LITIGATION COSTS.—In any judicial proceeding under paragraph (1) of this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party whenever it determines that such award is appropriate.

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

S. 1613. A bill to require the Director of National Intelligence to submit to Congress an unclassified report on energy security and for other purposes; to the Select Committee on Intelligence.

Mr. WYDEN. Mr. President, today Senator CHAMBLISS and I are introducing legislation that could have a far-reaching impact on the national security of the United States. As every American knows, one of the most important elements of our national security infrastructure is the collection of agencies that make up our national intelligence community. But when most Americans think about the CIA, the FBI, or the NSA, they tend to think of agencies that are focused on a small handful of James Bond-style issues, such as missile stockpiles, new weapons technologies, and coups in foreign lands. These issues are still important, but in the modem world it is essential to recognize that protecting national security is a lot more complicated than it was during the Cold War, and there are many other issues that require attention and action.

Thankfully, the men and women of the intelligence community already recognize this crucial fact, and are working hard to address the wide variety of threats and challenges that face America in the 21st century. Unfortunately, many policymakers still think of intelligence in 20th century terms, and as a result many of our national intelligence capabilities are underused and underappreciated.

The best example of this is unquestionably in the field of energy security. American dependence on foreign oil has made our Nation less safe. Oil revenues have provided income for dangerous rogue states, they have sparked bloody civil wars, and they have even provided funding for terrorism. In a sickening phenomenon that I call the terror tax, every time that Americans drive their cars down to the gas station and fill up at the pump, the reality is that a portion of that money is then turned over to foreign governments that ''backdoor'' it over to Islamist extremists, who use that money to perpetuate terrorism and hate. As the GAO has pointed out, while talking about the oil-rich nation of Saudi Arabia:

> Saudi Arabia's multibillion-dollar petroleum industry, although largely owned by the government, has fostered the creation of large private fortunes, enabling many wealthy Saudis to sponsor charities and educational foundations whose operations extend to many countries. U.S. government and other expert reports have linked some Saudi donations to the global propagation of religious intolerance, hatred of Western values, and support to terrorist activities.

Furthermore, by allowing our national energy security to depend on foreign oil, we are leaving the American economy vulnerable to external shocks and disruptions. Recent American history is full of examples of events overseas jolting U.S. energy supplies, and just a couple decades ago the oil cartel known as OPEC declared an embargo which sent the U.S. economy into a tailspin.

There are many other challenges out there that have the potential to affect U.S. national security and energy security. For example, it seems clear that the Middle East will remain in turmoil for years to come, and policmakers will have to consider the potential impact of events such as a terrorist attack on a major oil facility, or a change in government in an oil-producing state, or the further deterioration of the situation in Iraq. Outside of the Middle East there are other challenges to face, including the continued growth of major energy consuming countries like India and China, the policies of less-predictable governments such as Russia and Venezuela, and the emergence of new energy producers in unstable areas of the world.

As policymakers attempt to grapple with these challenges, it is vital for them to be informed by the best thinking available, and as I said, the men and women of our national intelligence agencies are already performing quality analysis on many topics relevant to national security. This expertise is spread throughout the intelligence community, and includes professionals at the National Intelligence Council, the CIA's Office of Transnational Issues, and the Office of Intelligence and Counterintelligence at the Department of Energy.

Unfortunately, this expertise is rarely used to inform energy policy debates, primarily because these agencies generally use it to produce classified assessments. This means that I can discuss them in closed sessions of the Senate Select Committee on Intelligence, but not at hearings of the Committee on Energy and Natural Resources, even though I am a member of both committees. This legislation would address this problem by requiring the Director of National Intelligence to coordinate the production of an unclassified report on the intelligence community's assessments of key energy issues that have implications for the national security of the United States. It will be up to the intelligence agencies to determine what information can safely be discussed in public, but I am confident that the Director will be able to provide Congress with a report that includes thoughtful, insightful discussion of these issues, without revealing any sensitive information or compromising any sources and methods.

This legislation is entitled the Weighing Intelligence for Smarter Energy Act, or the WISE Act for short. I think that my colleagues and the American public would agree that when it comes to protecting our national energy security, it certainly wouldn't hurt for Congress to be a little bit wiser.

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. 1613

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 ''Weighing Intelligence for Smarter Energy Act of 2007'' or the ''WISE Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The members of the intelligence community in the United States, most notably the National Intelligence Council, the Office of Intelligence and Counterintelligence of the Department of Energy, and the Office of Transnational Issues of the Central Intelligence Agency, possess substantial analytic expertise with regard to global energy issues.

(2) Energy policy debates generally do not use, to the fullest extent possible, the expertise available in the intelligence community.

SEC. 3. REPORT ON ENERGY SECURITY.

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the long-term energy security of the United States.

(2) FORM OF REPORT.—The report required by subsection (a) shall be submitted in an unclassified form and may include a classified annex.

(b) CONTENT.—The report submitted pursuant to subsection (a) shall include the following:

(1) An assessment of key energy issues that have national security or foreign policy implications for the United States.

(2) An assessment of the future of world energy supplies, including the impact likely and unlikely scenarios may have on world energy supply.

(3) A description of—

(A) the policies being pursued, or expected to be pursued, by the major energy producing countries or by the major energy consuming countries, including developing countries, to include policies that utilize renewable resources for electrical and biofuel production;

(B) an evaluation of the probable outcomes of carrying out such policy options, including—

(i) the economic and geopolitical impact of the energy policy strategies likely to be pursued by such countries;

(ii) the likely impact of such strategies on the decision-making processes on major energy cartels; and

(iii) the impact of policies that utilize renewable resources for electrical and biofuel production, including an assessment of the ability of energy consuming countries to reduce dependence on oil using renewable resources, the economic, environmental, and developmental impact of an increase in biofuels production in both developed and developing countries, and the impact of an increase in biofuels production on global food supplies; and

(C) the potential impact of such outcomes on the energy security and national security of the United States.

Mr. CHAMBLISS. Mr. President, I rise today in support of the Weighing Intelligence for Smarter Energy Act, or the WISE Act. I worked with Senator WYDEN to introduce this bill and am happy to be an original cosponsor.

As a member of the Senate Select Committee on Intelligence, I see some of the most sensitive products produced by our intelligence community. The intelligence community's analysts possess an extensive and wide range of expertise on all matters which could have national security implications for the United States. However, because of the secretive nature of the intelligence community and the sensitive work which it conducts, few policymakers are privy to many of its products. In most cases, this is essential in order to protect the sensitive sources and methods used by our intelligence agencies. In other areas, including matters related to global energy security, our intelligence analysts can provide some valuable analysis at an unclassified level.

Energy policy and energy security have far reaching implications for the United States. As the country recognizes the danger of relying on imported oil, we need to develop an energy policy that is aggressive while at the same time thoughtful. Renewable fuels like ethanol and biodiesel are not the solution to our problems, but they can help reduce our dependence on imported oil from unstable regions of the world during a time of rising crude oil prices. At the same time, we must understand and be prepared for the unintended consequences of pursuing alternative fuel policies and to be sensitive to their impact on other sectors of the U.S. and global economies. Already, incentives for ethanol and biodiesel in the United States, Europe, Brazil and other developed and developing countries are forcing changes in the agriculture economy not seen in over a generation. While rising demand for alternative fuels will increase prices for agriculture commodities and benefit farmers, will this increase strain development in developing countries, in regions such as sub-Saharan Africa? We don't know yet, but these are questions we should and must ask.

We already know the impact poverty and food insecurity has on populations around the world. However, policymakers, especially here in Congress, are not realizing the full extent of information available to them. Energy policy debates usually do not harness the full expertise of the intelligence community or consider the substantive analysis they may contribute to the debate. Experts in the intelligence community may examine the effects of energy policy around the globe and the impact those decisions may have on U.S. policy. In addition, the intelligence community can provide an analysis of the impact around the world of policies that utilize renewable resources. This legislation asks for just that type of analysis.

The WISE Act asks the intelligence community to provide an intelligence

assessment on the long-term energy security of the United States. The bill requests that as much of the assessment as possible be unclassified, while taking into consideration the need to protect valuable sources and methods by including a classified portion, it is my hope that this bill will better inform energy policy. In addition to informing policymakers of the energy security of the United States, the bill will also provide important analysis on the international impact of energy policies around the world.

The WISE Act will harness fully the expertise of our intelligence community and allow policymakers to formulate more informed energy policy. I urge my colleagues to join me in supporting the bill.

By Mr. DODD (for himself and Mr. BURR):

S. 1615. A bill to provide loans and grants for fire sprinkler retrofitting in nursing facilities; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to reintroduce bipartisan legislation with my colleague from North Carolina, Senator BURR, that seeks to protect nursing home residents, staff, and visitors from the dangers associated with fire.

In February, 2003, a multi-alarm fire at a nursing home in Hartford, CT, took the lives of 16 residents. It was the worst nursing home fire in Connecticut's history. The tragic loss of life was made worse by the fact that the nursing home lacked an automatic sprinkler system, a defect disturbingly common in many nursing homes across the country.

I believe many Americans, especially those with a loved one in a nursing home facility, would be shocked to learn that, according to the Government Accountability Office between 20 and 30 percent of the country's 17,000 nursing homes lack an automatic sprinkler system. In its 2004 report, the GAO found that ''the substantial loss of life in the [Hartford fire] could have been reduced or eliminated by the presence of properly functioning automatic sprinkler systems.'' Furthermore, the report concluded that ''the Federal oversight of nursing home compliance with fire safety standards is inadequate.''

Responding to the fire in Hartford and a similar tragedy in Nashville, TN, the Center for Medicare and Medicaid Services, CMS, required that nursing homes without automatic sprinkler systems install battery-operated smoke detectors. While this new requirement was viewed as a positive step, it was largely criticized by fire and patient-safety advocates because smoke detectors are often not wired to a central alarm system or a fire department.

I believe it is safe to assume that nursing home directors do not choose freely to operate their facilities without automatic sprinkler systems. According to the GAO and the American Health Care Association, most nursing homes simply cannot afford the costs incurred by installing an automatic sprinkler system. Today, many nursing homes, including many in Connecticut, are financially strained by inadequate reimbursement rates from Medicare and Medicaid, rising insurance premiums, rising energy costs, and the general cost of care for some of our country's most vulnerable patients.

That is why Senator BURR and I are reintroducing this legislation. The Nursing Home Fire Safety Act of 2007 provides low-interest loans and grants to nursing homes in proven need of financial assistance. The larger loan initiative assists nursing homes that cannot afford the upfront costs of installing automatic sprinkler systems but can afford to pay back a low-interest Government-issued loan. The smaller grant initiative would assist qualified nursing homes that lack any ability to pay for the installation of an automatic sprinkler system. Together, these initiatives would provide critical resources to prevent tragedies like those seen in Hartford and Nashville from occurring again.

I thank my colleague from North Carolina, Senator BURR, for reintroducing this bipartisan measure with me. I also thank Congressmen JOHN LARSON from Connecticut and PETER KING from New York for spearheading companion legislation in the House. I look forward to working with all of my colleagues to protect nursing home residents, staff, and visitors from the dangers associated with fire.

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. 1615

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 ''Nursing Home Fire Safety Act of 2007''.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) An estimated 1,500,000 Americans reside in approximately 16,300 nursing facilities nationwide, an estimated 20 to 30 percent of which lack an automatic fire sprinkler system.

(2) In a July 2004 report, the Government Accountability Office found that ''the substantial loss of life in [recent nursing home] fires could have been reduced or eliminated by the presence of properly functioning automatic sprinkler systems'' and that ''Federal oversight of nursing home compliance with fire safety standards is inadequate''.

(3) Many nursing facilities lack the financial capital to install sprinklers on their own and must consider closure as an alternative to taking on large loans or other financing options in order to install sprinklers.

(4) Recognizing that automatic fire sprinkler systems greatly improve the chances of survival for older adults in the event of a fire, the National Fire Protection Association, with the support of the American Health Care Association, the fire safety community, and the nursing facility profession, recently adopted requirements for automatic sprinklers in all existing nursing facilities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) within 5 years, every nursing facility in America should be equipped with automatic fire sprinklers in order to ensure patient, resident, and staff safety;

(2) the Centers for Medicare & Medicaid Services (CMS) should require all nursing homes to be fully sprinklered as recently required by the Life Safety Code of the National Fire Protection Association with the support of the nursing home industry, which includes the requirement that all nursing facilities be fully sprinklered; and

(3) the Centers for Medicare & Medicaid Services, in collaboration with Congress, should take into consideration the costs of retrofitting existing nursing home facilities and commit itself to providing facilities with the critical financial resources necessary to ensure the speedy and full installation of life saving sprinkler systems.

SEC. 3. DIRECT LOANS FOR FIRE SPRINKLERS RETROFITS.

(a) AUTHORITY.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish a program of direct loans to existing nursing facilities to finance retrofitting the facilities with an automatic fire sprinkler system. Such loans shall be made under terms and conditions specified by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 4. SPRINKLER RETROFIT ASSISTANCE GRANTS.

(a) AUTHORITY.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish a program to award grants to nursing facilities for the purposes of retrofitting them with an automatic fire sprinkler system. Such grants shall be awarded under terms and conditions specified by the Secretary.

(b) PRIORITY.—In awarding grants under this section, the Secretary shall give a priority to applications that demonstrate a need or hardship. In determining hardship, the Secretary may take into account factors such as the number of residents who are entitled to or enrolled in the medicare program under title 18 of the Social Security Act (42 U.S.C. 1395 et seq.) or receiving assistance under the medicaid program under title 19 of such Act (42 U.S.C. 1396 et seq.), the age and condition of the facility, and the need for nursing facility beds in the community involved.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. CARPER, Mr. LUGAR, and Mr. OBAMA):

S. 1616. A bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, I rise today to introduce legislation that would create a Federal biodiesel mandate and improve the quality and labeling of this product.

Biodiesel fuel holds great promise to help move the United States toward energy independence. It is created by converting soybean oil, animal fats, and yellow grease and other feed stocks into transportation fuel.

Compared to petrol diesel, biodiesel burns much more cleanly. Production of biodiesel creates jobs in rural areas and makes farming more profitable. The carbon footprint of biodiesel also is superior to petrol diesel. Cars and trucks fueled by biodiesel produce fewer unburned hydrocarbons, carbon monoxide, carbon dioxide, and particulate matter.

The biodiesel industry is young but growing, and its growth is driven by the rising cost of oil and a growing awareness of the need to move toward energy independence. In 2005, the United States produced 75 million gallons of biodiesel. That number more than tripled in 2006, when the United States produced 250 million gallons of biodiesel.

By the end of this year, we expect capacity to increase to more than 1 billion gallons. More than 140 plants already produce biodiesel, and more are moving to production soon. Biodiesel fuel plants can be found all across the country, from the Corn Belt and Great Plains to the Pacific Northwest and the Mid-Atlantic.

The bipartisan bill I am introducing today with Senators GRASSLEY, CARPER, LUGAR, and OBAMA is a modest attempt to take advantage of this potential capacity and to reduce the amount of petroleum used in the 60-billion-gallon diesel fuel pool. Under this bill, over the next 5 years, the United States would blend 450 million gallons of biodiesel into diesel fuel in 2008, 625 million gallons in 2009, 800 million gallons in 2010, 1 billion gallons in 2011, and 1.25 billion gallons in 2012.

This mandate would create an incentive for the production and consumption of biodiesel and give this infant industry some market guarantees to help it achieve stability and maturity.

Many States already are moving in the direction of biodiesel mandates. My home State of Illinois has offered a biodiesel tax incentive since 2003 that has increased demand for the product, and Minnesota has had a 2-percent biodiesel mandate since 2005.

This is an environmentally friendly, home-grown fuel, and we should embrace its use. I thank Senators GRASSLEY, CARPER, LUGAR, and OBAMA for their early support and urge others in the Senate to cosponsor our legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 233—MAKING MINORITY PARTY APPOINTMENTS FOR THE SELECT COMMITTEE ON ETHICS FOR THE 110TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 233

Resolved, That the following be the minority membership on the Select Committee on Ethics for the remainder of the 110th Congress, or until their successors are appointed; Mr. Cornyn, Mr. Roberts, and Mr. Isakson.

SENATE RESOLUTION 234—DESIGNATING JUNE 15, 2007, AS ''NATIONAL HUNTINGTON'S DISEASE AWARENESS DAY''

Mr. INHOFE (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas Huntington's Disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12 to 15 year period;

Whereas each child of a parent with Huntington's Disease has a 50 percent chance of inheriting the Huntington's Disease gene;

Whereas Huntington's Disease typically begins in mid-life, between the ages of 30 and 45, though onset may occur as early as the age of 2;

Whereas children who develop the juvenile form of the disease rarely live to adulthood;

Whereas the average lifespan after onset of Huntington's Disease is 10 to 20 years, and the younger the age of onset, the more rapid the progression of the disease;

Whereas Huntington's Disease affects 30,000 patients and 200,000 genetically ''at risk'' individuals in the United States;

Whereas since the discovery of the gene that causes Huntington's Disease in 1993, the pace of Huntington's Disease research has accelerated;

Whereas, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving Huntington's Disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Huntington's Disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 15, 2007, as ''National Huntington's Disease Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of Huntington's Disease; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Huntington's Disease Society of America.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1528. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investigating clean, renewable, and alternative energy resources, promoting newemerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1529. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1530. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1531. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1532. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1533. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1534. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1535. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. DODD, Mr. KERRY, Mr. REED, Mr. KENNEDY, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1536. Mr. KERRY (for himself, Mr. SANDERS, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1537. Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1538. Mr. MCCONNELL (for Mr. DOMENICI (for himself, Mr. CRAIG, Mr. BENNETT, Mr. CRAPO, Mr. GRAHAM, and Ms. MURKOWSKI)) proposed an amendment to amendment SA 1537 proposed by Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1539. Mr. AKAKA (for himself, Ms. MURKOWSKI, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1540. Mr. CARPER (for himself and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1541. Mr. SMITH (for himself, Ms. CANTWELL, Ms. MURKOWSKI, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1542. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1543. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1544. Mr. CASEY (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1545. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1546. Mr. DEMINT submitted an amendment intended to be proposed to amendment