

reimbursement rate in effect for appropriate treatment codes for the State or territory in which the treatment or study protocol is received. If no such rate is in effect, payment shall be made at a fair market rate, as determined by the Secretary of Defense, in consultation with the Secretary of Health and Human Services, with respect to a patient who is a member of the Armed Forces or the Secretary of Veterans Affairs with respect to a patient who is a veteran.

**(g) DATA COLLECTION AND AVAILABILITY.—**

**(1) IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretaries shall ensure that the database preserves confidentiality and be made available only—

(A) for third-party payer examination;

(B) to the appropriate congressional committees and employees of the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, and appropriate State agencies; and

(C) to the primary investigator of the institutional review board that approved the treatment or study protocol, in the case of data relating to a patient case involving the use of such treatment or study protocol.

**(2) ENROLLMENT IN INSTITUTIONAL REVIEW BOARD STUDY.**—In the case of a patient enrolled in a registered institutional review board study, results may be publically distributable in accordance with the regulations prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and other regulations and practices in effect as of the date of the enactment of this Act.

**(3) QUALIFIED INSTITUTIONAL REVIEW BOARDS.**—The Secretary of Defense and the Secretary of Veterans Affairs shall each ensure that the Internet website of their respective departments includes a list of all civilian institutional review board studies that have received a payment under this section.

**(h) ASSISTANCE FOR MEMBERS TO OBTAIN TREATMENT.—**

**(1) ASSIGNMENT TO TEMPORARY DUTY.**—The Secretary of a military department may assign a member of the Armed Forces under the jurisdiction of the Secretary to temporary duty or allow the member a permissive temporary duty in order to permit the member to receive treatment or study protocol for traumatic brain injury or post-traumatic stress disorder, for which payments shall be made under subsection (a), at a location beyond reasonable commuting distance of the member's permanent duty station.

**(2) PAYMENT OF PER DIEM.**—A member who is away from the member's permanent station may be paid a per diem in lieu of subsistence in an amount not more than the amount to which the member would be entitled if the member were performing travel in connection with a temporary duty assignment.

**(3) GIFT RULE WAIVER.**—Notwithstanding any rule of any department or agency with respect to ethics or the receipt of gifts, any assistance provided to a member of the Armed Forces with a service-connected injury or disability for travel, meals, or entertainment incidental to receiving treatment or study protocol under this section, or for the provision of such treatment or study protocol, shall not be subject to or covered by any such rule.

**(i) RETALIATION PROHIBITED.**—No retaliation may be made against any member of the Armed Forces or veteran who receives treatment or study protocol as part of registered institutional review board study carried out by a civilian health care practitioner.

**(j) TREATMENT OF UNIVERSITY AND NATIONALLY ACCREDITED INSTITUTIONAL REVIEW BOARDS.**—For purposes of this section, a university-affiliated or nationally accredited institutional review board shall be treated in the same manner as a Government institutional review board.

**(k) MEMORANDA OF UNDERSTANDING.**—The Secretary of Defense and the Secretary of Veterans Affairs shall seek to expeditiously enter into memoranda of understandings with civilian institutional review boards described in subsection (j) for the purpose of providing for members of the Armed Forces and veterans to receive treatment carried out by civilian health care practitioners under a treatment or study protocol approved by and under the oversight of civilian institutional review boards that would qualify for payment under this section.

**(l) OUTREACH REQUIRED.—**

**(1) OUTREACH TO VETERANS.**—The Secretary of Veterans Affairs shall notify each veteran with a service-connected injury or disability of the opportunity to receive treatment or study protocol pursuant to this section.

**(2) OUTREACH TO MEMBERS OF THE ARMED FORCES.**—The Secretary of Defense shall notify each member of the Armed Forces with a service-connected injury or disability of the opportunity to receive treatment or study protocol pursuant to this section.

**(m) REPORT TO CONGRESS.**—Not later than 30 days after the last day of each fiscal year during which the Secretary of Defense and the Secretary of Veterans Affairs are authorized to make payments under this section, the Secretaries shall jointly submit to Congress an annual report on the implementation of this section. Such report shall include each of the following for that fiscal year:

(1) The number of individuals for whom the Secretary has provided payments under this section.

(2) The condition for which each such individual receives treatment for which payment is provided under this section and the success rate of each such treatment.

(3) Treatment methods that are used by entities receiving payment provided under this section and the respective rate of success of each such method.

(4) The recommendations of the Secretaries with respect to the integration of treatment methods for which payment is provided under this section into facilities of the Department of Defense and Department of Veterans Affairs.

**(n) TERMINATION.**—The authority to make a payment under this section shall terminate on the date that is five years after the date of the enactment of this Act.

**(o) AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000 for each fiscal year during which the Secretary of Veterans Affairs and the Secretary of Defense are authorized to make payments under this section.

**SA 4623.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5136, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 6 and 7, insert the following:

**SEC. 3. OIL AND GAS PRODUCTION ON DEPARTMENT OF DEFENSE LAND.**

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) in the first sentence of subsection (a), by striking “All money received” and inserting “Subject to subsection (d), all money received”; and

(2) by adding at the end the following:

**“(d) CERTAIN SALES, BONUSES, AND ROYALTIES.—**

**“(1) IN GENERAL.**—The Secretary of the Treasury shall transfer to the Secretary of Defense the amounts received under subsection (a) from oil and gas production carried out on land that is occupied by, or title to which is held by, a military installation.

**“(2) USE OF FUNDS.**—Any amount received by the Secretary of Defense under paragraph (1) shall be used to offset costs of military installations for—

“(A) administrative operations; and

“(B) the maintenance and repair of facilities and infrastructure of military installations.”.

**SA 4624.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 591.

**SA 4625.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 713.

**NOTICE OF HEARINGS**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

**Mr. BINGAMAN.** Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, September 23, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's Loan Guarantee Program and its effectiveness in spurring the near-term deployment of clean energy technology.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov)

For further information, please contact Mike Carr or Abigail Campbell.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy. The hearing will be held on Thursday, September 30, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine the role of strategic minerals in clean energy technologies and other applications as well as legislation to address the issue, including S. 3521, the Rare Earths Supply Technology and Resources Transformation Act of 2010.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie\_Calabro@energy.senate.gov

For further information, please contact Allyson Anderson or Rosemarie Calabro.

## COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 22, 2010, at 10 a.m., to hear testimony on “Examining the Filibuster: Legislative Proposals to Change Senate Procedures.”

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee.

## PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, on behalf of Senator REID, I ask unanimous consent that Joshua Campbell, currently serving as his military legislative fellow, be granted the privilege of the floor for the duration of S. 3454, the Defense authorization bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that Glen MacDonald, a military legislative fellow in Senator VITTER’s office, be granted floor privileges for the duration of the debate on S. 3454, the National Defense Authorization Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Jocelyn Hemler, a military fellow in Senator DODD’s office, and Anna Staton, of the HELP Committee, be granted the privilege of the floor for the remainder of the 111th Congress.

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

SENATOR PAUL SIMON WATER  
FOR THE WORLD ACT OF 2009

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 374, S. 624.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 624) to provide 100 million people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Senator Paul Simon Water for the World Act of 2010”.

## SEC. 2. FINDINGS.

Congress finds the following:

(1) The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121)—

(A) makes access to safe water and sanitation for developing countries a specific policy objective of United States foreign assistance programs;

(B) requires the Secretary of State to—

(i) develop a strategy to elevate the role of water and sanitation policy; and

(ii) improve the effectiveness of United States assistance programs undertaken in support of that strategy;

(C) codifies Target 10 of the United Nations Millennium Development Goals; and

(D) seeks to reduce by half between 1990 (the baseline year) and 2015—

(i) the proportion of people who are unable to reach or afford safe drinking water; and

(ii) the proportion of people without access to basic sanitation.

(2) On December 20, 2006, the United Nations General Assembly, in GA Resolution 61/192, declared 2008 as the International Year of Sanitation, in recognition of the impact of sanitation on public health, poverty reduction, economic and social development, and the environment.

(3) On August 1, 2008, Congress passed H. Con. Res. 318, which—

(A) supports the goals and ideals of the International Year of Sanitation; and

(B) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment.

(4) While progress is being made on safe water and sanitation efforts—

(A) more than 884,000,000 people throughout the world lack access to safe drinking water; and

(B) 2 of every 5 people in the world do not have access to basic sanitation services.

(5) The health consequences of unsafe drinking water and poor sanitation are significant, accounting for—

(A) nearly 10 percent of the global burden of disease; and

(B) more than 2,000,000 deaths each year.

(6) Water scarcity has negative consequences for agricultural productivity and food security for the 1,200,000,000 people who, as of 2010, suffer from chronic hunger and seriously threatens the ability of the world to more than double food production to meet the demands of a projected population of 9,000,000,000 people by 2050.

(7) The effects of climate change are expected to produce severe consequences for water availability and resource management in the future, with 2,800,000,000 people in more than 48 countries expected to face severe and chronic water shortages by 2025.

(8) According to the November 2008 report entitled, “Global Trends 2025: A Transformed World”, the National Intelligence Council expects rapid urbanization and future population growth to exacerbate already limited access to water, particularly in agriculture-based economies.

(9) A 2009 report published in the Proceedings of the National Academy of Sciences projects that the effects of climate change will produce long-term droughts and raise sea levels for the next 1,000 years, regardless of future efforts to combat climate change.

(10) According to the 2005 Millennium Ecosystem Assessment, commissioned by the United Nations, more than 1/5 of the world population relies on freshwater that is either polluted or excessively withdrawn.

(11) The impact of water scarcity on conflict and instability is evident in many parts of the world, including the Darfur region of Sudan, where demand for water resources has contributed to armed conflict between nomadic ethnic groups and local farming communities.

(12) In order to further the United States contribution to safe water and sanitation efforts, it is necessary to—

(A) expand foreign assistance capacity to address the challenges described in this section; and

(B) represent issues related to water and sanitation at the highest levels of United States foreign assistance and diplomatic deliberations, including those related to issues of global health, food security, the environment, global warming, and maternal and child mortality.

## SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the United States should lead a global effort to bring sustainable access to clean water and sanitation to poor people throughout the world.

## SEC. 4. PURPOSE.

The purpose of this Act is—

(1) to enable first-time access to safe water and sanitation, on a sustainable basis, for 100,000,000 people in high priority countries (as designated under section 6(f) of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) within 6 years of the date of enactment of this Act through direct funding, development activities, and partnerships; and

(2) to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121).

## SEC. 5. DEVELOPING UNITED STATES GOVERNMENT CAPACITY.

Section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) is amended by adding at the end the following:

“(e) SENIOR ADVISOR FOR WATER.—

“(1) IN GENERAL.—To carry out the purposes of subsection (a), the Administrator of the United States Agency for International Development shall designate a senior advisor to coordinate and conduct the activities described in this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121). The advisor shall report directly to the Administrator and be known as the ‘Senior Advisor for Water’.

“(2) DUTIES.—The Advisor shall—

“(A) implement this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121);

“(B) develop and oversee implementation in high priority countries of country-specific water strategies and expertise, in coordination with appropriate United States Agency for International Development Mission Directors, to enable the goal of providing 100,000,000 additional people with sustainable access to safe water and sanitation through direct funding, development activities, and partnerships within 6 years of the date of the enactment of the Senator Paul Simon Water for the World Act of 2010; and

“(C) place primary emphasis on providing safe, affordable, and sustainable drinking