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Senate

NATIONAL INSTITUTES OF HEALTH REFORM ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be discharged from further consideration of H.R. 6164, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6164) to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

ENROLLMENT PERIODS

Mr. GRASSLEY. I wish to engage my colleague Senator BAUCUS in a colloquy concerning the Tax Relief and Health Care Act of 2006. This bill contains a

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TRENT LOTT, *Chairman.*

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provision that would allow certain Medicare Advantage plans to enroll individuals at any time during the year. I am concerned about this provision for two reasons: No. 1, the effect it will have on the Medicare Advantage program, and No. 2, the process by which it was included in this package.

Mr. BAUCUS. I thank you for bringing this provision up for discussion. I have concerns as well.

Mr. GRASSLEY. Under current law, beneficiaries can decide to stay in the traditional fee-for-service program or enroll in Medicare Advantage plans during the annual open period, which lasts from November 15 to December 31. They can also make certain changes one time between January and March of the following year. I remember how much time and effort we spent designing these enrollment policies when we worked together on the Medicare Modernization Act of 2003. Wouldn't you agree this provision is a significant policy change?

Mr. BAUCUS. That is an understatement. This provision would allow some but not all types of Medicare Advantage plans to enroll individuals throughout the year. Only those plans that do not offer prescription drug coverage will be given this special treatment. This may sound like a small change because it only affects a certain type of Medicare Advantage plan. But it creates an unlevel playing field between plans with no drug coverage and Medicare Advantage plans that have decided to offer prescription drug coverage.

Mr. GRASSLEY. That is exactly my concern, too. I am also disappointed in the process that led to the provision being included in the final bill. We had an understanding that we would only include agreed-upon extensions and must-do health items in the package and not make major policy decisions that had not gone through the regular process. This provision does not meet that standard.

Mr. BAUCUS. No, it does not. In fact, I soundly rejected the proposal during the negotiations with our House colleagues. They were clearly informed of my position on the matter. Our final agreement did not include this provision.

Mr. GRASSLEY. It disturbs me, that this major policy change—one that treats some plans unfairly—was included at last minute by the House rules committee. I do not operate like that, and I know you do not, either. Unfortunately, we are stuck with this provision for the time being. But I assure of my commitment to working with you as soon as possible next year to revisit this provision.

Mr. BAUCUS. I thank my colleague and good friend from Iowa. I look forward to working with you next year on this and all of the business we will have before our committee.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. ROCKEFELLER. Chairman GRASSLEY and Ranking Member BAUCUS, I would like to begin by thanking you for your efforts to address the impending Children's Health Insurance Program, CHIP, shortfalls as part of this end-of-the-year package. As many as 17 States face the prospect of not having enough Federal CHIP dollars to cover the children currently enrolled in their programs. Estimates by the Congressional Research Service and others indicate that these shortfalls will total approximately $920 million next year and could put the health care coverage of as many as 630,000 children in jeopardy. This compromise, struck between you, Congressman BARTON, and Congressman DINGELL, while not 100 percent of what everybody wanted, takes a significant step toward addressing that problem.

Mr. GRASSLEY. Thank you, Senator ROCKEFELLER. We share an interest in making sure that States have adequate Federal funding to cover children through CHIP. No one wants to see children lose coverage, and we hope the provisions in this bill will help States on a temporary basis until we have time to work out a more permanent solution to the CHIP financing structure. Now I know that there are a lot of concerns about this package. And I want to make it clear that Senator BAUCUS and I thought this was what we could pass right now. We are hopeful that we can pass this package here in the Senate and then get House agreement tonight or tomorrow so that we can forestall these shortfalls for the first part of the year.

I want to make it clear, however, that nothing in this package binds us for CHIP reauthorization next year. There is discomfort with the CHIP provisions on both sides of the aisle. But Senators are willing to compromise in order to get something done for children before we go home. Therefore, we should put aside our differences and individual gripes in order to get something productive passed.

Mr. BAUCUS. I want to associate myself with the remarks of the chairman. This bill is so important, so vital to the lives of hundreds of thousands of children who need health coverage. I am so proud that the Senate and the House were able to get together and work out a deal to get this done this year. I was disappointed we weren't able to include this in the tax extenders package that Senator GRASSLEY and I worked on, so it is very gratifying to know we were able to do this. I want to especially thank Chairman GRASSLEY and his staff, Becky Shipp, for their dedication to this effort and commitment to the program. I would also like to thank Chairman BARTON and his staff, Ryan Long, for their willingness to help in this process, and Congressman DINGELL and his staff, Bridgett Taylor and Amy Hall, for their dogged determination to get this done. I also agree with Chairman GRASSLEY in his view that the CHIP provisions in this bill will not set a precedent for reauthorization next year. Instead, this is a temporary fix—a downpayment toward addressing a long-term problem of increasing demand for CHIP and not enough Federal funds to go around. In an ideal world, Senator GRASSLEY and I would have liked to put new money on the table to fully fund the shortfalls. However, we are operating under significant budget constraints. This package represents what we think we can do now, despite those constraints. We know we will need to revisit this issue next year, either as part of the reauthorization of the CHIP program, or apart from that, to address the remaining CHIP shortfalls so that no State has insufficient funds to provide health coverage for children. I am heartened by Senator GRASSLEY's strong commitment to the program that we will be able to work together in this critical effort to shore up our Nation's safety net for low-income children.

Mr. ROCKEFELLER. Your comments are helpful because I think Members are concerned that accepting this CHIP shortfalls proposal means they will be giving tacit approval to other provisions in the bill that they don't really support—such as decreasing the CHIP allotment from 3 years to 2½ years, or putting restrictions on how States can use the redistributed money, for example. But what I hear both of you saying, I think, is that the CHIP provisions in this package are causing a little bit of pain for everyone, but that the benefits of getting something done now far outweigh the downsides and that nothing in this CHIP package binds us as we move to reauthorize the program next year.

Mr. GRASSLEY. I understand the concerns of our colleagues. Certainly, there are those who think we should have gone further in this proposal. There are Senators who support going from a 3-year allotment structure to a 2-year allotment structure immediately. And there are Senators who want to put greater limits on how CHIP dollars can be spent, to ensure program spending prioritizes children first. Senator BAUCUS and I developed a CHIP proposal that is somewhere in between but is a proposal that meets our ultimate objective of keeping children covered. We can have a policy debate about the merits of various proposals when we reauthorize the program next year. Nothing in this package precludes us from doing that.

Mr. BAUCUS. I expect the Finance Committee to have a deliberative process on CHIP reauthorization early next year, where we can hear from Members, Governors, CHIP directors, families and others about the CHIP financing structure, the allotment timeframe, populations covered and any other relevant issues of concern. As far as I'm concerned, we come to this process with a clean slate and we will have an honest dialogue about the future of this vital program. For right now, however, I hope that we can pass this legislation, so that no child loses coverage

before we have a chance to reauthorize the program next year.

Mr. ROCKEFELLER. I thank my colleagues for their tireless efforts on behalf of children, and I look forward to working with both of them to address the remaining shortfalls early next year.

Mr. ENZI. Mr. President, today the Senate has once again affirmed its commitment to strengthen the National Institutes of Health and its important research to find better treatments and cures for all diseases. Today, the Senate passed H.R. 6164, the National Institutes of Health Reform Act of 2006. This important piece of legislation provides needed reforms to the crown jewel of the Nation's biomedical research enterprise, the National Institutes of Health.

This reauthorization builds upon the great initiatives and vision of Dr. Zerhouni, the Director of NIH, by creating a common fund to support crosscutting trans-NIH research initiatives, such as those initiated as part of Dr. Zerhouni's ''roadmap initiative''. This reform bill also brings more transparency to the spending of this important agency. As we recently doubled the NIH budget, it is important that the NIH and Congress can plan and evaluate the efficiency and effectiveness of that spending.

NIH is the steward of this Nation's biomedical research enterprise and it is important we reevaluate the inner-workings of the agency to ensure they are meeting this responsibility. The legislation passed today is a fulfillment of our critical obligation to evaluate, strengthen, and improve the NIH so that they can shoulder this burden.

This bill also includes the substance of the NIH Foundation Improvement Act, which ensures the foundation has the resources and ability to aid researchers in fulfilling NIH's mission to find better treatments and cures for our most serious diseases. Most significantly, these provisions clarify membership in the foundation's board of directors and assures that the foundation receives funds to support its operating expenses.

Every member of the House and Senate takes pride in the NIH and its grantees. Through their work and vision, America has become the world leader in biomedical research, and Americans benefit from the fruits of these labors every day. I am confident that this legislation will help NIH continue to be the engine that drives our understanding of biomedical science and continue to be a source of pride.

Before closing, I would like to take this opportunity to acknowledge, thank, and congratulate the people who have worked hard to craft, draft, and pass this legislation. First, I would like to thank my colleagues in the House and their staff for their hard work in passing this critical legislation. It is hard to overstate their dedication and work in getting this bill done.

Specifically, Chairman BARTON and Representative DINGELL worked tirelessly crafting this legislation for months and getting the House to pass it nearly unanimously. They have continued to work for the last 3 months to address every concern from Members here in the Senate. Their staffs, Cheryl Jaeger, Katherine Martin, Ryan Long, John Ford and Jessica McNiece, have worked patiently and persistently to reach consensus that this bill is right policy at the right time. We appreciate their dedication and cooperative work.

Further, I would like to acknowledge the Senate and House Legislative Counsels, who worked hand in hand with staff to draft language as the House and Senate worked to accommodate concerns. They worked many long hours and all through the night last night to draft this language. In particular, I would like to express my gratitude to Pete Goodlowe, Warren Berg, and Bill Baird for their dedication and hard work which enabled us to pass this bill.

I want to thank all the members of the Senate Committee on Health, Education, Labor, and Pensions, especially my friend and ranking member, Senator KENNEDY, for his hard work and determination in seeing this bill become law. I would also like to thank all of the staff, without whom much of our progress would not have been possible.

I would also like to thank David Noll, Derrick Scholls, Caya Lewis, and David Bowen of Senator KENNEDY's staff for their hard work and late nights.

Finally, I would like to thank my own staff, including Katherine McGuire, my staff director, Ilyse Schuman, Greg Dean, Stephen Northrup, Dave Schmickel, and Shana Christrup for their diligence and determination as we worked to reach consensus on this important and essential bill.

We anticipate the House will pass this bill later today, after which it will be sent to the President's desk. I look forward to the exciting biomedical breakthroughs that will result from the continued commitment of the NIH to critical, lifesaving research.

Mr. CRAPO. Mr. President, I rise to comment briefly on the Tax Relief and Health Care Act of 2006. This bill includes a number of important provisions, including tax relief and reforms to the Medicare system. I wish simply to highlight two sections for the record.

Section 103 contains an update of the composite rate component of the basic case-mix adjusted prospective payment system for dialysis services. The intent of this section is to provide an update of 1.6% for a period of 1 year to the current composite rate for dialysis care. This section does not address any other payment system modifications for the ESRD Program. The GAO report is intended to explore the cost of home dialysis and how to more effectively educate dialysis patients about the possible advantages of home dialysis.

Section 110 relates to the reporting of anemia quality indicators for Medicare Part B cancer anti-anemia drugs. The intent of this section is to require the Secretary to develop a process through full notice and comment rulemaking that requires providers to report hemoglobin or hematocrit levels for patients being treated with cancer chemotherapy. Nothing in this section is intended to require the Secretary to change the coverage or payment rules for any products under Part B.

Mr. MCCONNELL. Mr. President, I rise to express my concerns about section 206 of the Tax Relief and Health Care Act of 2006. Under current law, Medicare beneficiaries are only permitted to enroll in a Medicare Advantage plan from November 15 to March 31. This provision would allow Medicare fee-for-service beneficiaries to enroll in certain Medicare Advantage plans at any time during 2007 or 2008, but only into those Medicare Advantage plans that do not cover prescription drugs. This is a significant change in policy, and I am concerned that this could provide incentives for seniors to join plans that do not offer prescription drug coverage. I am also troubled that this provision could distort the thriving Medicare Advantage marketplace that is serving seniors well today.

I also am concerned about the process by which this provision was added to the underlying legislation. While the vast majority of the Medicare provisions of the Tax Relief and Health Care Act of 2006 were discussed and agreed to by the appropriate committees in the House and Senate, it is my understanding that this provision was added to the final package without the consent of the Finance Committee members who negotiated on the Senate's behalf.

I want to make certain that our seniors are able to choose the Medicare option that best meets their health care needs and I look forward to working with my colleagues to ensure this provision does not harm our Nation's Medicare beneficiaries.

Mr. LEVIN. Mr. President, this bill covers a number of important areas. The so-called ''tax extenders'' provisions will continue a number of expired or expiring tax incentives that are important to our economy. These include the critical tax credit for research and development done here in the U.S. The bill also extends the Welfare to Work and the Work Opportunity Tax Credits, which encourage employers to hire certain long-term family assistance recipients and members of targeted groups such as high risk youth, families receiving food stamps, SSI recipients, and qualified veterans. Another important extension is the deduction for the out-of-pocket expenses of elementary and secondary school teachers of up to $250 for books and other supplies. And there is a deduction of up to

$4,000 for qualified tuition and related expenses. There is also a provision to provide equity to the U.S.-flag ships operating in the Great Lakes.

I am also pleased that this Congress is addressing the annual dilemma of appropriate reimbursement for physicians treating Medicare patients. The current Medicare reimbursement system is flawed, and without action, doctors treating Medicare patients would have faced a 5% reduction in reimbursement. I am pleased that this legislation will halt those cuts and I urge the 110th Congress to take a serious look at overall Medicare reimbursement so that we do not make this an annual affair. I am also pleased that this legislation contains a six month extension of the Medicare hospital wage index reclassification, bringing additional temporary financial relief to over 100 Michigan hospitals.

This bill also includes the permanent extension of Normal Trade Relations (PNTR) to Vietnam which Congress has been granting on an annual basis since December 2001. Vietnam is joining the WTO and the United States is obligated to grant Vietnam permanent normal trade relations in order to receive the market opening commitments that were made by Vietnam as a condition of joining the WTO. As a member of the WTO Vietnam will be subject to all of the WTO's international trade rules. Currently, the United States provides PNTR to most countries, but not Vietnam.

I also support the inclusion of the provisions of S. 3711, the Gulf of Mexico Energy Security Act of 2006, in this package. I supported this bill when it passed the Senate because I believe we need to move forward to open up more areas for natural gas exploration to address the increasingly tight natural gas supply in the U.S and its resulting high prices.

Over the past six years, the tight natural gas supply and increasing costs of natural gas has had a significant impact on consumers and particularly on the U.S. manufacturing sector, which depends on natural gas as both a fuel source and a feedstock and raw material. With U.S. natural gas prices the highest in the industrialized world, many companies have made decisions to move their manufacturing operations offshore. Millions of manufacturing jobs have outsourced overseas during this period.

Mr. President, I will support this bill because it contains many important provisions. I do hope, however, that in the next Congress we can take up legislation in a timely manner allowing for more study and deliberation on important far-reaching provisions and avoid these last minute omnibus packages. The process by which this omnibus package was pulled together and unveiled at the eleventh hour is seriously flawed. Pushing through an un-amendable, take-it-or-leave it package of otherwise unrelated bills is not the way Congress should legislate. But at least we are finally coming to address a number of important provisions that we should have dealt with long ago.

Mr. REED. Mr. President, I have been a longtime supporter of these tax credits and I am pleased that they are extended by this long overdue bill before us tonight.

The tax credits included in this bill are significant both for families and for businesses; these credits will help families send their children to college, encourage businesses to hire individuals working to get off welfare, and support research and development. The IRS indicates that 19 million taxpayers will benefit from this relief. Our economy benefits from these provisions and many taxpayers have grown to rely on them. And those who benefit from these provisions need certainty.

I am disappointed, however, by critical omissions and the inclusion of some provisions about which I have serious concerns.

For starters, this package does not address the Alternative Minimum Tax, AMT; a tax provision that, with no Congressional intervention, will affect 37.1 million tax returns by 2010. Households are more likely to pay the AMT if they have children or live in a high-tax state because the AMT does not allow taxpayers to claim an exemption for dependents as an itemized deduction for state taxes. By 2010, nearly 90 percent of married couples with two or more children and incomes between $75,000 and $100,000 will pay the AMT.

The AMT is complicated, unfair, and no longer meets its intended purpose. That is why in her 2003 annual report to Congress, National Taxpayer Advocate Nina Olson identified the AMT as the most serious problem encountered by taxpayers. According to Olson ''. . . that is how the AMT appears to function—randomly, no longer with any logical basis in sound tax administration or any connection with its original purpose of taxing the very wealthy who escape taxation. Congress must address the AMT before it bogs down tax administration and increases taxpayers' cynicism to such a level that overall compliance declines.''

Also, the bill includes many ill-conceived provisions. I strongly oppose the bill's inclusion of an expanded voucher program for the District of Columbia. There is no doubt that our nation's capital faces severe educational challenges. However, this expansion is an unnecessary action that subverts the program's original intent to serve solely low-income students, and continues federal government subsidization of private and religious schools at the expense of public education.

This is another attempt by the President and Republican leadership to expand private school voucher programs, while reneging on our fundamental commitment to public schools, where 90 percent of American children receive their education. Instead of private school vouchers, we should spend the dollars necessary to make the No Child Left Behind reforms work. We should be focusing on educational issues that touch the lives of all American students, not just a select few.

Also inserted in the bill is a considerable expansion of Health Savings Accounts, HSAs. The provisions, which were never given full consideration by either the Senate or House of Representatives, provide yet another mechanism for high income individuals to shelter taxable income under the guise of health care. An August Government Accountability Office, GAO, report on tax filers who reported making HSA contributions had an average income of $133,000 in 2004. The annual survey of health care consumers by the Employee Benefit Research Institute and the Commonwealth Fund found virtually no change in enrollment in HSAs, nor did they find any measurable impact on the rates of the uninsured in this country. While those who support these extensions, which will cost taxpayers close to a billion dollars over the next decade, will argue that they will help expand these insurance products to more Americans, in reality they will benefit only those Americans wealthy enough to take advantage of them.

The bill does contain some essential health-related provisions. Specifically, it includes another temporary update in the reimbursement rate for physicians under Medicare. While this package reverses the projected 5.1 percent cut for 2007, this Congress must take action next year to bring greater stability and predictability to the Medicare physician payment formula than currently exists. Nevertheless, this provision ensures that elderly and disabled Medicare patients will continue to have access to their providers.

While this bill provides a 1-year extension of the moratorium on Medicare therapy caps, many other needed Medicare and Medicaid provisions have been omitted. For instance, the bill does not include a moratorium on impending reductions in reimbursements for imaging services.

However, I would commend the architects of the legislation for carving out unexpended monies available in the Medicare advantage stabilization fund to finance the provisions that were included instead of resorting to cuts in reimbursements to individual Medicare providers groups.

I am further disappointed that this bill allows for exploration of the outer continental shelf. This provision will not provide energy security to the United States. Our nation needs a comprehensive energy policy that reduces dependency on fossil fuels through increased energy efficiency, greater investment in renewable energy, and development of alternative fuels to replace oil. This provision is also unsound fiscal policy. It would mandate that almost 38 percent of revenue from federal resources generated by new leases in the Gulf of Mexico be given to four states—Alabama, Louisiana, Mississippi, and Texas. These are revenues

that currently would be provided to the United States Treasury for the benefit of the Nation as a whole. Reducing revenue to the Treasury means that we, as a nation, will have fewer resources available in the future to respond to a call for help should there be another devastating natural disaster or terrorism attack.

Unfortunately, the majority played political games to get us to this point. We should have passed this legislation long ago. Instead, we are now faced with passing a bill that contains important provisions but also a number of others that I would have opposed had they been offered on their own merits. Despite this bill's shortcomings, I will support it because it extends tax credits that will truly benefit countless Americans and contains an important physician reimbursement fix. I will work in the new Congress to address the bill's shortcomings.

Mr. FRIST. I ask unanimous consent the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The amendment (No. 5238) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6164), as amended, was read the third time and passed.

STATEMENT OF MANAGERS

Mr. GRASSEY. Mr. President, I ask unanimous consent that a manager's statement be printed in the RECORD.

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

STATEMENT OF MANAGERS

DIVISION B—MEDICARE AND OTHER HEALTH PROVISIONS

SECTION 1. SHORT TITLE OF DIVISION

Current law

No Provision.

Explanation of provision

This division may be cited as the ''Medicare Improvements and Expansion Act of 2006''.

Title I—Medicare Improved Quality and Provider Payments

SECTION 101. PHYSICIAN PAYMENT AND QUALITY IMPROVEMENT

Current law

Medicare payments for services of physicians and certain nonphysician practitioners are made on the basis of a fee schedule. The fee schedule assigns relative values to services that reflect physician work (i.e., the time, skill, and intensity it takes to provide the service), practice expenses, and malpractice costs. The relative values are adjusted for geographic variations in costs. The adjusted relative values are then converted into a dollar payment amount by a conversion factor. The conversion factor for 2006 is $37.8975.

The conversion factor is the same for all services. It is updated each year according to a formula specified in law. The intent of the formula is to place a restraint on overall spending for physicians' services. Several factors enter into the calculation of the formula. These include: (1) the sustainable growth rate (SGR) which is essentially a cumulative target for Medicare spending growth over time (with 1996 serving as the base period); (2) the Medicare economic index (MEI) which measures inflation in the inputs needed to produce physicians services; and (3) the update adjustment factor which modifies the update, which would otherwise be allowed by the MEI, to bring spending in line with the SGR target. In no case can the adjustment factor be less than minus seven percent or more than plus three percent.

The law specifies a formula for calculating the SGR. It is based on changes in four factors: (1) estimated changes in fees; (2) estimated change in the average number of Part B enrollees (excluding Medicare Advantage beneficiaries); (3) estimated projected growth in real gross domestic product (GDP) growth per capita; and (4) estimated change in expenditures due to changes in law or regulations. In order to even out large fluctuations, MMA changed the GDP calculation from an annual change to an annual average change over the preceding 10 years (a ''10-year rolling average'').

The SGR target is not a limit on expenditures. Rather, the fee schedule update reflects the success or failure in meeting the target. If expenditures exceed the target, the update for a future year is reduced. This is what occurred for 2002. It was also slated to in subsequent years; however, legislation kept this from occurring. Most recently, the Deficit Reduction Act froze the 2006 conversion factor at the 2005 level. A negative 5% percent update is slated to occur in 2007.

Explanation of provision

The conversion factor for 2007 would be the conversion factor otherwise applicable for 2007 divided by the product of: (i) 1 plus the Secretary's estimate of the percentage increase in the MEI for 2007 (divided by 100), and (ii) 1 plus the Secretary's estimate of the update adjustment factor for 2007. These changes would not be considered in the computation of the conversion factor for 2008.

The provision would also implement a voluntary quality reporting system for Medicare payments for covered professional services tied to the reporting of claims data. Physicians and other eligible professionals (including physician assistants, nurse practitioners, clinical nurse specialists, certified registered nurse anesthetists, certified nurse-midwives, clinical social workers, clinical psychologists, registered dietitians or nutritional professionals as defined under current law, physical therapists, occupational therapists, and qualified speech-language pathologists) who report the quality information would be eligible for a bonus incentive payment for services. For 2008, the Secretary would address a mechanism whereby an eligible professional could provide data on quality measures through an appropriate medical registry (such as the Society of Thoracic Surgeons National Database) as identified by the Secretary.

For covered professional services furnished beginning July 1, 2007 and ending December 31, 2007, the quality reporting measures are those identified as physician quality measures under the CMS Physician Voluntary Reporting Program (PVRP) as published on the CMS public website as of the date of enactment of this provision. The Secretary may modify these quality measures if changes are based on the results of a consensus-process meeting in January of 2007 and if such changes are published on the CMS website by April 1, 2007. The Secretary may subsequently refine the quality measures (without notice or opportunity for public comment) up until July 1, 2007 by publishing modifications or refinements to previously published quality measures but may not change the quality measures.

Eligible professionals who (1) furnish services for which there are established quality measures as determined by this provision and (2) satisfactorily submit quality measures would be paid a single additional bonus payment amount equal to 1.5% of the allowed charges for covered professional services furnished during the reporting period. The bonus incentive payments would be paid from the Supplemental Medical Insurance Trust Fund (Part B). These bonus incentive payments would not be taken into account in the calculations and determination of payments for providers in health professional shortage areas or Physician Scarcity Areas, nor would these bonus payments be taken into account in computing allowable charges under this subsection.

The Secretary would presume that if an eligible professional submits data for a measure, then the measure is applicable to the professional. However, the Secretary may validate (by sampling or other means as the Secretary determines to be appropriate) to determine if an eligible professional reports measures applicable to such professional services. If the Secretary determines that an eligible professional has not successfully reported applicable measures, the Secretary would not pay that professional the bonus.

Satisfactory reporting of data determines whether the provider is eligible for the bonus payment. If there are no more than 3 quality measures that are applicable to the professional services furnished, the provider must report each measure for at least 80% of the cases to meet the criteria. If there are 4 or more quality measures that are applicable, the provider must report at least 3 of the quality measures for at least 80% of the cases.

The provision also places a limit on bonus payments. No provider would receive payments in excess of the product of the total number of quality measures for which data are submitted and three times the average per measure payment amount. The average per measure payment amount would be estimated by the Secretary and would equal the total amount of allowed charges under Medicare part B for all covered professional services furnished during the reporting period on claims for which quality measures are reported divided by the total number of quality measure for which data are reported during the reporting period under the physician reporting system.

The Secretary would provide for education and outreach to eligible professionals regarding these changes. The Secretary would implement these provisions acting through the Administrator of the Centers for Medicare and Medicaid services.

This provision would allow no administrative or judicial review, under the existing Medicare appeals process or through a Provider Reimbursement Review Board as currently codified in statute, of the determination of measures, satisfactory reporting, payment limitation, or bonus incentive payment. A determination under the provisions of this section would not be treated as a determination under current appeals processes for Medicare.

For 2008, the quality measures would be selected from measures adopted or endorsed by a consensus organization (such as the National Quality Forum or AQA, originally known as the Ambulatory Care Quality Alliance) that includes measures that have been submitted by a physician specialty developed through a consensus-based process as identified by the Secretary. Such measures shall

include structural measures, such as the use of electronic health records and electronic prescribing technology. The CMS administrator would publish a proposed set of quality measures for 2008 in the Federal Register no later than August 15, 2007 with a public comment period. The final set of measures appropriate for eligible professionals to use to submit quality data in 2008 would be published no later than November 15, 2007.

The Secretary would be required to establish a Physician Assistance and Quality Initiative Fund which would be available to the Secretary for physician payment and quality improvement initiatives. Such initiatives may include application of an adjustment to the update to the conversion factor. The amount available to the Fund would be $1.35 billion for 2008. The Secretary would be required to provide for expenditures from the Fund for the obligation of the entire amount (to the maximum extent feasible) for payment for physicians services furnished in 2008. The specified amount available to the Fund would be made to the Fund from the Part B trust fund as expenditures are made from the Fund. The amounts in the Fund are to be available in advance of appropriations, but only if the total amount obligated to the Fund does not exceed the amount available to it. The Secretary may obligate funds from the Fund only if the Secretary determines (and the CMS Chief actuary and the appropriate budget officer certifies) that there are sufficient amounts available in the Fund. If the expenditures from the fund affect the conversion factor for a year, this would not affect the computation of the conversion factor for a subsequent year.

The Secretary would be required to transfer $60 million from the Part B trust fund to the CMS Program Management Account for the period of FY 2007, FY 2008, and FY 2009 for the purposes of implementing this section.

SECTION 102. EXTENSION OF FLOOR ON MEDICARE WORK GEOGRAPHIC ADJUSTMENT

Current law

Medicare's physician fee schedule assigns relative values to services that reflect physician work (i.e., the time, skill, and intensity it takes to provide the service), practice expenses, and malpractice costs. The relative values are adjusted for geographic variations in costs. The adjusted relative values are then converted into a dollar payment amount by a conversion factor.

The geographic adjustment factors are indices that reflect the relative cost difference in a given area in comparison to a national average. An area with costs above the national average would have an index greater than 1.00 while an area with costs below the average would have an index below 1.00. The physician work geographic adjustment factor is based on a sample of median hourly earnings in six professional specialty occupational categories. Unlike the other geographic adjustments, the work adjustment factor reflects only one-quarter of the cost differences in an area. The practice expense adjustment factor is based on employee wages, office rents, medical equipment and supplies. The malpractice adjustment factor reflects differences in malpractice insurance costs. The Secretary is required to periodically review and adjust the geographic indices.

MMA required the Secretary to increase the value of any work geographic index that was below 1.00 to 1.00 for services furnished on or after January 1, 2004 and before January 1, 2007.

Explanation of provision

The requirement is extended for an additional year, for services provided before January 1, 2008.

SECTION 103. UPDATE OF THE COMPOSITE RATE COMPONENT OF THE BASIC CASE-MIX ADJUSTED PROSPECTIVE PAYMENT SYSTEM FOR DIALYSIS SERVICES

Current law

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) required the Secretary to establish a basic case-mix adjusted prospective payment system for dialysis services furnished either at a facility or in a patient's home, for services furnished beginning on January 1, 2005. The basic case-mix adjusted system has two components: (1) the composite rate, which covers services, including dialysis; and (2) a drug add-on adjustment for the difference between the payment amounts for separately billable drugs and biologicals and their acquisition costs, as determined by Inspector General Reports.

The Secretary is required to update the basic case-mix adjusted payment amounts annually beginning with 2006, but only for that portion of the case-mix adjusted system that is represented by the add-on adjustment and not for the portion represented by the composite rate. The DRA increased the composite rate component of the basic case-mix adjusted system for services beginning January 1, 2006 by 1.6%, over the amount paid in 2005. For 2006, the base composite rate is $130.40 for independent ESRD facilities and $134.53 for hospital-based ESRD facilities. The total drug add-on adjustment, with inflation, is 14.5%.

Explanation of provision

The composite rate component of the basic case-mix adjusted system shall be increased by 1.6 percent above the 2005 rate, for services furnished on or after January 1, 2006 and before April 1, 2007. For services furnished on or after April 1, 2007, the composite rate component of the basic case-mix adjusted system shall by increased by 1.6 percent, above the amount of such rate for services furnished on March 31, 2007.

Not later than January 1, 2009, GAO shall submit a report to Congress on the costs for home hemodialysis treatment and patient training for both home hemodialysis and peritoneal dialysis. The report shall include recommendations for a payment methodology that measures, and is based on, the cost of providing such services and takes into account the case mix of patients.

SECTION 104. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE

Current law

In general, independent laboratories cannot directly bill for the technical component of pathology services provided to Medicare beneficiaries who are inpatients or outpatients of acute care hospitals. The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) permitted independent laboratories with existing arrangements with acute care hospitals to bill Medicare separately for the technical component of pathology services provided to inpatients and outpatients. The arrangement between the hospital and the independent laboratory had to be in effect as of July 22, 1999. The direct payments for these services applied to services furnished during 2001 and 2002. MMA applied the provision to services furnished during 2005 and 2006.

Explanation of provision

The provision is extended through 2007.

SECTION 105. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS

Current law

Generally, hospitals that provide clinical diagnostic laboratory tests under Part B are reimbursed under a fee schedule. MMA specified that hospitals with under 50 beds in qualified rural areas (low density population rural areas) would receive 100% reasonable cost reimbursement for clinical diagnostic tests covered under Part B that are provided as outpatient services. The provision applied to services furnished during a cost-reporting period beginning during the 2-year period starting July, 1, 2004.

Explanation of provision

The provision is modified to apply to services furnished during a cost-reporting period beginning during the 3-year period starting July 1, 2004. The provision is effective as if included in the enactment of MMA.

SECTION 106. HOSPITAL MEDICARE REPORTS AND CLARIFICATIONS

(a) Correction of mid-year reclassification expiration

Current law

Section 508 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) established a one-time-only appeals procedure to provide relief for certain hospitals that could not meet the existing reclassification criteria used by the Medicare Geographic Classification Review Board (MGCRB). The Section 508 reclassifications appeals were heard by the MGCRB and were not subject to further administrative or judicial review. The Section 508 reclassifications are effective for 3 years, beginning on April 1, 2004 and ending on March 31, 2007. Congress allocated $900 million over 3 years to fund this provision. Generally speaking, unless otherwise specified by law, the MGCRB's classification decisions are required to have a budget neutral effect in the inpatient prospective payment system (IPPS).

Explanation of provision

The provision would extend wage index reclassifications that expire on March 31, 2007 until September 30, 2007. This provision would not be implemented in a budget neutral fashion.

(b) Revision of the Medicare wage index classification system

Current law

As directed by Medicare statute, the amount of a hospital's operating and capital payments will vary according to the relative level of hospital wages in its geographic area compared to the national average. The geographic areas or hospital labor markets that have been used by Medicare are urban areas as established by the Office of Management and Budget (OMB). Essentially, a hospital's payment will depend upon whether it is in an urban area (and if so, which one) and the wage data reported by the hospitals in that area. Counties that are not in an urban area are grouped into one statewide rural labor market. Also, with modifications, the hospital wage data are used to adjust for geographic cost differences in Medicare's payment systems for other services, such as inpatient rehabilitation facility (IRF), long-term care hospital (LTCH), home health agency (HHA), skilled nursing facility (SNF), and hospice care. Unlike these other providers, IPPS hospitals have an administrative process, through appeals to the Board (the Board), to reclassify to different geographic areas. Other statutory provisions affecting hospital's geographic designation also have been established.

Explanation of provision

The Medicare Payment Advisory Commission (MedPAC) would be required to submit a report to Congress no later than June 30, 2007 on the wage index classification system used in Medicare's prospective payment systems,

including IPPS. This report would include recommendations for alternatives to the current methods used to compute the wage index. $2 million in funds in the Treasury would be appropriated to MedPAC for FY 2007 for these activities. The Secretary would be required to include in the proposed rule making process for FY 2009 one or more proposals to revise the IPPS wage adjustment, after taking into account MedPAC's recommendations. The proposals would consider problems associated with labor market definitions; modification or elimination of geographic reclassifications and other adjustments; the use of Bureau of Labor Statistics data to calculate relative wages; minimizing variations in wage index adjustments between and within metropolitan statistical areas and rural areas; the feasibility of applying all components of the proposal to other settings, including HHAs and SNFs; methods to minimize the volatility of wage index adjustments while maintaining the budget neutrality; the effect on health care providers and on each region of the country; implementation of proposal, including the transition methods; and occupational mix issues such as staffing practices, effect on quality of care and alternative recommendations.

(c) Elimination of unnecessary report

The Secretary is required to submit a report to Congress that includes an initial estimate of the percentage update (change factor) in the per discharge payment amounts. The Secretary's estimate is required to take into consideration the recommendations of MedPAC and may vary for hospitals in different geographic areas.

Explanation of provision

This provision would eliminate the requirement that the Secretary include recommendations with respect to the update factors no later than March 1 before the beginning of the fiscal year.

SECTION 107. EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY

Current law

The Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) established that brachytherapy devices consisting of radioactive sources (or seeds) would be paid on the basis of a hospital's cost for such device (computed by reducing a hospital's charges to costs) for services furnished starting January 1, 2004 until January 1, 2007. The Secretary was directed to create additional groups of covered OPD services that classify such devices separately from other services (or group of services) in a manner that reflects the number, isotope, and radioactive intensity, including separate groups for palladium-103 and iodine-125 devices. Starting January 1, 2007, CMS will continue to pay separately for brachytherapy sources, but will base payment on the source-specific median costs. CMS declined to create new brachytherapy source codes to differentiate stranded from unstranded brachytherapy sources.

Explanation of provision

This provision would extend payment for brachytherapy sources on the basis of a hospital's charges adjusted to cost until January 1, 2008. The provision also directs the Secretary to create additional groups of covered OPD services for stranded and nonstranded brachytherapy devices furnished on or after July 1, 2007. These provisions may be implemented by program instruction or otherwise.

SECTION 108. PAYMENT PROCESS UNDER THE COMPETITIVE ACQUISITION PROGRAM (CAP)

Current law

MMA revised the way Medicare pays for Part B drugs. Beginning in 2005, payments for these drugs are based on an average sales price (ASP) payment methodology, which sets payments at the weighted average ASP plus 6%; the Secretary has the authority to reduce the ASP payment amount if the widely available market price is significantly below the ASP. Alternatively, beginning in 2006, drugs can be provided through a newly established competitive acquisition program (CAP). The intent of the program is to enable physicians to acquire certain drugs from an approved CAP vendor thereby enabling them to reduce the time they spend buying and billing for drugs.

Explanation of provision

The provision deletes the requirement that payments to CAP contractors are conditioned upon the administration of the drugs and biologicals. The provision specifies that payment may only be made to the contractor upon receipt of a claim for a drug or biological supplied by the contractor for administration to a beneficiary. Further, the Secretary is required to establish a post-payment review process to assure that payment is made for a drug or biological only if it has been administered. The process of postpayment review may be established by program instruction or otherwise and may include the use of statistical sampling. The Secretary is required to recoup, offset or collect any overpayments determined by the Secretary under this process.

The section further clarifies that nothing in this provision is to be construed as requiring any additional competition by entities under the CAP program. Further the provision is not to be construed as requiring any additional process for elections by physicians under the program or additional selection by a selecting physician of a CAP contractor. The provision applies to payments for drugs and biologicals supplied on or after April 1, 2007. Additionally, the provision applies on or after July 1, 2006 and before April 1, 2007, for claims that are paid before April 1, 2007.

SECTION 109. QUALITY REPORTING FOR HOSPITAL OUTPATIENT SERVICES AND AMBULATORY SURGICAL CENTER SERVICES

(a) Outpatient hospital services

Current law

Each year the hospital outpatient department (OPD) fee schedule is increased by a factor that is generally based on the hospital market basket (MB) percentage increase. In certain years, the MB has been reduced by percentage points as specified by statute.

Explanation of provision

Starting in 2009 and for each subsequent year, a hospital paid under the inpatient prospective payment system (IPPS) that does not submit required measures will receive an OPD fee schedule increase of the MB minus 2.0 percentage points. A reduction under this provision would only apply to payments for the year involved and would not be taken into account when computing the OPD fee schedule increase in a subsequent year.

Each IPPS hospital is required to submit data on measures under this section in the form, manner, and timing specified by the Secretary. The Secretary would be required to develop appropriate measures for the measurement of the quality of care (including medication errors) furnished by hospitals in outpatient settings and that reflect consensus among affected parties. To the extent feasible and practicable, the measures shall include those set forth by one or more national consensus building entities. Nothing would prevent the Secretary from selecting the IPPS quality measures or a subset of such measures. The Secretary would be able to replace any measures as appropriate, such as where all hospitals are effectively in compliance or the measures have subsequently been shown not to represent the best clinical practice.

The Secretary would be required to establish procedures for making the submitted data available to the public. These procedures would ensure that a hospital has the opportunity to review data prior to being made available to the public. The Secretary would be required to report quality measures of process, structure, outcome, patients' perspective on care, efficiency, and costs of care on the Internet website of the Centers for Medicare and Medicaid Services. Other conforming amendments would also be established.

(b) Application to ambulatory surgical centers

Current law

Presently, Medicare pays for surgery-related facility services in an ambulatory surgical center (ASC) based on a fee schedule. The Medicare Prescription Drug, Improvement, and Modernization Act of 2006 (MMA) required the Secretary to implement a revised payment system for ASCs no later than January 1, 2008, taking into account recommendations issued by a required report from the Government Accountability Office (GAO). The GAO report, which has just been issued, was required to examine the relative costs of ASC services to those in hospital outpatient departments. GAO was also required to recommend whether CMS should use the outpatient prospective payment system as the basis for the revised ASC system. Total payments under the new system should be equal to total projected payments under the old system.

Explanation of provision

In the revised payment system, the Secretary would be able to provide for a reduction in any annual update of 2.0 percentage points for failure to report required quality measures. A reduction under this provision would only apply to payments for the year involved and would not be taken into account when computing any annual increase factor in subsequent years. Except as otherwise provided by the Secretary, the provisions of subparagraphs (B), (C), (D), and (E) of the newly established Section 1833(t)(17) concerning the form and submission of data, the development of outpatient measures, the replacement of measures, and the availability of quality measures in a hospital outpatient setting would apply to ASC services.

(c) Effective date

Current law

No provision.

Explanation of provision

The amendments made by the section would apply to payment for services furnished starting January 1, 2009.

SECTION 110. REPORTING OF ANEMIA QUALITY INDICATORS FOR MEDICARE PART B CANCER ANTI-ANEMIA DRUGS

Current law

Medicare Part B covers certain drugs used as anticancer chemotherapeutic agents, and certain oral anti-emetic drugs and biologicals used as part of an anticancer chemotherapeutic regimen. Medicare also covers certain drugs and biologicals to counter anemia for chronic kidney disease and cancer patients. At present, Medicare Part B requires hemoglobin or hematocrit levels to be reported only for certain chronic kidney disease (dialysis) patients, but not for cancer patients. MedPAC has recommended that the hemoglobin or hematocrit levels be reported for patients receiving anti-anemia drugs.

Explanation of provision

The provision requires that all Part B claims submitted for drugs for treatment of

anemia in connection with cancer chemotherapy include the hemoglobin or hematocrit levels for the individual. The information is to be submitted in the form and manner specified by the Secretary after full notice-and-comment rulemaking as part of the physician fee schedule update rule in 2007. The provision applies to drugs and biologicals furnished on or after January 1, 2008.

SECTION 111. CLARIFICATION OF HOSPICE SATELLITE DESIGNATION

Current law

Section 1814(i)(2)(A) of the Social Security Act limits total Medicare payment amounts to individual hospice providers by an absolute dollar amount, or ''cap amount.'' This amount is based on the number of Medicare patients the agency serves and is calculated by dividing total payments to a hospice per year by the total number of beneficiaries served to get the per beneficiary payment amount. If the per beneficiary payment amount does not exceed the cap amount, the hospice may retain all payments. If the result exceeds the cap amount, the hospice must repay excess funds to the Medicare program. For purposes of calculating whether or not a hospice exceeds the cap amount, increasing the number of beneficiaries a hospice serves reduces the per beneficiary payment amount. A lower per beneficiary payment amount reduces the likelihood that a hospice will exceed the annual hospice cap and be required to repay excess funds to the Medicare program.

Explanation of provision

For purposes of calculating the hospice cap for 2004, 2005 and 2006 and for hospice care provided after November 1, 2003 and before December 27, 2005, this provision would designate hospice with provider number 290–1511 as a multiple location of hospice with provider number 29–1500.

Title II—Medicare Beneficiary Protections

SECTION 201. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS

Current law

The Balanced Budget Act of 1997 established annual per beneficiary payment limits for all outpatient therapy services provided by non-hospital providers. The limits applied to services provided by independent therapists as well as to those provided by comprehensive outpatient rehabilitation facilities (CORFs) and other rehabilitation agencies. The limits did not apply to outpatient services provided by hospitals.

Beginning in 1999, there were two beneficiary limits. The first was a $1,500 per beneficiary annual cap for all outpatient physical therapy services and speech language pathology services. The second was a $1,500 per beneficiary annual cap for all outpatient occupational therapy services. Beginning in 2002, the amount would increase by the Medicare economic index (MEI) rounded to the nearest multiple of $10.

The Balanced Budget Refinement Act of 1999 (BBRA) suspended application of the limits for 2000 and 2001. The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) extended the suspension through 2002. Implementation of the provision was delayed until September 2003. The caps were implemented from September 1, 2003 through December 7, 2003. MMA reinstated the moratorium from December 8, 2003 through December 31, 2005.

The caps went into effect again beginning January 1, 2006. The 2006 caps are each $1,740. However, DRA required the Secretary to implement an exceptions process for expenses incurred in 2006. Under the process, a part B enrollee, or a person acting on behalf of the enrollee, can request an exception from the physical therapy and occupational therapy caps. The individual may obtain such exception if the provision of services is determined medically necessary. The exceptions process only applies for 2006.

Explanation of provision

The provision extends the exceptions process through 2007.

SECTION 202. PAYMENT FOR ADMINISTRATION OF PART D VACCINES

Current Law

Medicare Part B covers pneumoccoccal vaccine and its administration, influenza vaccine and its administration, and hepatitis B vaccine and its administration when furnished to a high or intermediate risk individual. Medicare Part D covers other vaccines licensed under the Public Health Service Act.

Explanation of provision

The provision specifies that during 2007, the administration costs for a vaccine paid under Part D are to be paid under Part B as if it were the administration of a hepatitis B drug covered under Part B. Beginning in 2008, Part D coverage will include the administration costs.

SECTION 203. OIG STUDY OF NEVER EVENTS

Current law

No provision.

Explanation of provision

The Office of the Inspector General (OIG) in the Department of Health and Human Services would be required to conduct a study on the incidence of never events for Medicare beneficiaries, including types of such events and payments by any party, including beneficiaries, of such events. This study would also include the extent to which Medicare paid, denied or recouped payment for such services as well as the administrative processes of the Centers for Medicare and Medicaid Services (CMS) to identify such events and to deny or recoup associated payments. The OIG would be required to audit a representative sample of claims and medical records of the events; would be able to request access to claims and records from any Medicare contractor; and would not be able to release individually identifiable or facility specific information. The OIG would be required to submit a report to Congress no later than two years from enactment. This report would include recommendations for legislative or administrative action on the processes to identify, deny or recoup payments for never events. The report will also provide a recommendation on a potential process for public disclosure of never events that ensures patient privacy and permits the use of disclosed information for root cause analysis. $3 million of funds in the Treasury will be appropriated which will be available until January 1, 2010. Never events are those that are listed and endorsed as ''serious reportable events'' by the National Quality Forum as of November 16, 2006.

SECTION 204. MEDICARE MEDICAL HOME DEMONSTRATION PROJECT

Current law

No provision.

Explanation of provision

The Secretary is required to establish a medical home demonstration project in Medicare law for the purpose of redesigning the healthcare delivery system to provide targeted, accessible, continuous and coordinated, family-centered care to high-need populations (i.e., those with multiple chronic illnesses that require regular monitoring, advising, or treatment).

Under the project, case management fees would be paid to personal physicians, and incentive payments would be paid to physicians participating in practices that provide ''medical home'' services. Medical homes are physician practices in charge of targeting beneficiaries for project participation. They are responsible for: (1) providing safe and secure technology to promote patient access to personal health information; (2) developing a health assessment tool for the targeted individuals; and (3) providing training for personnel involved in the coordination of care.

The project is to operate for three years in urban, rural, and underserved areas in up to 8 states and would include physician practices with fewer than three full-time equivalent physicians, as well as larger practices, particularly in rural and underserved areas.

In addition to meeting Medicare requirements for physicians, personal physicians who provide first contact and continuous care for their patients must be board certified. Personal physicians must also have staff and resources to manage the comprehensive and coordinated health care of each of their patients. Participating physicians may be specialists or subspecialists for patients requiring ongoing care for specific conditions, multiple chronic conditions (e.g., severe asthma, complex diabetes, cardiovascular disease, and rheumatologic disorder), or for those with a prolonged illness.

Personal physicians must perform (or provide for the performance of): (1) advocates for and provides ongoing support, oversight, and guidance to implement a plan of care; that provides an integrated, coherent, cross discipline plan for ongoing medical care developed in partnership with patients and including all other physicians furnishing care to the patient involved and other appropriate medical personnel or agencies (such as home health agencies); (2) uses evidence-based medicine and clinical decision support tools to guide decision-making at the point-of-care (based on patient-specific factors); (3) uses health information technology that may include remote monitoring and patient registries; and (4) encourages patients to engage in management of their own health through education and support systems.

Payments for care management to personal physicians are to be provided under a care management fee under section 1848 of the Social Security Act. The Secretary would be required to develop a care management fee code and a value for these payments using the relative value scale update committee (RUC) process.

Payments for a medical home shall be based on the payment methodology applied to physician group practices under section 1866A of the Social Security Act. Under this methodology, 80% of Medicare reductions (determined by using assumptions with respect to the reductions in the occurrence of health complications, hospitalization rates, medical errors, and adverse drug reactions) resulting from the medical home participation (as reduced by the total project-related care management fees), would be paid to the medical home. Project payments are to be paid from part B.

The Secretary would be required to provide a yearly project evaluation and submit it to Congress on a date specified by the Secretary. In addition, the Secretary would be required to submit to Congress a project evaluation no later than one year after project completion.

SECTION 205. MEDICARE DRA TECHNICAL CORRECTIONS

(a) PACE clarification

Current law

The Secretary appropriated $10 million for FY2006 for the outlier funds for rural PACE providers. Outlier costs are those inpatient and other costs in excess of $50,000 incurred

within a given 12-month period by a PACE provider for an eligible participant who resides in a rural area. These appropriated funds would remain available for expenditure through FY2010.

Explanation of provision

The amendment clarifies that the appropriated $10 million would be applied to fiscal years 2006 through 2010, rather than only for FY2006. It also specifies that the funds would remain available for obligation, rather than for expenditure, through FY2010.

(b) Miscellaneous technical corrections

(1) Correction of margin (section 5001)

Current law

No provision.

Explanation of provision

Section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)), as amended by section 5001(a) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended by moving clause (viii) (including subclauses (I) through (VII) of such clause) 6 ems to the left.

(2) Reference Correction (Section 5114)

Current law

This P.L. 109–171 provision modified the first sentence of section 1842(b)(6)(F) of the Social Security Act to add a new paragraph H to 1842(b)(6) so that a federally qualified health center (FQHC) would be paid directly for FQHC services provided by a health care professional under contract with that FQHC.

Explanation of provision

Instead of modifying section 1842(b)(6)(F) to add paragraph H, the amendment would modify section 1842(b)(6) of the Social Security Act.

(c) Effective date

These amendments would become effective as if they had been included in DRA 2005, enacted on February 8, 2006.

SEC. 206. CONTINUOUS OPEN ENROLLMENT INTO CERTAIN MEDICARE ADVANTAGE PLANS

Current law

Individuals entitled to Medicare part A or enrolled in part B can choose to receive Medicare benefits by enrolling in a Medicare Advantage plan. Individuals enrolled in a Medicare Advantage (MA) plan who also want to receive Medicare prescription drug coverage may obtain prescription drug coverage through that MA plan. MA enrollees may not also enroll in a stand-alone prescription drug plan under part D, except for: (1) enrollees in private fee-for-service MA plans that do not offer qualified prescription drug coverage or (2) enrollees in Medical Savings Accounts MA plans.

In general, individuals can make a coverage election during the annual election period, which in 2006 and beyond, begins on November 15 and ends on December 31. During this time, beneficiaries can elect to receive benefits through original Medicare fee-for-service (FFS) program or an MA plan. Individuals also can elect to enroll in a stand-alone prescription drug plan or an MA plan that offers drug coverage. Under certain circumstances, an individual may be afforded a special election period outside of the annual election period, during which time they can change their coverage election.

Beginning in 2007, individuals can change their coverage elections one time between January 1 and March 31. Permissible election changes during this period include: FFS to an MA plan; MA plan to FFS; MA plan to a different MA plan; FFS with stand-alone prescription drug coverage to an MA–PD; MA–PD to a different MA–PD; and MA–PD to FFS with a stand-alone prescription drug plan. With respect to PFFS plans, the permissible election changes include FFS with a stand-alone PDP to a PFFS or MSA plan with the same stand-alone PDP or FFS with a stand-alone PDP to a PFFS–PD. Individuals who did not elect prescription drug coverage during the annual election period cannot elect prescription drug coverage during this one-time change period.

Explanation of provision

For 2007 and 2008, the provision modifies current law such that an unenrolled fee-for-service individual can make a one-time change to their coverage election on any date during the year. An unenrolled individual is defined as an individual who is receiving benefits under original Medicare FFS, is not enrolled in an MA plan on such date; and as of such date is not otherwise eligible to elect to enroll in an MA plan. Permissible coverage election changes for an unenrolled individual include: (1) FFS to an MA plan with no drug coverage and (2) FFS with a stand-alone prescription drug plan to an MA plan with the same stand-alone prescription drug plan. As such, this provision effectively permits only MA plans with no drug coverage to enroll individuals throughout the year. MA plans that integrate prescription drug coverage into their benefit packages would be kept under the current law provision, that is, they would not be allowed to enroll individuals throughout the year.

Title III—Medicare Program Integrity Efforts

SECTION 301. OFFSETTING ADJUSTMENT IN MEDICARE ADVANTAGE STABILIZATION FUND

Current law

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 established a stabilization fund to provide incentives for plans to enter into and to remain in the Medicare Advantage regional program. Money in the fund is available to the Secretary for expenditures from January 1, 2007 to December 31, 2013. Initially $10 billion is to be provided to the stabilization fund and additional amounts are to be added to the fund from a portion of any average per capita monthly savings amounts. The secretary is responsible for determining the amounts that may be given to MA plans from this fund, based on statutory requirements. For example, the national bonus payment will be available to an MA organization that offers an MA regional plan in every MA region in the year, but only if there was no national plan in the previous year.

Explanation of provision

This provision would delay the initial availability of the stabilization fund until January 1, 2012, and reduce the amount of the fund to $3.5 billion.

SECTION 302. EXTENSION AND EXPANSION OF RECOVERY AUDIT CONTRACTOR PROGRAM UNDER THE MEDICARE INTEGRITY PROGRAM

(a) Use of recovery audit contractors

Current law

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (PL 108–73) authorized a 3-year demonstration project using recovery audit contractors to identify both under- and overpayments made to Part A and B Medicare providers and recoup overpayments in the Medicare program. The demonstration is being conducted as part of the Medicare Integrity Program, created by section 1893 of the Social Security Act, which enables the Secretary to enter into contracts with entities to carry out a range of activities designed to prevent health care fraud and abuse in Parts A and B of the Medicare program. The Medicare Integrity Program was established by the Health Insurance Portability and Accountability Act of 1996 along with the Health Care Fraud and Abuse Control Program. The program is financed via the Federal Hospital Insurance Trust Fund.

Explanation of provision

Section 302 would allow the Centers for Medicare and Medicaid Services (CMS) to continue using recovery audit contractors to identify both under and overpayments made under Medicare Parts A and B and recoup any overpayments made to providers. To pay the contractors, the Secretary would be required to use only those funds recovered by the contractors. From these recoveries, the bill would require the Secretary to pay the contractors in two ways: (1) on a contingent basis for collecting overpayments; and (2) in amounts that the Secretary may specify for identifying underpayments. A portion of the recovered funds would be available to the CMS program management account for activities conducted under the recovery audit contractor program. Any remaining recovered amounts—those recoveries that are not paid to the contractors or applied to the CMS program management account—would be used to reduce expenditures under Medicare Parts A and B. It is also expected that CMS will rectify any identified underpayments. Each contract would be required to provide that audit and recovery activities be conducted during the fiscal year and retrospectively for not more than 4 fiscal years. The Secretary would be allowed to waive Medicare statutory provisions to pay for the services of the recovery audit contractors.

By January 1, 2010, the Secretary would be required to contract with enough recovery audit contractors to cover Medicare activities in all states. When awarding contracts, the Secretary would be required to contract only with recovery audit contractors that have the staff with the appropriate clinical knowledge of and experience with Medicare payment rules and regulations, or recovery audit contractors that will contract with another entity that has the staff with the appropriate knowledge of and experience with Medicare payment rules and regulations. The Secretary shall give preference to entities with more than 3 years direct management experience and a demonstrated proficiency in audits with private insurers, health care providers, health plans, state Medicaid programs or Medicare. Recovery audit contractors cannot be fiscal intermediaries, carriers, or Medicare Administrative Contractors, and the recovery of overpayments by these contractors would not prohibit the Secretary or the Attorney General from prosecuting allegations of fraud and abuse arising from these overpayments.

Finally, the Secretary would be required to submit a report to Congress annually on the use of these recovery audit contractors. Specifically the report would include information on the performance of these contractors as it relates to identifying over and underpayments and in collecting overpayments. The report would also be required to include an evaluation of the comparative performance of these contractors and any Medicare savings that have accrued as a result of their activities.

(b) Access to Coordination of Benefits Contractor database

Current law

The Coordination of Benefits (COB) Contractor consolidates the activities that support the collection, management, and reporting of other insurance coverage for Medicare beneficiaries. The purposes of the COB program are to identify the health benefits available to a Medicare beneficiary and to coordinate the payment process to prevent mistaken payment of Medicare benefits.

Explanation of provision

For the purpose of carrying out their audit and recovery activities, the Secretary of

HHS would provide recovery audit contractors with access to the database of the Coordination of Benefits Contractors of the Centers for Medicare and Medicaid Services during the current fiscal year and for a period of up to 4 fiscal years prior to the current fiscal year.

(c) Conforming amendments to current demonstration project

Current law

Section 306 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 requires that the Secretary's demonstration project using recovery audit contractors last for no longer than 3 years. After the completion of the program, the Secretary shall submit to Congress a report on the project and its impact on savings to the Medicare program.

Explanation of provision

The provision would continue the use of recovery audit contractors under the demonstration until all contracts could be entered into. The provision would also eliminate the requirement that the Secretary submit to Congress a report not later than 6 months after the project's completion on the impact of recovery audit contractors' activities on Medicare savings.

SECTION 303. FUNDING FOR THE HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

(a) Departments of Health and Human Services and Justice

Current law

The Health Insurance Portability and Accountability Act of 1996 (HIPAA, P.L. 104–91) established section 1128C of the Social Security Act, which authorized the creation of a national health care fraud and abuse control program headed by the Secretary of HHS and the Attorney General. In section 1817(k) of the Social Security Act, HIPAA created an expenditure account within the Medicare Federal Hospital Insurance Trust Fund called the Health Care Fraud and Abuse Control (HCFAC) Account. Within the HFCFAC account, the legislation appropriated funds to HHS and DOJ at an amount of $104 million in FY97 and for FY98 through FY03 at annual increases of 15% above the preceding year. For each fiscal year after 2003, the annual appropriation available to HHS and DOJ was to be capped at the FY2003 level of $240.6 million. The legislation also established a separate funding stream within the HCFAC account to support activities undertaken by the FBI. Funding for the FBI was increased from $47 million in FY97 to $114 million in FY03. The legislation capped FBI funding at the FY03 level for FY03 and beyond.

Explanation of provision

Section 303 would extend appropriations for the Health Care Fraud and Abuse Control Program through FY06 and beyond. For FY98 through FY03, the annual appropriation to HHS and DOJ is the limit for the preceding fiscal year increased by 15%. For fiscal years 2007 through 2010, the annual appropriation would be the limit for the preceding year plus the percentage increase in the consumer price index for all urban consumers. For each fiscal year beyond 2010, the legislation would cap the appropriation at the FY10 level.

For the Office of the Inspector General of HHS, Section 303 would extend the annual appropriation of $160 million through FY06. For FY07, the bill would increase the FY06 appropriation to OIG by the percentage increase in the consumer price index. For fiscal years 2008, 2009, and 2010, the annual appropriation would increase by the limit for the preceding year plus the percentage increase in the consumer price index for all urban consumers. For each fiscal year after FY10, the legislation would cap the appropriation at the FY10 level.

(b) Federal Bureau of Investigations

Current law

The Health Insurance Portability and Accountability Act of 1996 (HIPAA, P.L. 104–91) established section 1128C of the Social Security Act, which authorized the creation of a national health care fraud and abuse control program headed by the Secretary of HHS and the Attorney General. In Section 1817(k) of the Social Security Act, HIPAA created an expenditure account within the Medicare Federal Hospital Insurance Trust Fund called the Health Care Fraud and Abuse Control (HCFAC) Account. Within the HFCFAC account, the legislation appropriated funds to HHS and DOJ at an amount of $104 million in FY97 and for FY98 through FY03 at annual increases of 15% above the preceding year. For each fiscal year after 2003, the annual appropriation available to HHS and DOJ was to be capped at the FY2003 level of $240.6 million. The legislation also established a separate funding stream within the HCFAC account to support activities undertaken by the FBI. Funding for the FBI was increased from $47 million in FY97 to $114 million in FY03. The legislation capped FBI funding at the FY03 level for FY03 and beyond.

Explanation of provision

Section 303 would extend the annual appropriation to the Federal Bureau of Investigations (FBI). For fiscal years 2007 through 2010, the annual appropriation would be the limit for the preceding year plus the percentage increase in the consumer price index for all urban consumers. For each fiscal year after 2010, the legislation would cap the appropriation at the FY2010 level.

SECTION 304. IMPLEMENTATION FUNDING

Current law

No current law.

Explanation of provision

For implementation of provisions and amendments made by this title and titles I and II of this division, other than the section requiring the Inspector General in the Department of Health and Human Services to conduct a study of newer events, the provision would require the Secretary of Health and Human Services to transfer $45,000,000 to the CMS Program Management Account for FY2007 and FY2008, from the Federal Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust, in appropriate proportions.

Title IV—Medicaid and Other Health Provisions

SECTION 401. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM

Current law

States are required to continue Medicaid benefits for certain low-income families who would otherwise lose coverage because of changes in their income. This continuation is known as transitional medical assistance (TMA). Federal law permanently requires four months of TMA for families who lose Medicaid eligibility due to increased child or spousal support collections, as well as those who lose eligibility due to an increase in earned income or hours of employment. Congress expanded work-related TMA under Section 1925 of the Social Security Act in 1988, requiring states to provide TMA to families who lose Medicaid for work-related reasons for at least six, and up to 12, months. The sunset date for Section 1925 has been extended a number of times, most recently through December 31, 2006 by the Deficit Reduction Act of 2005.

Under Section 510 of the Social Security Act, federal law appropriated $50 million annually for each of the fiscal years 1998–2003 for matching grants to states to provide abstinence education and, at state option, mentoring, counseling, and adult supervision to promote abstinence from sexual activity, with a focus on groups that are most likely to bear children out-of-wedlock. Funds must be requested by states when they apply for Maternal and Child Health Services (MCH) Block Grant funds and must be used exclusively for the teaching of abstinence. States must match every $4 in federal funds with $3 in state funds.

A state's allotment of abstinence education block grant program funding is based on the proportion of low-income children in the state as compared to the national total. Funding for the abstinence education block grant has been extended a number of times, most recently through December 31, 2006 by the Deficit Reduction Act of 2005.

Explanation of provision

The provision would extend TMA under Section 1925 of the Social Security Act through June 30, 2007. It would also fund the abstinence education block grant program through June 30, 2007 at the level provided through the third quarter of FY2006.

SECTION 402. GRANTS FOR RESEARCH ON VACCINE AGAINST VALLEY FEVER

Current law

Under existing National Institutes of Health (NIH) authority, the National Institute on Allergy and Infectious Diseases has supported projects to study coccidioidomycosis, known as Valley Fever. Grants have included projects to study the organism that causes Valley Fever; to improve the ability to evaluate vaccine candidates; to support the clinical development of potential drug therapies; and to support acquisition of equipment and facilities for research on the disease, among others.

Explanation of provision

The Secretary is required to conduct research on the development of a vaccine against coccidioidomycosis, known as Valley Fever. Grants may not be made on or after October 1, 2012. This does not have any legal effect on payments for grants for which amounts appropriated under this section were obligated prior to October 1, 2012.

To carry out this section, $40 million is authorized for fiscal years 2007–2012.

SECTION 403. CHANGE IN THRESHOLD FOR MEDICAID INDIRECT HOLD HARMLESS PROVISION OF BROAD-BASED HEALTH CARE TAXES

Current law

Under federal law and regulations, a state's ability to use provider-specific taxes to fund their state share of Medicaid expenditures is limited. If states establish provider specific taxes, those taxes cannot generally exceed 25% of the state (or non-federal) share of Medicaid expenditures and the state cannot provide a guarantee to the providers that the taxes will be returned to them. However, there is what is referred to as a ''safe harbor.'' If the taxes returned to a provider are less than 6% of the provider's revenues, the prohibition on guaranteeing the return of tax funds is not violated. Those taxes do not have to undergo the process, defined in section 433.68 of Title 42 of the Code of Federal Regulations, of determining if a guarantee exists. The President's FY2006 budget proposes to phase the 6% ''safe harbor'' for provider taxes down to 3% although no new regulation has been issued on this subject to date.

Explanation of provision

Beginning on the date of enactment, the provider tax ''safe harbor'' upper limit is codified at 6%. For the fiscal periods beginning on or after January 1, 2008 and ending before October 1, 2011, the ''safe harbor'' percentage will be reduced from 6% to 5.5%.

After October 1, 2011, the provider tax ''safe harbor'' percentage will return to 6%.

SECTION 404. DSH ALLOTMENTS FOR FISCAL YEAR 2007 FOR TENNESSEE AND HAWAII

(A) Tennessee

Current law

Tennessee operates its Medicaid program under a comprehensive statewide waiver, the terms and conditions of which have been negotiated by the state and CMS. Medicaid demonstration waivers, authorized under Section 1115 of the Social Security Act, allow states a great deal of flexibility on how eligibility for Medicaid is determined, how Medicaid services are provided, and what those services are comprised of. States operating under a waiver are subject to a budget neutrality requirement intended to hold program spending under the waiver to estimates of amounts that would have been spent in the absence of the waiver. Because Tennessee receives its Medicaid funds under the provisions of the waiver, it does not receive federal matching for Medicaid payments to disproportionate share (DSH) hospitals nor do they receive an allotment for DSH payments (state by state allotments are calculated based on a formula in Medicaid law and represent a federal cap on the amount that the federal government will provide in DSH matching payments to any state.) DSH payments, however, continue to be counted as a component in Tennessee's budget neutrality calculation since, in the period prior to the waiver approval, the state was required to make DSH payments, and if the waiver had not been granted, the requirement to make those payments would continue to have applied.

Explanation of provision

The provision would establish a DSH allotment for the state of Tennessee for fiscal year 2007 equal to the greater of the amount that is reflected in the budget neutrality provision for the TennCare demonstration year ending in 2006 and $280 million. Federal matching payments to the state for DSH hospitals for fiscal year 2007 would, however, be limited to one-third of the DSH allotment. Those amounts would be considered TennCare project expenditures and would be subtracted from TennCare demonstration payments for Essential Access Hospital supplemental pool payments. The sum of the DSH payments and the Essential Access Hospital supplemental pool payments would be prohibited from exceeding the allotment amount. The state would be permitted to submit a state plan amendment describing the methodology to be used to identify DSH hospitals and to make payments to such hospitals. However, the Secretary may not approve the plan amendment unless the methodology is consistent with the requirements under Section 1923 of the Medicaid Act for making payment adjustments for DSH hospitals.

(B) Hawaii

Current law

Like Tennessee, Hawaii operates its Medicaid program under a statewide waiver, the terms and conditions of which have been negotiated by the state and CMS. The state does not make DSH payment under their waiver program and does not have a DSH allotment in Medicaid law.

Explanation of provision

The provision would set a DSH allotment for Hawaii for fiscal year 2007 at $10 million. The Secretary shall permit Hawaii to submit an amendment to its State plan under this title that describes the methodology to be used by the State to identify and make payments to disproportionate share hospitals, including children's hospitals and institutions for mental diseases or other mental health facilities. The Secretary may not approve such plan amendment unless the methodology described in the amendment is consistent with the requirements under this section for making payment adjustments to disproportionate share hospitals.

SECTION 405. CERTAIN MEDICAID DRA TECHNICAL CORRECTIONS

(a) Technical corrections relating to state option for alternative premiums and cost sharing (sections 6041 through 6043)

Current law

P.L. 109–171 allows states to impose premiums and cost-sharing for any group of individuals for any type of service (except prescribed drugs which are treated separately), through Medicaid state plan amendments (rather than waivers), subject to specific restrictions. Preferred drugs are defined as those that are the least (or less) costly effective prescription drugs within a class of drugs (as defined by the state). Premium and cost-sharing rules for workers with disabilities were not changed in P.L. 109–171.

Individuals in families with income below 100% of the federal poverty line (FPL). Premiums and service-related cost-sharing imposed under this option are allowed to vary among classes or groups of individuals, or types of service. Explicit rules are provided by income level for those with income between 100–150% FPL and for those with income over 150% FPL.

States are allowed to condition the provision of medical assistance on the payment of premiums, and to terminate Medicaid eligibility on the basis of failure to pay a premium if that failure continues for at least 60 days. States may apply this provision to some or all groups of beneficiaries, and may waive premium payments in cases where such payments would be an undue hardship. In addition, the provision allows states to permit providers participating in Medicaid to require a Medicaid beneficiary to pay authorized cost-sharing as a condition of receiving care or services. Providers may be allowed to reduce or waive cost-sharing amounts on a case-by-case basis.

For the purposes of cost-sharing, two income-related groups are identified: (1) individuals in families with income between 100 and 150% FPL, and (2) individuals in families with income over 150% FPL. For both groups, the total aggregate amount of all cost-sharing (including special cost sharing rules for prescribed drugs and emergency room copayments for non-emergency care) cannot exceed 5% of family income as applied on a quarterly or monthly basis as specified by the state.

Treatment of non-preferred drug cost-sharing. Special cost-sharing for prescribed drugs is subject to the general 5% aggregate cap on cost-sharing for individuals with income between 100–150% FPL and for individuals with income over 150% FPL who are not otherwise exempt from service-related cost-sharing.

Treatment of non-emergency cost-sharing. Individuals exempt from premiums or service-related cost-sharing under other provisions of P.L. 109–171 may be subject to nominal copayments for non-emergency services in an ER, only when no cost-sharing is imposed for care in hospital outpatient departments or by other alternative providers in the area served by the hospital ER. For non-exempt populations with income between 100–150% FPL, cost-sharing for non-emergency services in an ER cannot exceed twice the nominal amounts. For non-exempt populations with income exceeding 150% FPL, no cost-sharing limit is specified for non-emergency care in an ER. Aggregate caps on cost-sharing (described above) still apply.

Definition of non-emergency services. The term ''non-emergency services'' means any care or services furnished in an emergency department of a hospital that the physician determines do not constitute an appropriate medical screening examination or stabilizing examination and treatment required to be provided by the hospital under Medicare law (Section 1867 of the Social Security Act).

Exemption from cost-sharing for newly eligible children with disabilities. Section 6062 of P.L. 109–171 created a new optional Medicaid eligibility group for children with disabilities under age 19 who meet the severity of disability required under the Supplemental Security Income program (SSI) without regard to any income or asset eligibility requirements applicable under SSI for children, and whose family income does not exceed 300% FPL. (States can exceed 300% FPL, without federal matching funds for such coverage.) Special premium and cost-sharing rules apply to this new group of eligibles.

Explanation of provision

The definition of preferred drugs would be amended to include those that are the most (or more) cost effective prescription drugs within a class of drugs (as defined by the state). In addition to separate cost-sharing provisions for prescribed drugs, the amendment would clarify that separate cost-sharing provisions also apply to non-emergency services provided in an emergency room.

Individuals in families with income below 100% of the federal poverty line (FPL). The provision would exempt from the general cost-sharing rules in new Section 1916A (a) all individuals in families with income below 100% of the federal poverty line (FPL). However, Section 1916 of Title XIX (nominal cost-sharing provisions) would still apply to this income group, as would the comparability rule regarding amount, duration and scope of available benefits (Section 1902(a)(10)(B)). States would still have the option to impose the special cost-sharing rules for prescribed drugs and nonemergency care provided in an emergency room to individuals in families with income below 100% FPL.

The provision would exempt individuals in families with income below 100% FPL from the provisions defining enforceability of premiums and other cost-sharing. Protections regarding payment of premiums and cost-sharing in Section 1916(c)(3) and Section 1916(e) would continue to apply to this income group.

The provision would apply the total aggregate cap of 5% of family income to individuals in families with income below 100% FPL for applicable cost-sharing with respect to nominal amounts (as defined in Section 1916), and prescribed drugs and emergency room copayments for non-emergency care (as defined in new Sections 1916A(c) and 1916A(e)).

Treatment of non-preferred drug cost-sharing. The definition of preferred drugs would be amended to include those that are the most (or more) cost effective prescription drugs within a class of drugs (as defined by the state). In addition to separate cost-sharing provisions for prescribed drugs, the provision would clarify that separate cost-sharing provisions also apply to non-emergency services provided in an emergency room. The provision would clarify that no cost-sharing for preferred drugs can be imposed on individuals exempt from service-related cost-sharing under the general cost-sharing provisions (identified in new Section 1916A(a)). It would also clarify that no more than nominal cost-sharing amounts may be imposed for non-preferred drugs on individuals exempt from services-related cost-sharing under the general cost-sharing provisions.

Treatment of non-emergency cost-sharing. The provision would clarify that for non-exempt persons with income between 100–150%

FPL, cost-sharing for non-emergency care in an ER may not exceed twice the applicable nominal amount (up to the 5% aggregate cap). For persons with income below 100% FPL or who are exempt from service-related cost-sharing, cost-sharing for non-emergency care in an ER may not exceed the applicable nominal amount when no cost-sharing is imposed by the outpatient department or alternative providers. The 5% aggregate cap on all service-related costsharing for all income groups remains in effect.

Definition of non-emergency services. The provision would strike the phrase ''the physician determines'' from the definition of non-emergency services as provided in P.L. 109–171.

Exemption from cost-sharing for newly eligible children with disabilities. The provision would exempt this new optional eligibility group for children with disabilities established under P.L. 109–171 from the premium and service-related cost-sharing rules under new Section 1916A.

Correction of IV–B References. Among the groups explicitly exempted from the general cost-sharing provisions for premiums and cost-sharing, the provision would change references to Title IV–B to mean child welfare services made available under Title IV–B on the basis of being a child in foster care.

Effective Date. The provision specifies that all changes made are effective as if included in the affected sections and subsections of P.L. 109–171.

(b) Clarifying treatment of certain annuities (section 6012)

Current law

Under Section 6012(b) of P.L. 109–171, the purchase of an annuity is treated as a disposal of an asset for less than fair market value unless certain criteria are met. One of these criteria is that the state be named as the remainder beneficiary in the first position for at least the total amount of Medicaid expenditures paid on behalf of the annuitant or be named in the second position after the community spouse or minor or disabled child and such spouse or a representative of such child does not dispose of any such remainder for less than fair market value.

Explanation of provision

The provision would strike the term ''annuitant'' and replace it with ''institutionalized individual.'' This change would become effective as if it had been included in DRA 2005, enacted on February 8, 2006.

(c) Additional miscellaneous technical corrections

(1) Documentation (section 6036)

Current law

Under Section 6036 of P.L. 109–171, states are prohibited from receiving federal Medicaid reimbursement for an individual who has not provided satisfactory documentary evidence of citizenship or nationality. Documents that provide satisfactory evidence are described in the law, as are exceptions to the documentation requirement.

Section 6036(a)(2) of the law specifies that the documentation requirements do not apply to an alien who is eligible for Medicaid: and is entitled to or enrolled for Medicare benefits; on the basis of receiving Supplemental Security Income (SSI) benefits; or on such other basis as the Secretary may specify that satisfactory documentary evidence had been previously presented.

The provision applies to initial determinations and to redeterminations of eligibility for Medicaid made on or after July 1, 2006.

Explanation of provision

The provision would specify that the documentation requirements do not apply to an individual declaring to be a citizen or national of the United States who is eligible for Medicaid: and is entitled to or enrolled for Medicare benefits; and is receiving (1) Social Security benefits on the basis of a disability or (2) SSI benefits; and with respect to whom (1) child welfare services are made available under Title IV–B of the Social Security Act or (2) adoption or foster care assistance is made available under Title IV–E; or on such basis as the Secretary may specify that satisfactory documentary evidence has been previously presented.

The provision would also make reference corrections. These changes would be effective as if included in the Deficit Reduction Act of 2005.

In addition, effective 6 months after enactment, the provision would (1) require states to have procedures in effect for verifying the citizenship or immigration status of children in foster care under the responsibility of the state under Title IV–E or IV–B of the Social Security Act and (2) specify that in reviews of state programs under IV–E and IV–B, the requirements subject to review shall include determining whether the state program is in conformity with the requirement to verify citizenship or immigration status.

(2) Miscellaneous technical corrections

Current law

Section 5114(a)(2). This P.L. 109–171 provision modified the first sentence of Section 1842(b)(6)(F) of the Social Security Act to add a new paragraph H to 1842(b)(6) so that a federally qualified health center (FQHC) would be paid directly for FQHC services provided by a health care professional under contract with that FQHC.

Section 6003(b)(2). This P.L. 109–171 provision modified Section 1927 of the Social Security Act by referencing subsection (k) relating to Section 505(c) drugs.

Section 6031(b), 6032(b), and 6035(c). These sections referenced Section 6035(e) of P.L. 109–171, which does not exist, to provide exceptions to effective dates.

Section 6034(b). Section 6034 of P.L. 109–171 establishes the Medicaid Integrity Program. It references modifications made to the Social Security Act by Section 6033(a).

Section 6036(b). Section 6036 of P.L. 109–171 deals with improved enforcement of documentation requirements. Section 6036(b) references Section 1903(z) of the Social Security Act. This section does not exist.

Section 6015(a)(1). Section 6015 of P.L. 109–171 pertains to continuing care retirement community admissions contracts. It makes reference to clause (v) of Section 1919(c)(5)(A)(i)(II) of the Social Security Act.

Explanation of provision

Section 5114(a)(2). Instead of modifying Section 1842(b)(6)(F) to add paragraph H, the amendment would modify Section 1842(b)(6) of the Social Security Act.

Section 6003(b)(2). Instead of referencing subsection (k) of Section 1927 of the Social Security Act, the amendment would reference subsection (k)(1).

Section 6031(b), 6032(b), and 6035(c). Instead of referencing Section 6035(e), the amendment would reference the effective date exception in Section 6034(e) of P.L. 109–171.

Section 6034(b). Instead of referencing modifications made by Section 6033(a) of P.L. 109–171, the amendment would reference Section 6032(a).

Section 6036(b). Instead of referencing Section 1903(z) of the Social Security Act, the amendment would reference Section 1903(x).

Section 6015(a)(1). Instead of referencing clause (v) of Section 1919(c)(5)(A)(i)(II) of the Social Security Act, the amendment would reference subparagraph (B)(v).

TO AMEND THE INTERNAL REVENUE CODE OF 1986

Mr. FRIST. I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 6111.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

Resolved, that the House agree to the amendment of the Senate to the bill H.R. 6111, entitled an act to amend the Internal Revenue Code of 1986, and to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, with amendments.

CLOTURE MOTION

Mr. FRIST. I move to concur in the amendment of the House, and I send a cloture motion to the desk.

The PRESIDING OFFICER. Under rule XXII, the clerk will now report the motion to invoke cloture on the motion to concur in the House amendment to H.R. 6111.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to H.R. 6111: to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

Bill Frist, Johnny Isakson, Richard Burr, Jon Kyl, R.F. Bennett, Christopher Bond, John Cornyn, Rick Santorum, Mike Crapo, Jim Talent, Pat Roberts, Chuck Grassley, Pete Domenici, Jim DeMint, John Thune, Kay Bailey Hutchison, George Allen.

AMENDMENT NO. 5236

Mr. FRIST. I now move to concur in the amendment with an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] moves to concur in the House amendment to the Senate amendment to the bill H.R. 6111, with an amendment numbered 5236:

At the end of the House Amendment, add the following:

This Act shall become effective 2 days after the date of enactment.

Mr. FRIST. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5237 TO AMENDMENT NO. 5236

Mr. FRIST. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 5237 to amendment No. 5236:

Strike ''2 days'' and insert ''1 day''.

Mr. FRIST. I ask unanimous consent that Senator GREGG be recognized in

order to make a point of order against the pending legislation; provided that Senator GRASSLEY then be recognized in order to move to waive and that there then be 30 minutes equally divided, with the first 15 minutes by Senator GRASSLEY and the next 15 minutes by Senator GREGG, for debate, equally divided in the usual form; provided further that following that debate, the Senate proceed to a vote on the motion to waive and that if the motion to waive prevails, the Senate then proceed to a vote on the motion to invoke cloture, notwithstanding the provisions of rule XXII; I further ask that if cloture is invoked, the motion to concur with an amendment be withdrawn and the Senate proceed immediately to a vote on the motion to concur in the amendment of the House, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, what we have just done is laid out a procedure whereby a point of order will be made. Senator GRASSLEY will make a motion to waive. We will have a vote on the motion to waive the point of order, a cloture vote, and ultimately passage. There will be three votes. The first vote will be at approximately 12:30, 12:35.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from New Hampshire.

Mr. GREGG. Mr. President, at this time, under the unanimous consent agreement, I will make my point of order.

The pending bill violates three significant elements of the Budget Act. After I make the point of order, I know the Senator from Iowa, the chairman of the Finance Committee, is going to move to waive it. And then he has 15 minutes and then I will have 15 minutes and we will explain the reasons for the issue.

So at this time, I make the following point of order.

The pending motion to concur violates section 302 and section 311 of the Budget Act because it exceeds the Finance Committee allocation and breaches the revenue floor set under the fiscal year 2006 budget resolution. It would also increase the deficit in excess of the pay-go limit by $17.5 billion. I raise a point of order against the motion under section 302 and 311 of the Budget Act and section 505 of the budget resolution for fiscal year 2004.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I move to waive the budget point of order on the appropriate sections of this pending legislation.

Mr. GREGG. Mr. President, have the yeas and nays been ordered under the unanimous consent agreement?

The PRESIDING OFFICER. Is the Senator seeking the yeas and nays?

Mr. GREGG. If they have not been ordered under the unanimous consent agreement, I would ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There are 30 minutes of debate on the motion.

Mr. GREGG. Mr. President, the Senator from Iowa, I understand, has the first 15 minutes. Mr. President, parliamentary inquiry: It is my understanding that the time now running is running against the time of the Senator from Iowa; is that correct?

The PRESIDING OFFICER. The Senator from Iowa has the first 15 minutes.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want my colleagues to understand that if this budget point of order is not waived, this legislation that we have been working on for a period of 8 months, and should have been passed in July—probably should have been passed in May, but for sure in July, and here we are still doing it—will not be passed.

I want to comment on why, without hearing my colleague yet—and going before him, but anticipating from some statements that have been in the press—why he is wrong about his point of order against this legislation.

Earlier today, there were comments made by my Republican colleague regarding the tax extenders bill. I would like to take a few minutes to clarify the record regarding the tax extenders bill.

Three points:

First is the claim that tax cuts are a budget buster, that it is tax cuts that are putting us in the red. Nothing could be further from the truth. We have seen tax receipts going up by a record amount. From 2004 to 2005, receipts went from $1.8 trillion to $2.1 trillion. The calculators at the Treasury needed new batteries to count the new dollars coming in this year, increasing from $2.1 trillion to $2.4 trillion—an 11.8-percent increase. These tax receipts far outpace what was projected in the budget, and, most importantly, the budget resolution we are currently operating under.

The bottom line: Taxpayers are sending checks to the Treasury well over $100 billion in excess of what was expected under the budget resolution. We are now taking action to prevent what is effectively a tax increase. I never thought I would hear a Republican advocating we ought to have a tax increase. If we do not pass this legislation, 19 million people are going to have tax increases.

And let my colleagues absolutely be clear in understanding that failure to pass this legislation, then, is not just about nothing, it is about allowing tax increases to go into effect. And they would go into effect without even a vote of the Congress. Taxpayers, then, will be writing checks even bigger than this unexpected amount of money that is coming into the Treasury already, if this legislation does not pass. Teachers, parents of college students, working families will all have to dig deeper into their pockets to pay for out-of-control spending in Washington.

Taxes are pouring into the Treasury. As I said earlier, it is not for the lack of tax receipts that we are seeing a deficit. It is because of the inability to control spending. In my time here in Washington, DC, I have never seen that the way to control spending is to keep taxes high. Higher taxes is a license to spend more money. And that is borne out by the facts. While tax receipts have gone up 11.8 percent in 2005–2006, spending has increased 8.6 percent.

It is important for my colleagues to also understand that much of the tax cuts that are in the tax extender package were expected to be included in the $70 billion tax cuts passed in the budget resolution—the budget resolution out of the Budget Committee.

I find it extremely frustrating that those who come to the floor and decry this bill fail to note it is because we made room for other priorities, priorities they championed, such as capital gains and dividend cuts in the tax reconciliation bill, that we were unable to include the tax extender provisions in that reconciliation bill last spring. And it is for that reason that we now have to consider an extender bill.

It reminds me of the fellow who complains about not being able to get a BLT sandwich after he ate all the bacon. And speaking of bacon, one of the major pork products, I would now like to turn to the second point: the discussion on the floor earlier about earmarks.

I know my colleagues who serve on the Appropriations Committee have familiarity with the term ''earmark.'' Earmark is something that goes to one individual or one company. That is not what this bill is about. But they have tried to characterize it that way. This bill provides tax relief, and these provisions provide tax relief that is not for one individual or one company. They are not earmarks.

For example, the deduction for tuition will help—let me take a State at random. Let's take New Hampshire as an example. It helped 23,124 taxpayers in the year 2004. These tax policies, then, are not earmarks when you are helping 23,000 taxpayers in New Hampshire. And failure to extend the tax extenders means that these taxpayers are going to have an increase in taxes.

Earlier we heard on the Senate floor discussion about a tax provision that benefited songwriters. Again, this is not an earmark. As most Members who have been to a record store recently are aware, there is more than one songwriter in this country. But I raise the songwriter provision to respond to another point, which is that there are provisions in this bill that because of the Senate rules, Members will be prevented from effectively raising concerns.

The songwriter provision, supported by several Members on both sides of the aisle, was voted on by Members earlier this year in the tax reconciliation bill. It already passed the Senate. The extenders bill is now making that provision permanent. Members had ample opportunity to raise concerns about this provision when it was considered 6 months ago. Not a discouraging note was heard. In fact, colleagues who discussed this provision earlier today actually voted for the legislation that contained the songwriter provision. Talk about saying one thing and doing another. So I think those who sang the first verse earlier in the year should be cautious about complaining that we are now singing the second verse.

Finally, I want to comment about the point raised on the sales tax deduction. Again, you call that an earmark, when people in nine States who would not be able to deduct their State sales tax from their Federal income tax have the opportunity to do it? It is affecting 10 million people, and that is an earmark? I find the statements made about the sales tax to be of concern and a misrepresentation of policy.

First, my colleagues earlier heard complaints about the cost of the sales tax provision but then in the same breath complain that the sales tax provision does not cost enough, that the sales tax provision's flaw is it should be expanded to both itemizers and nonitemizers, which then would cost billions more.

The easy answer is that the intent is to roughly mirror the deduction for State income tax that residents of the rest of the States have. The State income tax deduction is only for itemizers. So why would you want the sales tax deduction to be expanded to include nonitemizers?

Second, the deduction for sales tax is only allowed in lieu of a deduction for the income tax. So the benefits that it provides to residents of States such as New York and California, who have both a State income tax and sales tax, is limited. But it does certainly provide real benefits to taxpayers who live in States without a State income tax but do have a State sales tax.

The provision means that the Federal Tax Code will not treat similarly situated taxpayers differently based on how the State decides to raise revenue. The Finance Committee has seen no evidence that States have responded to this provision by raising the sales tax.

I appreciate the opportunity to clear the record and separate facts from fantasy when it comes to this tax extender bill. These are important provisions that we need to act on now to ensure that taxpayers can properly file their tax returns and receive much-needed tax relief.

Finally, the Congressional Budget Office has scored the total health package as costing $1.7 billion over 5 years. The $1.7 billion stems from the cost the Congressional Budget Office has attributed to making the Recovery Audit Contractor Demonstration a permanent part of the Medicare Program and implementing it on a nationwide basis.

The 3-year demonstration project was authorized in the Medicare Prescription Drug Act of 3 years ago and requires the Center for Medicare Services to contract with the recovery audit contractors to detect Medicare overpayments and underpayments and to recoup overpayments. Typical overpayments involve improper coding or billing for services for which there is no medical necessity. Also, Medicare inadvertently pays for services when another payer, such as a worker's comp or auto insurance, should be a primary payer.

Despite being implemented for a limited time in three States, this demonstration has already shown enormous potential for the identification of overpayments and underpayments and the recoupment of overpayments. In fiscal year 2006, this demonstration identified around $300 million in improper payments in three States. It is estimated that implementing this program on a permanent basis nationwide would result in approximately $8 billion in recovered funds being returned to the Medicare trust funds over 5 years. And somebody is bellyaching about investing $1.7 billion to bring back $8 billion.

CBO has assigned a cost to this provision because of a budget scoring rule—some scoring rule that somebody ought to do something about—called rule 14, which says that ''no increase in receipts or decrease in direct spending will be scored as a result of provision of a law that provides direct spending for the administration or program management activities.'' As a result, even though they are real and substantial, savings from this program will not be recognized for budget purposes.

Despite the potential of a budget point of order, we have included this provision in the package because it is simply good policy. It will recover billions that would otherwise be wasted in the Medicare Program—some of it fraudulently wasted. For all these years, Medicare has not been able to effectively detect payment errors. The nationwide adoption of this program will result in real savings for the Medicare Program and, ultimately, the taxpayers.

Mr. President, I wish to talk briefly about the issue of Red Cross reform. The Red Cross is one of the great institutions in this country. It is supported by millions of Americans with their volunteer work and contributions. Americans have a right to expect the best from this proud organization.

On Monday, I shared with leadership staff on both sides of the aisle as well as interested members copies of legislation that brings much needed reform to the governance of the Red Cross. The Red Cross is congressionally chartered and therefore any reforms to the governance require changes in statute.

As many of my colleagues know, I have been active in oversight of the Red Cross since problems came to light with the organization after the tragedy of 9/11. However, it was after the Katrina hurricane that it became evident that fundamental change was needed in how the organization was managed and governed.

In response to my oversight, the Chairman of the Board Ms. Bonnie McElveen-Hunter called for an Independent Governance Advisory Board. I thank her for her leadership and responsiveness to the concerns raised.

This board recently issued its report ''American Red Cross Governance for the 21st Century'' which can be found on their website. This report is based on the fine work of its Chair, Karen Hastie Williams as well as Peter Clapman, Professor Charles Elson, Margaret Foran, Professor Jay W. Lorsch, Patricia McGuire and Professor Paul Neuhauser. I thank them all for their service.

The legislation that I shared with colleagues on Monday is based on the findings of the report from the Independent Governance Advisory Board which was approved by the Red Cross Board of Governors and released to the public on October 30, 2006.

The legislation deals with such vital issues as the size and role of the board; the characteristics of who should serve on the board; the role of cabinet members in Red Cross governance; the creation of an ombudsman; the responsibilities of the Government Accountability Office and many other important matters.

However, while the statutory changes are important, much of the hard work of changing the culture and governance of the Red Cross will have to be done by the management and board of the Red Cross. I expect them to look to the findings of the report as a close guide for their actions on the details.

I am hopeful that this legislation, which has the support of the Red Cross, can be passed by unanimous consent quickly so that we can have in place a Red Cross that has effective and modern leadership for this Nation.

However, I am deeply discouraged that despite the fact that this legislation has been cleared for several days on the Republican side it still has not been cleared on the Democratic side, and this despite the fact that the legislation has been originally cosponsored by Democrat Senators KENNEDY, LANDRIEU and AKAKA as well as Senators on this side of the aisle, SANTORUM, ENZI, ISAKSON, MARTINEZ and DOLE. As my colleagues all know, Senator DOLE was the former President of the Red Cross. I am pleased to have all their support.

But I am very frustrated that I have received no response or courtesies from the Democrat leadership of why this commonsense and needed legislation cannot be passed.

I have been informed that staff in the other body have stated to Red Cross officials that they do not want to pass this legislation because they want it to be an early victory for the new Congressional leadership. I do not want to believe that that is the reason why there is no action on these reforms.

The failure to act on these reforms is having a very real and very negative impact on the vital work of the Red Cross. I met with the Chairman of the Board of the Red Cross just two days ago and she informed me that the failure to pass this legislation quickly is hurting their efforts to successfully recruit and bring into place a new CEO. In addition, the needed changes to the governance structure at the Red Cross are also frustrated by the failure to make the necessary statutory changes.

We saw with Katrina the need for strong leadership and governance at the Red Cross. The Red Cross has taken the right steps to make reforms, reforms that will lead to better service for the American people in times of need. The Democrat leadership should be placing those same priorities first. I call on them to allow us to go forward with passing this legislation.

Mr. GRASSLEY. Mr. President, in connection with H.R. 6111, the Tax Relief and Health Care Act of 2006, the nonpartisan Joint Committee on Taxation has made available to the public the following document: Joint Committee on Taxation, Technical Explanation of HR. 6408, The ''Tax Relief and Health Care Act of 2006,'' as Introduced in the House on December 7, 2006—(JCX–50–06)—December 7, 2006. This technical explanation expresses the Senate Finance Committee's understanding of the tax and other provisions of the bill and serves as a useful reference in understanding the legislative intent behind this important legislation.

Senator DOMENICI wants a few minutes. How much time do I have?

The PRESIDING OFFICER. Nine minutes.

Mr. GRASSLEY. The Senator can have 2 minutes.

Mr. DOMENICI. Mr. President, I rise tonight to remind the Senate that in this bill is something we can all be proud of, especially on this cold night. The American people are using more and more natural gas in their homes, and they will soon be getting bills—or they already have—with the increases in the cost of natural gas beginning to show up. Many companies have already closed their doors because natural gas prices are so high.

For the first time, we will have passed a production-oriented bill with reference to natural gas and crude oil. In this bill is the Gulf of Mexico Energy Security Act—passed by bipartisan votes in the Senate—which establishes some precedent because, for the first time, we are now going to do some deepwater drilling. We held that in abeyance for about 25 years and acted as if we didn't need any, just leave it there. It is American, but we won't use it.

Well, we are going to start now. That will open other States which can look at this bill and say: We ought to join up and begin to let drilling take place off of our coast, because they will share in the proceeds—the second good precedent that is made in this bill.

It will produce large quantities of natural gas over the next decade and a small amount of crude oil—1.2 billion barrels. With reference to natural gas, it will produce gas for millions of homes and thousands upon thousands of businesses. It will be American-owned business, drilled by American companies, supplied to Americans by Americans, with American dollars involved for everybody along the way.

What a good thing to say tonight in the cold parts of America and in the coldness of tonight—that we have done something to produce natural gas and hold the price of natural gas where it is or reduce it because of the new supply. It is very important and should be something everybody in this Chamber is proud of. A lot of things we are not so proud of tonight. It takes too long to get some things done. We have not gotten a lot of them done on time. We have not governed quite properly. But this is a good one. I am thankful to those on this conference for putting it in.

I thank Senator GRASSLEY, and I thank his counterpart here. On the House side, they had to accept it exactly as we put it in because if it came here differently, we would never get it passed. That happened. Thank you.

Mr. GRASSLEY. How much time do I have?

The PRESIDING OFFICER. Six minutes.

Mr. GRASSLEY. I will give 4 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, let me join my colleague from New Mexico in thanking the leaders of this bill, Senator GRASSLEY and Senator BAUCUS, for their acquiescence to put this very important measure, which over 70 Senators voted earlier in the year to do, but to put it on this measure to make sure it passed.

Mr. President, you have not been in this Chamber long, but you know this has been a debate which has gone on around Louisiana and the gulf coast for almost 60 years—literally since President Truman was President of this country and offered 37.5 percent to the State of Louisiana for a new industry. Well, that deal was never struck 60 years ago. Tonight, that arrangement, that compromise, that deal is being struck in the Senate. It is a good deal, a square deal for the people of Louisiana, Mississippi, the gulf coast, and the people of the United States, and it is going to open up 8.3 million acres of new opportunity—enough gas, as the Senator from New Mexico said, to fuel 1,000 chemical plants for 40 years. That is a lot of gas. We need that. We need it right now. We need it today to preserve jobs in America and to keep our industries competitive. Those jobs are in every State in the Union, not just on the gulf coast. We are proud to be the producers, but people use this gas in industries all over the Nation.

In addition, as you know—and the Senator from New Mexico has heard this story literally a hundred times—the great delta that supports this extraordinary resource for the Nation is literally washing away into the Gulf of Mexico, not just because of the channels that have been dug in some cases for the industry—that has had a minor impact—but the damming of the Mississippi River, the leveeing of that river stopped its natural overflow, and a delta that took a thousand years or more to create, which is the home of hundreds of communities and literally tens of millions of people in this country, is at risk.

We saw the pain, suffering, and the death in Katrina and Rita. This bill will help because that money is dedicated to that source.

Finally, because of Senator SALAZAR and Senator ALEXANDER, primarily, a portion has been set aside for the first time in the Nation for conservation royalty, so that the land and water conservation fund stateside is fully funded. All 50 States can use these great revenues which come in for parts of the greenspace.

I thank Senators MARTINEZ and NELSON from Florida. Without their help and patience, this bill never could have come together. The buffer of protection has been provided for Florida. They have chosen a different way, but the gulf coast is working together as a unit. Some of us are drilling, some are not, but we are all working toward the benefit of America.

To all of the Senators along the gulf coast, including Senator VITTER from Louisiana, and particularly Senator TRENT LOTT, who put in countless hours to help us negotiate this bill, I thank him for his great and steady leadership.

To Senator FRIST and Senator MCCONNELL, who kept this issue steady, it is really a testament to their leadership.

So the people of Louisiana and the gulf coast are grateful that this provision is in the final package. It has been a long and tough battle but one of which we are very proud.

I thank the Senator from Iowa for yielding.

CAPITAL GAINS INCOME

Mr. GRASSLEY. Mr. President, I would like to discuss a tax policy matter that is important to several Senators. Although it is not a priority for me, I pursued the issue for those Senators during the ''trailer'' bill negotiations. On my side of the aisle, the interested Senators included Senators SMITH, LOTT, CORNYN, DOLE, GRAHAM, and VITTER. I know Senators on the other side of the aisle have similar interests, including Senators LINCOLN, PRYOR, LANDRIEU, CANTWELL, and MURRAY.

Under current law, the tax treatment of capital gain income from timber activities varies. The variance depends to a great degree on the form of the business entity that holds the timber. The top individual capital gain rate of 15 percent applies to capital gain from timber if the timber is held by pass-through entities. By contrast, capital gains from timber held by regular ''C'' corporations are taxed at the top corporate rate of 35 percent.

Senators SMITH and LINCOLN filed an amendment for the Finance Committee reconciliation tax relief markup last year. The amendment aimed at addressing the differential treatment of timber capital gains among entities. A form of that amendment was included in the first round of negotiations on the trailer bill. The final form of the trailer bill agreement did not include the timber capital gains amendment.

Since this issue was not fully resolved, and many Members remain strongly interested in the issue I would like to ask my friend, the ranking Democrat and incoming chairman, Senator BAUCUS, if he plans to further examine the issue in the next Congress.

Mr. BAUCUS. Mr. President, the timber tax proposal has the support of some Senators, but it is not included in the Tax Relief and Health Care Act of 2006. I have concerns about the proposal. I am sympathetic with the basic policy concern motivating the bill's supporters—to make it more feasible for timber companies to remain in corporate form if that is the best way for them to maintain their competitiveness. However, I believe that we need to do further work to make sure that we have an appropriate long-term solution.

I understand this may be a time-sensitive issue. As chairman of the Senate Finance Committee during the next Congress, I plan to work with interested Senators and with forest products companies to closely examine this issue and determine the appropriate long-term solution. It is my hope and expectation that this work can be concluded in a timely manner so that appropriate action can be taken to address the long-term competitiveness of the timber industry.

HAITI

Mr. GRAHAM. The Haiti Hope Act, incorporated into the package that we are debating today, poses a serious threat to the American textile industry. This bill has had no hearings in the Senate, no opportunity for discussion, no opportunities for amendments, and the industry that this bill affects most has had no official opportunities to voice their concerns. While it is questionable as to how everyday Haitians will benefit from this deal, there is no doubt the deal will only exacerbate the problems the U.S. textile industry faces today.

The provisions of this legislation will be difficult if not impossible for Customs to enforce. This could open the door to the transshipment of Chinese goods into the United States duty free. In order to ensure that Customs can enforce this legislation, Senator DOLE, Senator SESSIONS and I request that the Senate Finance Committee hold a hearing prior to the President certifying that Haiti has met the requirements set forth in the legislation at which representatives of the textile industry can voice their concerns over the impact of this legislation.

Mr. BAUCUS. I believe the Senators' request can be accommodated.

Mrs. DOLE. I agree that it is outrageous that the Haiti bill in this package was never considered by any committee in the Senate, never properly debated in a committee or on the Senate floor. No Member has been given an opportunity to offer amendments to improve this legislation, and the U.S. industry that has most to lose from this bill was never given an opportunity to formally make its case before this body. I have long supported increased assistance for Haiti, and support measures to expand trade between Haiti and the United States, but this poorly designed bill would cause serious harm to the U.S. textile industry, potentially putting many North Carolina textile workers out of jobs. I believe this Haiti trade package needs to be thoroughly evaluated.

Senator GRAHAM, Senator SESSIONS, and I would also like to propose a change to the length of time in which the administration must certify that Haiti has met the conditions to receiving benefits under the act. I request that the senior Senator from Montana agree to work with us to pass legislation to amend the Tax Relief and Health Care Act of 2006 to provide the President up to 1 year to certify that Haiti has made sufficient progress in meeting the conditions in the act. This change will in no way preclude the President from certifying that Haiti has met the requirements of this legislation prior to 1 year from now.

Mr. BAUCUS. I would be happy to work with my colleagues to make this change. Let me add that I have spoken with the incoming chairman of the House of Representatives Committee on Ways and Means, Mr. RANGEL, and he supports your requests as well.

Mr. SESSIONS. Once again we are at the end of a Congress. It is late at night. The result is a vote tonight on legislation that people refer to simply as the ''tax extender'' bill.

Much of it doesn't have anything to do with tax credits. The Haiti Free Trade Agreement is in this bill. The Vietnam Free Trade Agreement is in this bill. I have very real concerns about both of these provisions.

They are important issues. They deserve careful study. These trade agreements deserve a hearing and thoughtful debate on the Senate floor. From what I know of these measures, I don't support them.

Instead of treating these important provisions in the manner they deserve, we are forced to take a yes or no vote on the whole package. That means you have to take the good with the bad. We wonder why politics has such a bad name, and I would suggest we are looking at the reason right here tonight.

We have worked to make sure that some of our concerns regarding these measures are addressed and believe they will be. Based on the assurances that we have received, I am going to vote in favor of this measure. The good of the bill is so important it outweighs the bad.

I thank my fellow Senators who have worked hard to achieve some assurances that could lead to important improvements to the Haiti trade provisions. Clearly, the better approach would have been to bring these trade agreements up separately, allowing for full debate.

TREATMENT OF SIOUX CITY, IOWA BUILDINGS

Mr. HARKIN. Mr. President, I have been seeking a small change in the tax law that would simply undo a provision in the 1986 tax bill, eliminating the special treatment given to a few buildings in Sioux City, IA, allowing them to be treated like any other property under the general laws.

The desire is to rehabilitate one of those buildings, an old historic hotel. It has long been boarded up. The goal is to renovate it for use as affordable elderly housing, an adult respite care facility and perhaps other uses. I believe the Finance Committee has been aware of the technical tax issues involved for a long time. The provision is of no or minimal cost to the Treasury. And, as I noted, the property's owners are not asking for special treatment but, unusually, are asking that they be treated like other taxpayers with a similar property.

Mr. BAUCUS. I thank the Senator from Iowa. I am familiar with this problem and it is unfortunate that this provision has not been included in one of the recent tax measures. It is my intention to include this measure in a tax bill to be considered. And I expect to see it become law in the coming year.

Mr. GRASSLEY. Mr. President, I rise in support of the Haiti trade provisions in this legislation. And I want to respond to some of the criticisms leveled at these provisions.

Right now over two-thirds of Haitian apparel exports to the United States are made from fabric made in either the United States or a beneficiary country under the Caribbean Basin Initiative.

Under the bill, it is true that Haiti can use fabric from third countries to produce apparel exports for duty-free entry into the United States.

But to be eligible for such duty-free treatment, at least 50 percent of the value of the apparel must be attributable to Haiti, the United States, or another regional qualifying country.

If, for example, Chinese-origin fabric is used to manufacture apparel in Haiti, only the value of the cutting and sewing counts toward the 50-percent

value-added requirement. The value of the Chinese fabric itself does not count toward the requirement.

And because fabric generally accounts for more than 50 percent of the value of a garment, the 50-percent value-added requirement will often mean that qualifying apparel must be made from fabric produced in a regional qualifying country to be eligible for preferential treatment.

Moreover, the benefits are capped in the first year at 1 percent of United States apparel imports, which is less than current apparel imports from Haiti and equal to only 20 percent of the total level provided under the African Growth and Opportunity Act.

Now, the bill does include a tariff preference level, but it is limited to woven apparel, not knits. And the level of the tariff preference level is equal to only 0.23 percent of United States apparel imports.

The Commissioner of Customs wrote a letter to Chairman THOMAS of the House Committee on Ways and Means stating that Customs remains committed to enforcing all textile trade laws. The Commissioner further indicated that Customs can, and will, enforce the textile provisions in this bill if they become law.

The bottom line is that the Haiti trade provisions in this bill will help to spur economic growth and prosperity in the most impoverished country in this hemisphere. At the same time, these provisions do not threaten to significantly impact our domestic industry in an adverse manner.

In addition, these provisions have been endorsed by a number of non-governmental organizations, including Oxfam America and the International Policy Committee of the United States Conference of Catholic Bishops.

I urge my colleagues to support the Haiti legislation, as well as the other trade provisions in this bill.

Mr. President, I ask unanimous consent that my remarks be printed at the appropriate place in the CONGRESSIONAL RECORD, and I yield the floor.

Mr. DOMENICI. Mr. President, I rise to speak briefly on this essential piece of legislation commonly referred as tax extenders.

This is, in many ways, also an energy security bill that is worth being proud of.

There are a host of important tax items here, many of which were implemented under the Energy Policy Act of 2005. Now we extend many of these items through 2008.

There are extensions of credit for electricity produced from renewable resources until December 31, 2008. This is clean energy produced from wind, biomass, geothermal and hydropower. It is critical to our Nation's future and these tax credits will play an important role in our energy security over the next decade.

There are extensions of credits to holders of clean renewable energy bonds. There are extensions of credits for energy efficiency for homes and for commercial buildings.

And, there are extensions of reduced excise tax rates for ethanol. The Energy bill of 2005 has helped in bringing about an economic boom to rural America. Analysis suggests that new biorefineries will result in 30,000 new jobs and will add $114 billion to the bottom lines of American households. These extenders help continue that momentum.

All of these items and many more help move us closer to achieving energy security.

Then, there is the big one. After much hard work and after hours of negotiations, Congress came together and crafted a bipartisan piece of legislation. We passed that bill with 71 votes in August and we pushed ever since to get that bill through the House and to the Senate. We fought for energy relief for the American people.

The Gulf of Mexico Energy Security Act provides such energy relief, and I am thrilled that it is included in this tax extenders package.

I thank the House Ways and Means chairman, BILL THOMAS, and the House leadership, specifically Majority Leader JOHN BOEHNER for showing interest in and moving this important piece of legislation. Also, importantly, I thank the Senate leadership on both sides of the aisle and Chairman CHUCK GRASSLEY for recognizing that this legislation is essential to the American consumer.

It's cold outside and natural gas prices are rising as we heat the homes we live in and the buildings we work in. So me tell you what this vote on the Gulf of Mexico Energy Security Act does.

This vote says that Congress win not sit by and watch natural gas prices climb by 400 percent. We will act.

We will not sit back and accept the closing of scores of our chemical manufacturing plants. We will act.

And, we will not sit back and watch as we continue to depend more and more on foreign oil while producing less and less domestic oil. We will act.

And act we did. And relief is on the way.

This legislation is critically important to American consumers and our economy. While the oil resources in this region are impressive, the vast reserves of natural gas are the real bonanza.

Tens of thousands of feet under the sea-bed in this 8.3 million acre area that we open for leasing, American ingenuity will produce American oil and American natural gas for the American people.

This area contains nearly 6 trillion cubic feet of natural gas and 1.26 billion barrels of oil.

I believe that there is enough natural gas in lease sale 181 and lease sale 181 south areas to heat 6 million homes for 15 years.

Because of this, the Wall Street Journal has called this OCS bill ''an easy victory for the U.S. economy.'' And, on the other side of the political spectrum, the New York Times wrote that this bill meets ''an immediate need'' and is ''a reason to drill in the Gulf.''

And, in this bill we recognize the will of the people in our energy producing States. We recognize the sacrifices made by the Gulf States in being America's energy coast for so many years. And, we recognize protections important to the people of Florida.

This bill strikes the right balance. It is a blockbuster. It is a victory for this Congress, but more importantly, it is a victory for the American energy consumer.

The Federal Reserve Chairman Bernanke recently said that rising energy prices is posing a risk to our Nation's economic activity.

I say, that with this vote, we help to lessen that risk. What we have done here is the most important thing we can do in the near term to reduce the price of natural gas and to boost our Nation's domestic energy supply.

For that, the American people win tonight.

Mr. ENZI. Mr. President, today I rise in strong support of H.R. 6111, the Tax Relief and Health Care Act of 2006. This important tax relief legislation includes a number of provisions that are extremely important to my constituents in Wyoming. It deserves to be passed, and I am urging all of my colleagues to support this important bill.

First and foremost among the provisions that I am supporting is a provision to reauthorize the Abandoned Mine Land, AML, Trust Fund for 15 years. I have been working to reauthorize the AML trust fund since I was first elected to the Senate in 1996. As it currently operates, the AML trust fund does not work as intended and does not treat my home State fairly.

The Federal Government has hijacked more than $550 million that was promised to Wyoming from a tax on coal produced in my State. We have legislation before us to correct this problem and to fix it so that Wyoming receives its fair share of funding in the future.

This legislation has been a long time in the making, and it has broad support. Over the past year, I have worked with Senators ROCKEFELLER, SANTORUM, SPECTER and BYRD to build a coalition that can support this important bill. The bill is supported by the coal industry. It is supported by the United Mine Workers of America, UMWA. It is supported by members from the eastern United States and members from the western United States. All of the stakeholders are in agreement that the AML reauthorization language that is included in this bill is the best language to fix the problem and move the issue forward.

The legislation has many provisions that are important to my State. It returns the $550 million that was hijacked by the Federal Government over a 7-year period. I am pleased that it

does so in a way that allows Wyoming's legislature to determine their priorities for how that money should be spent.

The legislation also ensures that Wyoming will continue to receive funding in the future for mining activities that occur within our State's borders. It does all this at the same time we direct more money toward reclamation in States where the reclamation work is needed.

Finally, I wanted to see a reduction in the tax charged to Wyoming's coal companies. Some of the companies in my State do not have the problems associated with abandoned coal mines, nor do they have the orphan miner liability that is held by some companies. Those companies agreed not to fight an extension of the tax if it was reduced, and this legislation includes a slight reduction in the fee.

The priorities of other members are also included in this bill, including provisions that shore up health care for orphan miners who fall into the Combined Benefits Fund. Those priorities include the addition of health care coverage for members who fall into the 1992 fund and the 1993 Fund. Although the shoring up of those three funds was not a priority for me, this represents compromise legislation.

Some opposition to this legislation comes from members who claim that it is too expensive. I would argue to my colleagues who are concerned with the cost of the bill that it is not as expensive as it appears at first glance. Money will continue to come in from collections of the AML fee, which will help to offset the cost. The Federal Government will also continue to receive significant revenues from coal production on Federal lands.

However, unlike past monies that have been sent to the Treasury and that have been spent outside the act, this legislation will ensure that the funding is used for its intended purposes. Money that is supposed to go to the States will no longer be hijacked and spent on unrelated programs. Instead of those unrelated programs, the money that is intended to do reclamation will actually be used to further our reclamation goals. Money that is supposed to go back to the States will actually be sent to the States. Coal money will actually be used to help fix a coal problem.

For those who do not like the health care portions of this bill, I share your heartburn. Wyoming does not have a significant number of orphan beneficiaries. However, it should be noted that the Federal Government has been spending Federal dollars to help provide these health care benefits for years, and there is nothing to suggest that we will stop funding these benefits. The Senators who represent the families who receive this health care continue to make sure the families receive it. Since miners' health care continues to be funded, we needed to find a way to fulfill the promise to the States. This legislation was such a fix.

When a program is broken, we need to fix it. The AML program has been broken for years, and this legislation is an opportunity to fix it. It will send more money to reclamation and will return money to States that those States are owed.

This is a good bill, and I am so pleased that we were able to include this reauthorization in H.R. 6111.

AML reauthorization is not the only important section of this legislation. The bill also includes the extension of the State and local sales tax deduction. The State and local sales tax deduction, which is crucial for the residents of States without a State income tax, was included in the American Jobs Creation Act of 2004. However, this deduction expired this year. Because this deduction has expired, it is crucial that Congress act now to extend this important deduction. The State and local sales tax deduction is an issue of fairness. Residents who live in a State without a State income tax should not have to pay more in Federal taxes simply because they cannot take advantage of the State income tax deduction. While I would like to see this deduction become permanent, I am pleased that the option to deduct State and local sales taxes will be extended an additional 2 years through this legislation.

In addition, I want to take a few moments to express my support for the extension of the New Markets Tax Credit program through 2008. This is a highly successful program that stimulates investment in low-income communities. Multiple communities within Wyoming have been able to take advantage of this tax credit. I am hopeful that with this extension, additional cities and organizations in Wyoming will be able to utilize this tax credit. I am also pleased that this legislation includes a modification to the New Markets Tax Credit program to guarantee that nonmetropolitan communities receive the proper allocation of qualified equity investments. This change in law is welcome news for the smaller communities throughout Wyoming.

The final tax provision I will discuss today is the extension of the research credit. This credit has played a vital role in encouraging companies throughout the United States to expand their research efforts. Innovation and advancements in technology are critical to the progress of the United States. This research credit encourages companies to spend more of their financial resources on the discovery of new and innovative products and ideas. Without the ongoing research and development of American businesses, the overall economic outlook of our Nation would greatly diminish. It was crucial that this credit be extended and I am pleased that this legislation includes such an extension.

Finally, I am pleased that H.R. 6111 includes a section to increase our domestic energy production. We need to increase our domestic energy production to reduce our dependence on foreign sources of energy. Domestic energy production is akin to economic and national security. The Outer Continental Shelf, OCS, provision included in this act is based on S. 3711, the Gulf of Mexico Energy Security Act which the Senate passed in a bipartisan way on August 1, 2006.

The OCS has tremendous untapped potential to meet the energy needs of our Nation. Energy that we need to heat our homes and energy that we use in manufacturing can come from this region. The OCS has energy that will help secure our food supply by lowering prices for farmers and ranchers who produce that food.

The entire OCS is composed of 1.76 billion acres and there are 8,000 active lease areas producing oil and natural gas. This production translates to approximately 20 percent of our domestic oil production and approximately 30 percent of our domestic natural gas production. Yet, of the 1.76 billion acres of potential production area, 85 percent of the coastal waters around the lower 48 States currently is off limits to energy development.

Under this provision the Secretary of the Interior is directed to offer mineral leases in a specified area within 1 year of enactment. This action has the potential of producing 1.26 billion barrels of oil and 5.8 trillion cubic feet of domestic energy. This bill will provide enough natural gas to heat 6 million homes for 15 years, and so I am pleased that it was included in this bill.

I thank my colleagues who worked on this important tax relief legislation. Specifically, I thank Chairman GRASSLEY and Ranking Member BAUCUS for their efforts. I thank Senators ROCKEFELLER, BYRD, SANTORUM and SPECTER for their hard work and dedication on the AML bill. This important legislation deserves to pass, and so I will be voting to move the legislation forward.

Mr. ROCKEFELLER. Mr. President, I am extremely pleased to support the legislation before the Senate today. As often happens at the end of a Congress, the leadership has negotiated a large and complicated bill to tie up many loose ends. And I believe that on balance this is a very good bill. While I am disappointed in some aspects of this agreement, I understand that, when legislating, hard compromises sometimes have to be made. I recognize how difficult it was for us to get this far.

I want to thank the leadership, and especially Senator GRASSLEY, the chairman of the Finance Committee, and Senator BAUCUS, our ranking member and incoming chairman, for working so hard and so long to protect the Senate's interests in very difficult and often frustrating negotiations. They were fierce negotiators, and they made sure that we would be voting on a bill that a substantial majority in the Senate can support. It was no easy feat given the circumstances and sometimes bitter disagreements between the two Houses, and at times, between

Members. The leaders of the Finance Committee deserve enormous credit.

This bill includes a critical Coal Act and AML reform provision. And I would like to take just a few minutes to explain to my colleagues what this provision is all about. It is about protecting the health benefits of tens of thousands of retired coalminers and their widows who were promised lifetime health benefits by their companies and by their Government. It is about keeping a promise to the men and women who have sacrificed themselves to fuel our Nation's economic growth and continued prosperity.

Historically, coal miners have bargained for their health benefits at the expense of other pension benefits and salaries because they have long known the grave toll that coal mining takes on a person's health and safety. This year's tragic and record string of mine deaths shows that remains true today. More than 50,000 coal miner retirees and their aged widows, average age of nearly 80, are counting on the health benefits that are protected in the Coal Act and AML reform provision. These coal miner retirees live in nearly every State of the Union, and they still believe that the promise of their health benefits will and should be kept. So do I.

This reform will stabilize the coal miners' health funds and give retired miners some peace of mind that they will not face cuts in the health benefits on which they depend. That means the world to me. And Dixie Woolum, and the thousands and thousands of other retired miners and widows in West Virginia, Ohio, Pennsylvania, Kentucky, Illinois, and Indiana—all across this Nation—deserve that peace of mind. They have had to bear so much in the coalfields, for so long. They deserve this peace of mind. They earned it.

Specifically, the coal miners' health funds—the combined benefit fund, the 92 fund and the 93 fund—will receive annual transfers of monies from the interest on the AML trust fund, paid for by the coal companies. I think that is only fair. Before these changes, only the combined benefit and 92 fund could receive AML interest money to help compensate for its shortfalls—and the administration wrongly interpreted the original Coal Act to cap that amount. That misinterpretation of the original Coal Act provision has been fixed in this bill. The new provisions helping the 92 fund and the 93 fund are phased in over time, but the CBF will get a needed infusion of money next year.

The AML/Coal Act provision is also about protecting the environment and health of communities where mining has left environmental scars—many of which continue to pose significant health risks. This proposal reauthorizes the AML program for 15 more years, at a slightly reduced rate, and gives States back their unappropriated balances while more fairly distributing funding for historic coal production States like West Virginia, Pennsylvania, Kentucky, and Tennessee. The AML program was part of the bargain when we reformed surface mining back in the late 1970s. We created a trust fund that is paid into by the coal companies that mine the land to ensure there would be money available to reclaim old mine sites. Hundreds of these sites remain unreclaimed. States have waited patiently for Federal dollars that have been parceled too slowly in the past. This provision will deal with the outstanding problem of AML reform at the same time it helps miners whose blood and sweat built up the AML trust fund in the first place.

Today marks the culmination of a long, long fight—14 years now—to make sure that Congress lives up to its responsibilities to retired miners and their families. And I won't recap all of the ups and downs of the past 10-plus years, but I do need to personally thank a few people who finally made this possible.

I am grateful to my distinguished leader and dear friend Senator REID. As the son of a hardrock miner, Senator REID appreciates what miners go through to bring us the natural resources that make our economy and standard of living possible. He has worked tirelessly to get these provisions passed. He is a trusted friend and an inspirational leader.

I also need to thank the leaders of the Senate Finance Committee. Senator GRASSLEY and Senator BAUCUS have an excellent relationship, built on working together and keeping their word. I know that they had to fight very hard to protect the AML provision, and they did so because they gave their word. That means a great deal to me. A great deal. I am very grateful for their efforts. I know that the same spirit of bipartisan respect and cooperation will continue under Senator BAUCUS' able leadership next year. I look forward to his tenure. I will not mention each of the superb Finance Committee staff members by name, but I must at least thank them as a whole. They are extraordinarily bright and hard working, and I know that today's victory would not have been possible without their absolute dedication.

I also want to thank my friend and colleague on the HELP Committee, Chairman ENZI, who seized this issue when tax extenders were debated in the pension conference which he chaired. He has never given up on getting this done in this Congress, even when procedural tactics by some put it in dire jeopardy. He just never gives up when it comes to fighting for his State. I admire that very much. I am indebted to him for his work on this measure, as I have been for his efforts on mine safety. He is tireless and yet with a demeanor that never rankles. I cannot fail to mention the support of my longtime, dear friend Senator KENNEDY. He was always on my side on this issue as well—as he is always on the side of our Nation's working men and women, whether our Nation's coal miners or anyone who puts in a hard day and struggles to meet the challenges of raising a family. He was there to help make this happen. This has been a true bipartisan effort. The way legislation should be done.

I also need to thank my good friend and colleague from West Virginia, Senator BYRD. He has been my constant partner on West Virginia mining issues. As a leader of the Appropriations Committee, he has saved the day for many years, by appropriating funds to prevent benefit cuts to retired miners and their families.

Finally, I cannot go without thanking the Senators from Pennsylvania, Mr. SANTORUM and Mr. SPECTER. From the beginning they have worked with me to make today's victory a reality. Senator SANTORUM reintroduced this proposal early this year, and even after a very difficult and hard-fought election, Senator SANTORUM continued to work hard for his constituents and pushed to make sure that his leadership did not give up on this provision. I know that our Nation's coal-mining families appreciate their hard work and dedication as much as I do.

Now, obviously, this bill contains many more items than just the AML provision. Many of these provisions I have voted for several times already, and I am very happy to see that they will finally be enacted into law—the tax deductions for tuition expenses or teachers' classroom expenses, the research and development tax credit, the welfare-to-work tax incentives. These provisions should never have been allowed to expire, and I am pleased that Congress is done using them as a political football and will finally extend them as we should have done last year.

This bill will also create new tax incentives to promote investment in mine safety equipment and the training of rescue teams that can help trapped miners. There is some work that remains to be done to make those incentives work as they should in the coalfields, and you can be sure I will be back to finish the job. Also, after years of inequity, this bill finally provides capital gains tax relief to members of the intelligence community who serve their country away from home. Both of these provisions are very important to me even though both need a little more work.

For the record, I also need to point out that this bill has some serious shortcomings. Most notably, I am concerned about the potential consequences of some of the health savings account provisions that were included in this bill. In general, I believe that HSAs will make the problems with our health care system worse, not better. They do not increase access to health care for our large uninsured population, and worse, they threaten to undermine the risk-sharing on which our current system depends. I hope that the 110th Congress will take a serious look at how to really increase access to health care. I intend to push very hard on that front.

But as I said at the beginning, Mr. President, I believe that on balance, this is a good bill. I am grateful to my colleagues who have been relentless in negotiating this bill, and I am pleased to support it.

Ms. COLLINS. Mr. President, I am pleased that the legislation to extend various provisions of the Nation's tax laws which is now before the Senate includes a 2-year extension of the $250 tax deduction available to teachers who incur out-of-pocket expenses to purchase classroom supplies. This extension builds upon the $250 tax deduction established by legislation which became law in 2001 as part of that year's tax relief package. The tax relief provided by that bill was later extended through the end of last year. I was proud to author that legislation, along with my good friends, Senator WARNER and Senator LANDRIEU.

Providing this deduction for teachers who buy classroom supplies is warranted by the facts. So often teachers in Maine and throughout the country spend their own money to improve the classroom experiences of their students. While many of us are familiar with the National Education Association's estimate that teachers spend, on average, $400 a year on classroom supplies, other surveys show that they are spending even more than that. Indeed, I have spoken to dozens of teachers in my home State who tell me they routinely spend far in excess of the $250 deduction limit—a few even as much as $1,000—on materials they use in their classrooms. At every school I visit, I find teachers who are spending their own money to improve the educational experiences of their students by supplementing classroom supplies. One such teacher is Debra Walker, who teaches kindergarten and first grade in the town of Milo, ME. She has taught for more than 25 years. Year after year, she spends hundreds of dollars on books, bulletin boards, computer software, crayons, construction paper, tissue paper, stamps and inkpads. She even donated her own family computer for use by her class. She described it well by saying, ''These are the extras that are needed to make learning fun for children and to create a stimulating learning environment.''

Another example is Tyler Nutter, a middle school math and reading teacher from North Berwick, ME. After teaching for just 2 years, Tyler incurred substantial ''startup'' fees as he built his own collection of needed teaching supplies. In his first years on the job, he spent well over $500 out of pocket each year, purchasing books and other materials that are essential to his teaching program. This tax deduction is, in Tyler's words, ''a nice recognition of the contributions that many teachers have made.''

The teacher tax relief we have made available since 2001 is a small but significant way of helping teachers shoulder the expenses they incur to do their jobs well. Extending this provision for another 2 years demonstrates our gratitude and sends the right message to our Nation's teachers.

• Mr. HATCH. Mr. President, I am pleased to see H.R. 6111, the Tax Extender Act before us today. This legislation includes some very important provisions that extend retroactively several expired tax benefits that have been instrumental to keeping our economy growing and helping to provide tax equity to certain members of our society.

Many of my colleagues on the Finance Committee have joined me in supporting Chairman GRASSLEY's tireless efforts this year to extend these provisions since even before they expired on December 31 of last year. Unfortunately, our several attempts to do so were thwarted by difficult political circumstances that required that the extender package be deferred until now.

It is amazing to me, and undoubtedly very puzzling to Utahns and Americans across the country, that a set of provisions that enjoys nearly universal support in the Senate and in the House of Representatives should be so difficult to pass. However, I am very glad to see that we have finally been able to push the extension of these important tax benefits across the finish line.

First and foremost on the list of expired tax provisions that are extended in this bill is the credit for increasing research activities. The so-called research credit has been instrumental in this country in not only providing incentives for conducting an increasing amount of R&D among American companies, but also in keeping that research activity in this country in an environment where incentives to move research offshore are proliferating.

Because so many of our trading partners are now offering generous tax and other incentives in an attempt to lure away U.S.-conducted research, extending the research credit is of paramount importance just so we can keep ahead of the competition.

Some may question the value of a retroactive extension of the research credit, particularly when it has been expired for nearly a year. After all, it is difficult to argue that a retroactively provided incentive can have any real incentive effect, since the activity it is designed to induce has already taken place. I am very happy that my colleagues have recognized there is another important factor at work here.

Practically all of my colleagues agree with me that the research credit would be more effective if it were made permanent. Senator BAUCUS and I and others of our colleagues have long worked and argued for making the credit permanent. Indeed, in 2001 the Senate passed a permanent research credit, but it was unfortunately dropped in conference with the House.

However, because we have almost always extended the research credit seamlessly, it has become a sort of de facto permanent credit. And while a de facto permanent research credit is not as good as a de jure permanent research credit, there are certain benefits that we get from having even an expiring credit always available. I believe that because the credit has been retroactively extended every year, except for one, it is more effective in inducing research activities. I also believe that businesses in Utah and all over America have come to depend on the research credit being extended each year without a gap. Therefore, I believe that it is important to once again retroactively extend the credit to keep the faith that we have allowed to be built up around this tax benefit. Therefore, I am very pleased to see that the credit has once again been extended, retroactive to its expiration date last year.

The legislation before us also includes the extension of some other important expired tax provisions. One important provision included in this bill is the retroactive extension of the deduction for school teachers for classroom expenses that they incur. As a major proponent of this legislation for many years, I was extremely pleased to see this provision included in the final bill.

Our public school teachers are some of the unheralded heroes of our society. School teachers labor in often difficult and even dangerous circumstances. A historic turnover is taking place in the teaching profession. Unfortunately, these professionals receive an unfair tax treatment under our tax law. Specifically, teachers find themselves greatly disadvantaged by the lack of deductibility of professional development expenses and of the out-of-pocket costs of classroom materials that practically all teachers find themselves supplying. Furthermore, almost all teachers find themselves providing basic classroom materials for their students. Because of tight education budgets, most schools do not provide 100 percent of the material teachers need to adequately present their lessons. As a result, dedicated teachers incur personal expenses for copies, art supplies, books, puzzles and games, paper, pencils, and countless other needs. If not for the willingness of teachers to purchase these supplies themselves, many students would simply go without needed materials.

I am pleased to see that this bill includes an extension of a teacher's tax credit which will help teachers, in some small way, to cope with these challenges and inequities. I believe much more must be done. That is why, earlier this year, I introduced the Tax Equity for School Teachers Act of 2006, S. 4027. S. 4027 will not only expand the tax credit teachers can take for school supplies, but also provide them a tax credit which will defer some of the increasing cost of training. I am hopeful we will be able to act on legislation similar to S. 4027 next Congress, but I am very pleased to see this basic tax credit for teachers extended once again this Congress.

I thank the Senate for the opportunity to address this issue today, and I urge my colleagues to support this legislation. I also applaud the leadership for including a retroactive extension of the provision offering a 15-year cost recovery period for certain leasehold and restaurant improvements. Failure to do so would mean an effective tax increase on many thousands of small businesses. Likewise, I am pleased to see that this bill has the foresight to include an extension of some energy tax provisions that have not yet expired. Some of these, including the credit for electricity produced from geothermal energy sources, are very important to my home State of Utah. It is refreshing to see that we are being a little more proactive and extending provisions before they actually expire. This represents a much more responsible public policy approach than waiting to act until the provisions have already expired.

I would now like to highlight some of the health care provisions that are included in this legislation. First, I have been a strong proponent of ensuring that patients continue to receive access to quality health care by addressing the scheduled reduction in the Medicare physician reimbursement for 2007. This legislation prevents physician payment cuts in 2007 by freezing payments for physician services, and, as a result, doctors will receive a 0 percent update next year instead of a 5 percent reduction. The bill also provides a 1.5 percent bonus-incentive payment to doctors who report on quality measures in 2007. Finally, the provision provides a fund to promote physician payment stability and quality initiatives in 2008.

I also am a proud advocate for providing Medicare patients continued access to needed therapy. More specifically, this legislation provides a 1-year extension of the exceptions process established in the Deficit Reduction Act of 2005 to allow Medicare beneficiaries to apply for additional physical, occupational and speech language therapy services if their treatment is expected to exceed the annual cap on therapy services. I am pleased that this provision was included in the legislation we are considering today.

In 2003, I introduced legislation that was included in the Medicare Modernizations Act of 2003 to change the formula for Medicare reimbursement to physicians, since the previous formula penalized those practicing in rural States like Utah. The bill extends the new formula through 2007, which will continue to raise payments in certain rural areas.

In addition, I fought to extend the availability of the Program of All-Inclusive Care for the Elderly, PACE, program, which is of interest to those providing long-term, acute care for frail elderly in rural areas, including Grand County in Utah. The legislation before the Senate would ensure that funds for the rural PACE grants are available through 2010.

Another important component of this bill is the payment for administration of Medicare Part D vaccines. The legislation specifies that during 2007, the administrative costs for a vaccine covered by Medicare Part D are to be paid under Medicare Part B. However, beginning in 2008, the Medicare Part D coverage will include the administrative costs for vaccines covered under Medicare Part D. Several months ago, I brought this matter to the attention of the Administrator of the Centers for Medicare and Medicaid Services and I am pleased that this issue will be addressed through this bill.

Also, the legislation includes a feasibility study on how to create a national database to collect data on elder abuse. Let me make it clear that I am extremely disappointed that the Elder Justice Act was not approved for the second Congress in a row. This legislation was passed unanimously by the Senate Finance Committee in both the 108th Congress and the 109th Congress. I want to let my colleagues know that I will continue to fight for passage of this legislation during the 110th Congress and it is my hope that my House colleagues will be more willing to work with me next year in passing this bill. We expect more than 78 million baby boomers to retire over the next three decades and, in my opinion, we owe it to our seniors to be more informed about elder abuse. Passing the Elder Justice Act is the first step toward accomplishing that goal.

During my tenure in the Senate, I have repeatedly voted in favor of free trade. Most economists agree that free trade is not only in the United States best interest but in the interest of developing nations throughout the world. One of the most efficient ways that we can lift millions out of poverty is through free trade.

However, since the end of the Second World War, the United States has, on a number of occasions, accepted nonreciprocal trade concessions in order to further important Cold War and post-Cold War foreign policy objectives. Examples include offering Japan and Europe nonreciprocal access to American markets during the 1950s and 1960s in order to strengthen the economies of our allies and prevent the spread of Communism. Other examples of this type of initiative include the Generalized System of Preferences, the African Growth and Opportunity Act and the Andean Trade Preferences Extension Act.

In the past, we have afforded these unilateral trade preferences because of the strength of American exports. But times have changed. Our nation has not enjoyed a trade surplus since 1975 and last year's deficit widened to a record $726 billion, increasing to 5.8 percent of the gross domestic product from 5.3 percent in 2004 and 4.5 percent in 2003.

This is not say that I do not support the renewal of the Generalized System of Preferences, the African Growth and Opportunity Act and the Andean Trade Preferences Extension Acts. I do support their renewal.

However, I share the concerns of the Chairman of the Senate Finance Committee, Senator GRASSLEY, that blanket renewals are not in our Nation's best interest, especially when countries with rapidly expanding economies, such as India and Brazil, can avail themselves of the unilateral preferences granted in the Generalized System of Preferences. I am also very concerned that the Andean Trade Preferences Extension Act will be renewed for nations like Ecuador, whose government has nationalized American-owned corporations without paying just compensation.

Therefore, I look forward to working with Senator GRASSLEY and the incoming chairman of the Senate Finance Committee, Senator BAUCUS, in order to better tailor our preference systems so that we help developing nations lift their populations out of poverty and craft a comprehensive strategy that will return American exports to the surplus column.

Another issue included in this trade portion of this bill is the granting of Permanent Normal Trade Relations, PNTR, for Vietnam. For years, I have been very concerned regarding the religious freedom of the Vietnamese people. That was one of the major reason why in 2001, I voted against the Vietnam Bilateral Trade Agreement. However, I have been encouraged by a series of reforms that have occurred that culminated in the agreement on religious freedom between our two countries, in which Hanoi agreed to take steps that were designed to improve conditions for people of faith, particularly in the Central Highlands, which includes the Montagnards. Therefore, I will support PNTR for Vietnam but I pledge eternal vigilance to ensure that the Vietnamese Government lives up to its commitments and ensure the basic rights of its people.

As to the economic benefits of granting PNTR for Vietnam, it is true that Vietnam currently enjoys a $5.3 billion trade deficit over the United States. However, it should be noted that Vietnam has been an important customer of high-value goods, especially aircraft. This includes being a launch customer for what promises to be one of the United States premiere export products of this century the 787 Dreamliner.

The adoption of the Vietnam PNTR will not assist in remedying the trade deficit between our two countries. The reason being, that unlike some free trade agreements that the United States has entered into, the United States does not grant Vietnam unilateral preferential access to United States markets. However, under the agreement Vietnamese tariffs on many U.S. agricultural products will be reduced from 27 percent to 15 percent or less. The agreement also calls for the elimination of 96 percent of the tariffs on scientific equipment. Scientific

equipment is a significant export for my home State of Utah.

Therefore, I will support the Vietnam PNTR as a means for American companies to have greater access to this burgeoning market and as a means of closing the trade deficit with this Nation.

Finally, I support the Haitian Hemispheric Opportunity through Partnership Encouragement Act. This is of course a matter which has been brought to our attention, in part, through the hard work of my friend Senator DEWINE. I understand that with the enactment of this legislation tens of thousands of Haitians will find employment in their country. This is something that we must do. Haiti is the poorest nation in the Western Hemisphere, we must do all that we can to assist this nation, which is only 600 miles from our border, lift the heavy hand of poverty and begin to provide for a better life for its people.

I would like to thank all of those involved in getting this important piece of legislation through both Congressional bodies and saving American taxpayers from an enormous tax increase next year.●

Mr. GRASSLEY. Mr. President, I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. To begin with, I believe the time of the Senator has expired, unless I cannot count.

Mr. GRASSLEY. I should have 2 minutes left. I gave the Senator from Louisiana 4.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. GREGG. Under the unanimous consent agreement, I believe the Senator from Iowa had 15 minutes, then I have 15 minutes. I believe the time has run against the Senator from Iowa; is that correct?

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, parliamentary inquiry: Can the Senator from Iowa reserve time?

The PRESIDING OFFICER. The time of the Senator from Iowa has expired.

Mr. GREGG. Thank you.

This is an embarrassing situation. It is embarrassing to be chairman of the Budget Committee in the Republican Party and have a bill brought to the floor of the Senate which does such a grievous harm to the budget, to the deficit, and to our obligations and responsibilities of fiscal fairness to our citizens.

The budget was set up in a manner that would have allowed all the tax extenders the Senator from Iowa has so aptly and appropriately praised—and which I support—to have been put in place without any budget points of order against them. In fact, it was a result of efforts on my part that we created $106 billion of room within the budget so that we could do tax extenders dealing with things such as the R&D tax credit, dividends, and capital gains because I consider them to be extremely important, as does the vast majority of our conference.

But what has happened here is that wasn't enough. This bill, which could have been done within the terms of the budget, now comes to us well over what were the original proposals, not only in the area of tax laws—and you may be able to defend some of the tax policy—but in the end, it is a spending policy. This is an omnibus spending bill. There is a lot of spending initiative in this bill that is inappropriate and not authorized. That is why we have a Budget Committee to step up and say: Listen, you want to put $4 billion in to move the responsibility for health care on certain coal mines from the coal mining companies to the taxpayers, and it is supposed to go through the authorizing committees and come to the floor; it is not supposed to be stuck in a bill like this.

If you want to set up a phony mechanism to fund what should be done, which is a quick fix, a phony mechanism, if properly scored it would represent about $36 billion of new spending over the next 5 years. But because they set it up as a 1-year item, they were able to get around that. There is a budget point of order against that type of action.

You want to do earmarks—and yes, there were earmarks. Regrettably, the Senator from Iowa misrepresented—if he was referring to me—my representation of what the earmarks were. I don't consider the sales tax to be an earmark. I consider it to be bad policy. I don't even consider it to be a budget issue.

The Finance Committee has every right to stick that in the bill within the terms of the budget as long as they meet the budget requirements. It is a matter of policy. They chose that policy. I disagree with that policy. I think it puts States that don't have a sales tax at a disadvantage and puts low-income Americans at a disadvantage because they cannot deduct it. That is not an earmark. I never said that. To represent that I said that is inaccurate.

What I said was that you shouldn't bring a bill to the floor that is so inappropriately over what the budget set out as the proper role for this committee in the area of tax policy and what the Congress voted for and which has spending in it which hasn't been authorized and which actually creates new mandatory programs which nobody even knows about or spent any time thinking about, which is going to cost us billions of dollars in the outyears. You shouldn't bring that type of bill to the floor to begin with as the Republican Party because it is wrong, outside of fiscal discipline, which is what we are supposed to stand for—at least you shouldn't bring it to the floor in a manner in which, say, you are not going to allow it to be amended, you are not even going to allow motions to strike to lie against it. You are going to cause us to vote on a message from the House? A message from the House—we are going to concur in a message from the House.

We are not going to vote on the underlying substance of the bill. We are not going to be allowed to amend the underlying substance of the bill even though it adds $39 billion to the deficit. We are not going to be allowed to strike earmarks in this bill—and there are earmarks in this bill—such as the $150 million for the District of Columbia, the rum excise revenue sharing proposal for Puerto Rico, the special depreciation for ethanol, the extension of the tariff on ethanol coming into this country from Brazil, and the earmarks go on.

We are not going to be allowed to vote on any of those items. A motion to strike, the most simple right any Senator should have on any major vehicle coming before the Senate is being denied to us.

This is an omnibus bill that violates three sections of the Budget Act which were not put in place for arbitrary or technical reasons. They were put in place to try to deliver fiscal discipline to the Federal budget so that we don't pass on to our kids a lot of debt for expenditures which we want to do today.

That is the basic problem we have as a Congress. We continue to do things around here so that we can claim back home that we made these decisions which spend money today, and then we take that bill and we give it to our kids who are not even born, our grandchildren who are not born. The purpose of the Budget Act is to keep us from doing that.

These are real budget points of order. There are some budget points of order which I totally agree are technical. The Senator from Iowa has pointed out one about which he has a very good case. I will be happy to work with him to try to correct that situation. But these are not those.

There is spending in this bill which is an affront to anybody who genuinely believes that we should be fiscally disciplined. It creates a new mandatory program of $4 billion which will take money, which should have been paid by the coal companies to support the health care of people who are harmed or going to be harmed, and put that cost on to the American taxpayers. It is called coal in the stocking, I think, in the Christmas season.

There is this doctors' fix. I am 100 percent for the doctors' fix. Obviously, we should pay doctors fair compensation to keep them in the Medicare Program, but the understanding was we would but pay for it with real dollars, not some phony mechanism that came out of the House in the dying days of the House session, a phony mechanism which, if carried out to its natural extreme, will cost $36 billion over 5 years. We don't score it that way because they use an extra little mechanism to make sure it doesn't happen, saying it

will only be for 1 year, even though we know we will have the same problem next year.

We should not have a bill on the floor of the Senate that cannot be amended that is filled with earmarks that exceed the budget. One can argue that maybe earmarks may make sense, and they do make sense in some instances, and as long as they are within the budget, because you are not spending more, you are not adding to the deficit. But this bill does spend more, as I have pointed out.

I have said it on occasion that the job of the budget chairman is a touch thankless. In this instance, as I said, it is embarrassing because it is sort of that old Pogo line: We've met the enemy and he is us. The only people responsible for this is the party that is still in the majority. Sure, the other side is an accomplice. They understood it was being done; they were for most of this stuff. As I said, when they obtain power, I suspect their activities are going to be much more egregious in the area of spending discipline. Maybe they won't be. If we look at the record, I suspect one can argue that.

But, quite honestly, the only people who are to blame in this little exercise are us. I just sort of thought that after the last election we might have said to the American people: Yes, we understand. You think we are supposed to be the party of fiscal discipline, and we haven't been. We are going to try to be now. We are going to try to correct that.

We have been given another opportunity, those of us who were not up for election or survived reelection. We are going to try to do it a little better. We are not doing it better. We are just doing the same darn thing: spending money we don't have that our children are going to have to pay for.

I regret it. My job is to point it out. I intend to do that. I recognize I am going to lose this point of order, probably overwhelmingly, but my job is to point it out.

There are three points of order against this bill, and every one of them is real. Every one of them deals with money. Even the Senator from Alaska should probably support them.

One is a 302-point of order that deals with the fact that it is billions of dollars over the allocation of the committee. Another is the fact that it spends more than the committee is allocated. And the third, ironically, is the pay-go point of order that we have heard so much about from the other side.

It is an interesting situation we confront here. As we close this Congress, I hope we will show a little fiscal discipline and vote for these points of order.

Mr. KENNEDY. Mr. President, the outrageous manner in which this tax extender bill is being handled proves the Republican leadership did not hear the clear message that the American people sent on November 7. The Republicans are still concocting special interest deals behind closed doors. They are still pursuing their agenda to further enrich the wealthy few while neglecting the needs of working families. And they are still denying members a meaningful opportunity to debate and amend major legislation.

For months, the Republicans have been holding the extension of important tax provisions that benefit families and businesses hostage to their special interest agenda. Many of these tax extenders are essential to the continued growth of our economy and the well-being of American families. Unfortunately, most of these tax incentives have already expired. Unless they are reinstated before the end of they year, millions of individuals and businesses will face a substantial tax increase when they pay their 2006 taxes. That would be terribly unfair.

What do these tax incentives actually accomplish? The tuition tax credit helps more than 3½ million families each year afford a college education for their children. The work opportunity and welfare-to-work tax credits encourage businesses to create jobs for economically disadvantaged workers. The research and development tax credit enables businesses to develop innovative new products and stay competitive. The new markets tax credit generates investment in underdeveloped areas across the country. If Congress does not renew these tax incentives now, real people who depend on the opportunities these tax benefits provide and the jobs they create will be hurt.

Let me describe the impact some of these tax provisions have had on my own State of Massachusetts.

Over 97,000 Massachusetts families have benefited from the tuition tax deduction. For some of these students, this provision makes the difference between being able to afford a higher education and being denied the opportunity to fulfill their potential. For all of them, it provides valuable financial assistance to cope with the rising cost of tuition and other school expenses.

According to the Associated Industries of Massachusetts, over 1,100 companies in our State—small and large—rely on the R&D tax credit. It helps provide the financial resources for them to become leaders in innovation, to create well-paying new jobs, and to compete more effectively in global markets.

In Massachusetts, investors like Bank of America and Citizens Bank are taking advantage of new markets credits to reinvigorate our communities. The revenue from these tax credits are used to turn vacant buildings into thriving retail developments and even to rehabilitate endangered historic buildings. The Massachusetts Housing Investment corporation has used its tax credits to finance the renovation of the historic Colonial Theatre in Pittsfield that will become a new performing arts center. And in downtown Holyoke, the corporation invested almost $19 million in the conversion of three historic buildings into a new community health center providing primary care services to the uninsured. These tax credits translate into real physical improvements in our communities and improve the lives of our citizens.

For nearly a year the Republican leadership has been holding the extension of these tax provisions hostage to their special interest agenda. First, the tax extenders were removed from budget reconciliation legislation to make room for capital gains and dividend tax breaks. Next, the extenders were tied to the virtual elimination of the inheritance tax on multimillionaires' estates. Republican leaders vowed that the tax extenders would never pass unless the Senate acquiesced in their irresponsible estate tax scheme. Fortunately, that did not work. Even now, after a decisive repudiation of their agenda by the voters in last month's election, the Republicans are still insisting on attaching special interest tax breaks to this ''must pass legislation.'' They are now demanding an expansion of tax subsidies for health savings accounts that only the wealthy can afford to use. These accounts do nothing to help struggling families that cannot afford health insurance. Instead, HSAs are just one more tax avoidance scheme for the wealthy created by this Republican Congress.

Had the leadership allowed a straightforward extension of these tax provisions for working families and businesses to come to the Senate floor, it would have passed with near unanimity months ago. But they would not.

Health savings accounts already have the most preferential treatment in the tax code today. Unlike most other types of accounts, contributions are not taxed, savings grow tax-free, and withdrawals are tax-free if they are used for health costs.

Health savings accounts largely benefit the healthy and wealthy. According to the Government Accountability Office, those using health savings accounts disproportionately have high incomes. The average income of those with HSAs was $133,000, almost three times the income of the average tax filer. GAO also found that those with higher incomes made larger contributions to their accounts. The majority of those with HSAs did not withdraw any funds from them and many opened the accounts because they were a good way to shelter money from taxes.

But apparently the current HSA tax break was not a big enough tax loophole. The Republicans want to let the wealthy shelter even more money under the guise of health savings accounts.

The new provisions demonstrate that the real purpose of these accounts is to give the wealthy yet another vehicle to avoid paying taxes. They allow people to ''overfund'' their accounts—to deduct more from their taxes than they

actually pay in medical expenses. It takes away the provision under current law that limits HSA contributions to the annual amount of medical expenses the insured must pay before his health insurance coverage kicks in. It would actually encourage account holders to shelter more money than they expect to spend on medical expenses.

Deductibles for family health coverage that can be used in conjunction with an HSA today range from $2,100 to $10,500. A family can put funds up to the threshold of their insurance coverage or $5,450, whichever is lower, into their account on a tax-free basis. This bill delinks account funding from the amount of the health insurance deductible, making it easier for wealthy persons to shelter funds beyond what they need for health care. Under the new HSA language inserted in this bill, someone with a $2,100 deductible health plan will be able to put $5,450 in their account and let it grow on a tax-free basis.

The bill also will allow the one-time transfer of some funds from individual retirement accounts into a health savings account without any taxes or penalty owed. This will allow wealthy individuals to shift funds from retirement accounts whose distributions are treated as ordinary income and subject to taxes into a health savings account whose distributions are not taxed. This will offer another new tax break to the wealthy.

Health savings accounts may work well as tax shelters for the wealthy—and they will work even better with these new provisions—but they do not work for low- and moderate-income families. While these families may have a high-deductible health plan because it is all their employer offers or because it is all they can afford, they rarely have the means to fund a health savings account up to even the current limit.

Make no mistake about it, the HSA provisions are meant to help wealthy individuals and the banks and investment vehicles that make money off their accounts. These are the people who will gain from the expansions of HSAs, not the uninsured.

I also want to express some concerns I have about the trade provisions that are included in this package. While trade brings enormous benefits to our economy, we need to ensure that free trade is fair trade. A provision in this bill regarding the Andean countries severely limits the process for the free-trade agreements currently being negotiated and creates pressure to accept the inadequate agreements negotiated by the Bush administration.

Time and again this administration only requires countries to enforce their own labor laws and not live up to international standards. This is a serious problem where laws are weak. Peru has consistently denied workers the right to form unions and to enforce their rights. In Columbia, labor advocates are blacklisted and even murdered for trying to exercise their democratic rights.

Ensuring that all countries meet basic labor standards benefits our economy and American working families—it also strengthens the economies in developing nations. U.S. workers should not be undermined by unfair competition with countries that do not honor worker rights. And the working people of Columbia, Peru, Bolivia, and Ecuador deserve to have an agreement that is thoughtful and gives serious consideration to the significant issues of labor and human rights.

This is no way to conduct a trade policy. The United States can and must do better.

I am also concerned that this bill will expand the District of Columbia voucher program, which is a program that diverts resources for public schools and lacks accountability for student performance. Unlike public schools, which are subject to the No Child Left Behind Act's demanding accountability system, this program has little accountability for improving student performance. It was authorized under very specific guidelines designed to create a 5-year demonstration program for low-income students. A provision expanding eligibility for the program was inserted in this bill by the House at the last minute. This provision detracts from the program's focus on low-income families and should be rejected. At a minimum, it should be proposed in a context open to debate on its merits.

Because of the urgency of extending the important family and business tax benefits I discussed earlier, we must approve this legislation, despite the special interest provisions that the Republican leadership has attached to it. However, there will be a new Democratic Congress taking office next month, and the outrageous provisions added by the Republicans in the dark of night can be repealed in the light of day.

Mr. FEINGOLD. Mr. President, I will oppose this measure. In addition to containing some questionable policy provisions, such as the provisions relating to drilling in the Gulf of Mexico, and granting Vietnam permanent most-favored-nation trading status, the bill before us contains expensive entitlement spending and tax cuts that have not been fully offset. As a result, the legislation will increase the deficit by $40 billion over the next 5 years.

I can count votes as well as the next person, and it is obvious that this measure will pass and pass by a large margin and with bipartisan support. That is disappointing, because while Members of my own party have rightly called for a return to the budget rules requiring that tax cuts and increased entitlement spending be offset, some are nevertheless pushing for the enactment of this measure without any serious effort to require such offsets.

One might wonder why that is. At least two reasons come to mind. First, there are reasons to believe that some in my party are anxious to get this bill through this year because they know full well that the new incoming Democratic majority in the House and Senate would bristle at some of the trade provisions in this proposal. Those who have supported the trade policies of the past several years understand that this may be their last chance to pass questionable trade measures.

If that is the reason, I have little to say other than thank goodness the 110th Congress is just around the corner. I am not sure the country could withstand another week of the kind of trade policy that we have seen promoted by both members of both parties since the early 1990s.

It was during the session following the 1994 elections that a lameduck Congress passed legislation implementing the GATT trade agreement that established the World Trade Organization. The trade model that the GATT and NAFTA established has been devastating to thousands of communities across our country. We can only hope that the action taken by this lameduck Congress will mark the end of a disastrous period of deeply flawed trade policies. And there is some hope because the November elections did result in dozens of new Members in both Houses who reject that ruinous trade model.

Beyond the trade issues, I have heard indirectly that some may want these bills to go through during the 109th Congress so that their cost would be assigned to the current budget rather than to a budget that the new Democratic majority will craft next year. I certainly hope that this scuttlebutt is unfounded because it reflects a cynical view of governing that we should reject. It certainly won't help those future generations of taxpayers who will be stuck with the additional debt that will result from this bill.

The bill also includes a fiscally irresponsible provision that will result in Outer Continental Shelf drilling in the Gulf of Mexico. Just a few months ago, the Senate approved this same misguided policy, which will redirect billions of dollars in Federal revenues to just four States. While I support efforts to provide needed assistance to those affected by Hurricane Katrina, we should not do so by creating a massive and long-term new entitlement for a handful of States.

This measure has also been used to jam through a provision to expand the income eligibility of the District of Columbia school voucher program. I oppose school vouchers because such programs funnel taxpayer money away from the public schools and instead direct Federal dollars to private schools that do not have to adhere to the same Federal, State, and local accountability provisions, civil rights laws, and regulations that apply to public schools.

However, as is the case of nearly any bill of this size, there are some good provisions in it. This bill provides relief for physicians who would have seen

a reduction in payment of 5.1 percent in the absence of legislative action, and it goes a step further to provide payments for physicians who report quality-of-care data. This is a first step toward implementing some kind of pay-for-performance in Medicare, and I think this is something that should be pursued. Quality improvement is certainly something that the State of Wisconsin has been a leader in, and I am happy to see that there are Federal incentives for quality improvement.

I am especially pleased to see that this bill includes a measure that is very important to Wisconsin and other rural States—an extension of a provision enacted in the Medicare Modernization Act, MMA, that will keep physicians in rural States paid at a comparable level to those in other States. Under current Medicare law, Wisconsin physicians are paid less than physicians in other areas of the country, even though the work they do is identical. This provision helps address this inequity so that physicians who practice in States with large rural areas will not be at a disadvantage. I am pleased to see that Congress has taken the right steps to ensure that Medicare dollars are more fairly distributed throughout the State of Wisconsin and our Nation.

These fixes for physician payment will be paid for with the Medicare slush fund that provided ''bonus'' payments to insurance companies. These payments were unnecessary and simply provided a cash flow of taxpayer dollars to an industry already awash in money. I have long advocated for elimination of this fund, and I am glad to see it used in a way that actually benefits the American people rather than big business.

There are other good measures in the health portion of this bill. These include technical corrections to the so-called Deficit Reduction Act, an extension of a provision to help Medicare beneficiaries have better access to physical therapy, and a provision to help protect State Medicaid budgets. These are all important to the health care of people in our country, and are policies that I support.

It is unfortunate that this bill does not include a measure agreed to in the proposed Senate bill that would have preserved children's health care in our country. This measure was budget neutral, a good policy, and the right thing to do, but the other body would not agree to this provision that would have prevented budget shortfalls in State Children's Health Insurance Programs, SCHIP, in 14 States in fiscal year 2007. Wisconsin is one of the States that will see a shortfall next year, and I will work aggressively to see that this shortfall is addressed before it harms children in Wisconsin. It is shameful that Congress will add $40 billion to our deficit for tax breaks, but we cannot agree to a budget-neutral measure to provide health care to children who would otherwise not have it.

Despite some worthy provisions, this bill, on balance, is fiscally irresponsible, and I cannot support it. Perhaps the most telling gauge of this bill's cost is that it even violates the lax budget rules set forth in the last budget resolution adopted by this Congress, the 2005 budget resolution. That is right,this bill violates the loose fiscal rules adopted by Congress 2 years ago.

In some ways, this bill is a fitting end to the 109th Congress. It is a fair summary of the fiscal recklessness in which the White House and this Congress have engaged. I very much hope that when they take their seats in the 110th Congress, the new majority will govern in a more fiscally responsible manner, adopt tough, commonsense budget rules, and put an end to this kind of budget-busting, debt-swelling legislation.

Mr. BUNNING. Mr. President, I regret that I cannot support the tax extender bill before us today.

I have long worked to ensure the passage of several of the provisions contained in this bill. In particular, I strongly support the extension of the tax provisions and the OCS drilling provisions. In fact, I have voted for enactment of both of these pieces of legislation a number of times this year. I am very saddened that these provisions are presented before the Senate today coupled as a part of a larger package that I cannot favor.

I want to make it clear to my constituents and to American families, taxpayers and businesses that I recognize the immense importance of the tax extender provisions and will do all that I can to ensure that they are enacted as soon as possible.

Likewise, I am a cosponsor of Senator DOMENICI's original Senate bill regarding OCS drilling and I look forward to the day these provisions become law. This bill is a first step in providing domestic energy that will bring down prices while decreasing our dependence on Middle Eastern oil. I will continue to work toward expanded access in the Gulf of Mexico and with any other states who would like to pursue offshore drilling.

Despite my strong support for many provisions of this bill, I must oppose it because I have a number of fundamental concerns about it.

First and foremost, I object vehemently to the inclusion of legislation granting permanent normal trade relations status, PNTR, to Vietnam in this bill. The decision of whether to grant PNTR status to Vietnam is a very important decision that will have consequences well into the future and it deserves to be debated on its own merits by both the House and Senate. It is inappropriate for legislation of this magnitude to be attached to other relatively noncontroversial legislation in an attempt to quiet any objections and ensure its enactment.

I have spent a lot of time contemplating whether I should support the granting of PNTR status to Vietnam. I serve on the Senate Finance Committee and I was disturbed by a number of issues that were raised during committee consideration of this issue. I voted ''Present'' when this legislation was approved by the committee because I wanted to have more time to examine these issues more in depth. What I have found has disturbed me and made it impossible for me to support such a measure at this time.

I believe that access to free markets should depend on access to other freedoms such as political freedom and human rights. Despite increased diplomatic ties between the United States and Vietnam over the past 15 years, we must not forget that Vietnam is still a Communist country. A country made up of only one political party that continues to deny its citizens the basic freedoms of speech, press, and religion.

Now some of my colleagues would argue that we should grant permanent normal trade relations, PNTR, to Vietnam because the State Department recently removed them from their list of ''Countries of Concern'' for severe violations of religious freedom. Vietnam has been on this list for the last ten years but was removed this year—just one day before the Asia-Pacific Economic Cooperation—APEC—Leaders Meeting in Vietnam. I believe that they were removed more for diplomatic reasons than anything else. Evidence presented to me by the International Commission on Religious Freedom shows that Vietnam has done very little to warrant such a removal.

Vietnam's record on human rights and religious freedom is abysmal—absolutely abysmal. Hundreds of political and religious prisoners remain behind bars in a country that lacks any sort of a real judicial system. Arrests and detentions of religious leaders continue daily. They are often arrested for no other reason than the practice of their religion or for possession of nongovernment-mandated religious materials such as Bibles.

Forced renunciations of faith also continue on a daily basis. While this is prohibited by Vietnamese law there is no criminal penalty for carrying out this practice—so it continues. In this practice, religious followers are detained, threatened, and beaten in order to force them to recant their faith or stop their religious activities. I ask my colleagues to imagine what it would be like to have your faith literally beaten out of you? I find such a practice perverse.

Aside from beatings and renunciations of faith, churches are often destroyed, property is seized and people are continually placed under house arrest. Religious materials and charitable activities are also severely restricted by the government. They even retain the right to appoint all Catholic bishops and seminarians; a right that is reserved solely for the Vatican. In the past year, Vietnam has done very little to help strengthen its relations with the Vatican and still refuses to

allow them to build a seminary in their country.

Vietnam has acknowledged the fact that these abuses occur. Last year they even went so far as to enter into agreement with the State Department to try to end such abuses, but unfortunately little if any real progress was made especially in the rural areas of the Central and Northwest Highlands. While there was a great deal of talk of reform, there was little action. This is at a time when Vietnam is seeking to more fully participate in the global economy and international community. I find that unacceptable.

I fear that in granting Vietnam permanent normal trade relations, PNTR, we would take away a key incentive for them to implement any type of real reform.

Vietnam is on its best behavior while it is under the international spotlight, but what will happen after this trade deal is signed? I fear that the consequences of this would be too great.

In addition to my opposition to the inclusion of the Vietnam trade provisions in this legislation, this package also includes a health component that primarily deals with the Medicare and Medicaid Programs. I am extremely disappointed that the negotiators on this bill decided to take money from the Medicare stabilization fund to pay for other spending in the bill.

When Congress created the new Medicare drug benefit in 2003, it was very important to me and other Members that all Medicare beneficiaries have access to Medicare managed-care plans. The stabilization fund was created to provide incentives for managed care plans to remain or enter the Medicare Advantage program, thereby ensuring that beneficiaries in rural areas of this country—including many parts of Kentucky—had access to Medicare managed care plans.

Some people argue that the stabilization fund is not necessary. Quite honestly, however, it is too early to tell if this fund is necessary. The Medicare Advantage program has only been up and running for 1 year. At this point, we don't know what will happen to the Medicare Advantage program 5 or 10 years down the road, and we shouldn't be spending the money from the stabilization fund before we do.

This fund was supposed to ensure that all Medicare beneficiaries have equal access to managed care plans, and it is irresponsible for Congress to view this account as a piggy bank to fund other spending.

Finally, I would be remiss if I failed to mention the budgetary impact of this bill. As Chairman GREGG of the Senate Budget Committee has already pointed out, this bill is a budget buster. It will break the budget by at least $17 billion. The bulk of the cost of this bill is not found in the tax extenders—they represent less than a third of the cost. The cost of this bill is in the extraneous items that were added to the bill—many, I suspect, in order to ensure its passage today.

I am sorry to see that some of my colleagues are more interested in quickly going home rather than working to draft legislation that falls within our budget and is more than the Christmas tree we have here. I urge my colleagues to oppose this legislation and to continue to work to find another solution on how to pass some of the good provisions in this package.

Mr. GREGG. I yield the floor, and I yield back the remainder of my time.

The PRESIDING OFFICER. Time has expired. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Virginia (Mr. WARNER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 21, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—67

Akaka	Frist	Obama
Allard	Grassley	Pryor
Allen	Harkin	Reed
Baucus	Hutchison	Reid
Bayh	Inouye	Roberts
Bennett	Johnson	Rockefeller
Bond	Kennedy	Salazar
Boxer	Kerry	Santorum
Byrd	Kohl	Sarbanes
Cantwell	Kyl	Schumer
Carper	Landrieu	Sessions
Clinton	Leahy	Shelby
Cochran	Levin	Smith
Coleman	Lincoln	Snowe
Collins	Lott	Stabenow
Cornyn	Lugar	Stevens
Craig	Martinez	Talent
Dayton	McConnell	Thomas
DeWine	Menendez	Thune
Domenici	Mikulski	Vitter
Durbin	Murray	Wyden
Enzi	Nelson (FL)	
Feinstein	Nelson (NE)	

NAYS—21

Alexander	Coburn	Feingold
Bingaman	Conrad	Graham
Bunning	Crapo	Gregg
Burns	DeMint	Inhofe
Burr	Dole	Isakson
Chafee	Dorgan	Sununu
Chambliss	Ensign	Voinovich

NOT VOTING—12

Biden	Hatch	McCain
Brownback	Jeffords	Murkowski
Dodd	Lautenberg	Specter
Hagel	Lieberman	Warner

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 21.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to H.R. 6111: to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

Bill Frist, Johnny Isakson, Richard Burr, Jon Kyl, R.F. Bennett, Christopher Bond, John Cornyn, Rick Santorum, Mike Crapo, Jim Talent, Pat Roberts, Chuck Grassley, Pete Domenici, Jim DeMint, John Thune, Kay Bailey Hutchison, George Allen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 6111, an act to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Virginia (Mr. WARNER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 78, nays 10, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—78

Akaka	Domenici	Mikulski
Alexander	Durbin	Murray
Allard	Ensign	Nelson (FL)
Allen	Enzi	Nelson (NE)
Baucus	Feinstein	Obama
Bayh	Frist	Pryor
Bennett	Grassley	Reed
Bond	Harkin	Reid
Boxer	Hutchison	Roberts
Burr	Inhofe	Rockefeller
Byrd	Inouye	Salazar
Cantwell	Isakson	Santorum
Carper	Johnson	Sarbanes
Chafee	Kennedy	Schumer
Chambliss	Kerry	Sessions
Clinton	Kohl	Shelby
Cochran	Kyl	Smith
Coleman	Landrieu	Snowe
Collins	Leahy	Stabenow
Cornyn	Levin	Stevens
Craig	Lincoln	Talent
Crapo	Lott	Thomas
Dayton	Lugar	Thune
DeMint	Martinez	Vitter
DeWine	McConnell	Voinovich
Dole	Menendez	Wyden

NAYS—10

Bingaman	Conrad	Gregg
Bunning	Dorgan	Sununu
Burns	Feingold	
Coburn	Graham	

NOT VOTING—12

Biden	Hatch	McCain
Brownback	Jeffords	Murkowski
Dodd	Lautenberg	Specter
Hagel	Lieberman	Warner

The PRESIDING OFFICER. On this vote, the yeas are 78, the nays 10. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to concur with an amendment is withdrawn. The question is on the motion to concur with the amendment of the House.

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Virginia (Mr. WARNER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 79, nays 9, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—79

Akaka	Domenici	Mikulski
Alexander	Dorgan	Murray
Allard	Durbin	Nelson (FL)
Allen	Ensign	Nelson (NE)
Baucus	Enzi	Obama
Bayh	Feinstein	Pryor
Bennett	Frist	Reed
Bingaman	Grassley	Reid
Bond	Harkin	Roberts
Boxer	Hutchison	Rockefeller
Byrd	Inhofe	Salazar
Cantwell	Inouye	Santorum
Carper	Isakson	Sarbanes
Chafee	Johnson	Schumer
Chambliss	Kennedy	Sessions
Clinton	Kerry	Shelby
Cochran	Kohl	Smith
Coleman	Kyl	Snowe
Collins	Landrieu	Stabenow
Conrad	Leahy	Stevens
Cornyn	Levin	Talent
Craig	Lincoln	Thomas
Crapo	Lott	Thune
Dayton	Lugar	Vitter
DeMint	Martinez	Wyden
DeWine	McConnell	
Dole	Menendez	

NAYS—9

Bunning	Coburn	Gregg
Burns	Feingold	Sununu
Burr	Graham	Voinovich

NOT VOTING—12

Biden	Hatch	McCain
Brownback	Jeffords	Murkowski
Dodd	Lautenberg	Specter
Hagel	Lieberman	Warner

The PRESIDING OFFICER. Without objection, the Senate concurs in the House amendment to the title.

Mr. FRIST. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

TRIBUTE TO RAMONA LESSEN

Mr. FRIST. Mr. President, I say hello to her as I come to the office every morning. And I say goodbye to her after I have closed the Senate each evening. The ''her'' is Ramona Lessen, my gatekeeper, my jailer, a distinguished member of my staff.

Twelve years ago, I was a newly elected Senator, a brandnew Senator who got lost trying to find his way to this place called the Russell Building. My chief of staff was just as green, just as new as me. We were all learning the ropes of the Senate together. But one member of our staff at least was not new. She took us under her experienced wing, and we took off on what has been a magical flight.

That person is Ramona Lessen, my executive assistant, who became very quickly the geographic and operational commander and controller of the Frist office.

Little did I realize when I first brought Ramona onboard that she would sit right outside—right outside—my office door, for not the next year or 2 years or 3 years or 4 years, but for 5, 6, 7, 8, 9, 10, 11, 12 years. As many of my colleagues know, I am a pilot, and I have flown a long time. I love to fly. And nothing is more comforting when you are flying an airplane close to a thunderstorm, and you are there alone, but you are talking to an air traffic control tower, and the voice on the other end is somebody who is reassuring, somebody who is calm, somebody who gets the big picture, who knows what is at stake and ultimately can vector you right around that thunderstorm.

And that is Ramona. Ramona, who is the expert in terms of scheduling, in terms of that coordination, who keeps the flights landing safely and keeps those flights landing on time. She prioritizes literally hundreds of meeting requests with flexibility and efficiency. And when someone puts a last-minute kink in the schedule, which as we all know occurs all too often, she works hard to correct it. She handles it with perfect aplomb.

When other staff members are out traveling with me or at committee meetings or monitoring the floor, Ramona is back in that office holding down the fort. She is always working behind the scenes to make our lives run as smoothly as possible. It gets hectic. Everybody here knows that. Everybody wants something all the time. And I know there are many days when she is—and these are her words—''hanging on by her fingernails.'' But despite the intense pressures of her job, the stress of juggling that busy schedule and responding to untold invitations and meeting requests, not to mention working for a demanding—not so demanding, but a demanding—boss, Ramona not only maintains her cool, but she keeps the office upbeat and literally fun.

Her talents take many forms. She is a professional pianist, professional at least in my eyes. You will find her playing at our Christmas parties, at the Bible study groups we have here, at her church, and even in the studios in Music City USA, Nashville, TN.

She is a formidable athlete. She runs a little slow but a formidable athlete. She led the Frist staff softball team to winning seasons—championship seasons really; but we will say winning seasons—for 4 consecutive years, pitching with a changeup that baffled even the most experienced batters.

She does have an infectious laugh, that endearing cackle that we all know and have come to love. She treats the staff to doughnuts on many a Friday. She keeps me posted on the whereabouts of former staff members, Members who worked with us 12 years ago and 10 years ago and 8 years ago. And if you go into her office back in the majority leader's office, she has a baby board with candid photos of our staff and their children.

She frequently carpools in with her beloved husband Joe, who is always at her side, who has also spent many a late night out front waiting for her, as we finished business. And most people know we finish fairly late.

She gave us daily updates when her son Robert was proudly serving in Iraq, representing freedom, and their son

Jonathan was proudly serving in Afghanistan—a family proudly serving this country.

Ramona is the glue of the Senate Frist staff family, and she is an extension of my own family. When we first moved to Washington, she reached out, she helped Karyn and me and our three boys, Bryan, Jonathan, and Harrison settle into a new city, a new city we had spent no time in at all. She has watched my three sons grow from three young boys to three young men.

Ramona, you have kept my life organized for 12 years. You have faithfully served your country in the Senate for 27 years—27½ years. And you have done a tremendous, tremendous job.

Thank you, Ramona, for sticking with us all these years. Thank you, and we love you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

THANKING STAFF WHO WORKED ON THE GULF OF MEXICO SECURITY LEGISLATION

Ms. LANDRIEU. Mr. President, I wanted to just take a minute. I spoke before the vote and thanked many of my colleagues for their extraordinary work on passing the Gulf of Mexico security bill, which Senator DOMENICI led and so many of us helped. But I did not have an opportunity at that time to thank so many staff people who put their heart and mind and spirit into this action, which is really a historic accomplishment for the State of Louisiana and the gulf coast.

This effort goes back 9 years, and there are many staff people who contributed. I want to read into the RECORD and mention some of the Energy staffers who worked with me over the years, and legislative directors and chiefs of staff who have helped make this possible: Dionne Thompson, Ben Cannon, Jason Schendle, Tom Michels, Elizabeth Craddock, Kathleen Strottman, Jason Matthews, Janet Woodka, Adam Sharp, Rich Masters, Norma Jane Sabiston, and my current chief of staff, Ron Faucheux.

There were many other staffers on the committees, from both sides of the aisle, who helped to make this bill possible. But in the Landrieu office, none of this would have gotten done without the people who just worked tireless hours, year after year, through victory and defeat, through disappointments and setbacks, to keep their eye on the ball to make this historic bill that is going to do so much to help the southern part of our State, the entire State, and the whole southern part of the United States, to gain its footing, to rebuild, to restore these wetlands, and protect some great infrastructure for America.

So I want to thank my colleagues, particularly Senator FRIST and Senator REID, for their work in guiding us to victory tonight. Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT

Ms. COLLINS. Mr. President, shortly, the Senate will consider H.R. 6407, the Postal Accountability and Enhancement Act. As the Presiding Officer is very well aware, since he has been a key player in molding this important legislation, this postal reform legislation has been a long time coming. And it is great news for the U.S. economy.

This legislation represents the culmination of a process that began back in 2002 when a group of constituents came to me, sat down with me in Maine, and taught me the importance of the Postal Service to the viability of their businesses and to the employees they had.

This coalition of groups included a Maine catalog company, a paper manufacturer, a printer, a local financial services company, and a publisher. They all came together and it was from them that I learned just how vital the Postal Service is to our economy.

So shortly after that meeting in the summer of 2002, I introduced a bill to establish a Presidential commission charged with examining the problems of the Postal Service and charged with developing specific recommendations and legislative proposals that the Congress and the Postal Service could implement.

The President appointed the members of the commission. They worked very hard. They came up with an excellent report which provided, in many ways, the basis for the landmark legislation that I believe we will finally clear tonight.

During the next 4 years, the Homeland Security and Governmental Affairs Committee, which I had been privileged to chair, worked very hard to craft the most sweeping changes in the U.S. Postal Service in more than 30 years.

Senate passage of this legislation will help the 225-year-old Postal Service meet the challenges of the 21st century.

As a Senator representing a large rural State, I want to ensure that my constituents, whether they live in the northern woods or on our islands or in our many small rural communities, have the same access to Postal Services as the people of our cities. If the Postal Service were no longer to provide universal service and deliver mail to every customer, the affordable communications link upon which many Americans rely would be jeopardized. Most commercial enterprises would find it uneconomical, if not impossible, to deliver mail and packages to rural Americans at the affordable rates charged by the Postal Service.

But for several years now, the Postal Service has clung to the edge of an abyss. Under the business model in which it has been forced to operate, the Postal Service has been at great financial risk. In fact, the Government Accountability Office aptly describes it as a potential death spiral in which escalating rates lead to lower volume, which in turn leads to even higher rates, which in turn causes the Postal Service to lose more business.

The Postal Service faces the challenge of the electronic age. It also has been saddled with more than $90 billion in unfunded liabilities and obligations, which has included debt to the Treasury, nearly $7 billion to workers' comp claims, $5 billion for retirement costs, and as much as $45 billion to cover retiree health care costs. The Comptroller General of the United States, David Walker, has cited these figures to point to the urgent need for ''fundamental reforms to minimize the risk of a significant taxpayer bailout for a dramatic postal rate increase.'' And it is telling, indeed, that the Postal Service has been on GAO's high-risk list since April of 2001.

With this landmark reform legislation, we will put the Postal Service on a firm financial footing. We endorse the principle of universal service, of affordable, predictable postal rates. This legislation will modernize the Postal Service's rate-setting process and provide much-needed rate predictability for postal customers. Without this reform, postal ratepayers would have faced billions of dollars in higher—much higher—rates over the next several years.

The 750,000 career employees of the Postal Service often labor without anyone really knowing who they are, but their efforts play an absolutely essential role in the American economy. The Postal Service is the linchpin of a $900 billion mailing industry that employs 9 million people in fields as diverse as direct mailing, printing, catalog companies, paper manufacturing, publishing, and financial services. The health of the Postal Service, therefore, is essential to the vitality of thousands of companies and the millions of employees they serve.

This bill represents years of hard work. As chairman of the committee with jurisdiction, I held a series of eight hearings, including a joint hearing with our House colleagues, during which we reviewed the recommendations of the President's commission and we heard from a wide range of experts and stakeholders, including representatives of the postal employees unions, the Postal Service itself, administration officials, mailers, the postmasters, postal supervisors, publishers—a wide variety of groups. In fact, there is a broad coalition supporting this bill, including many nonprofit mailers, which rely on affordable postal rates.

There are many people who have worked very hard to craft the very delicate compromise that is before us tonight. I particularly thank Senators CARPER, COLEMAN, and LIEBERMAN for

their assistance but also our House colleagues. I will have more to say about them later.

The compromise legislation before the Senate replaces the current lengthy and litigious rate-setting process with a rate cap-based structure for products such as first class mail, periodicals, and library mail. For 10 years, the price changes for market-dominant products like these will be subject to a 45-day prior review period by the Postal Regulatory Commission. The Postal Service will have much more flexibility, but the rates will be capped at the CPI. That is an important element of providing 10 years of predictable, affordable rates, which will help every customer of the Postal Service plan.

After 10 years, the Postal Regulatory Commission will review the rate cap and, if necessary, and following a notice and comment period, the Commission will be authorized to modify or adopt an alternative system.

While this bill provides for a decade of rate stability, I continue to believe that the preferable approach was the permanent flexible rate cap that was included in the Senate-passed version of this legislation. But, on balance, this bill is simply too important, and that is why we have reached this compromise to allow it to pass. We at least will see a decade of rate stability, and I believe the Postal Rate Commission, at the end of that decade, may well decide that it is best to continue with a CPI rate cap in place. It is also, obviously, possible for Congress to act to reimpose the rate cap after it expires. But this legislation is simply too vital to our economy to pass on a decade of stability. The consequences of no legislation would be disastrous for the Postal Service, its employees, and its customers.

Among other highlights of the compromise, the bill will reform the Postal Service workers' compensation system to require a 3-day waiting period. This is consistent with every State workers' compensation program. The bill introduces new safeguards against unfair competition by the Postal Service in competitive markets, prohibits subsidization of competitive products by market-dominant products, and requires an allocation of institutional costs to competitive products.

I note that we looked at competitive issues with UPS and FedEx, and I think we have come up with the right balance here. The bill transforms the existing Postal Rate Commission into the Postal Regulatory Commission with enhanced authority to ensure that there is greater oversight of the Postal Service as its management assumes greater responsibility.

The bill reaffirms postal employees' rights to collectively bargain. It changes the bargaining process only in small ways and only in ways that have been agreed to by both the Postal Service and the four major unions.

Another significant provision amends the current law to essentially free up $78 billion over 6 years. This is a complicated issue. It has to do with the responsibility for paying for the military retirement credits of postal employees and also money that was put into an escrow account to compensate for an overpayment into the civil service retirement system. These savings will be used to pay off debt to the U.S. Treasury, to fund health care liabilities, and to mitigate future rate increases.

This compromise is not perfect and, indeed, earlier tonight, there were issues raised by the appropriators—legitimate issues—that threatened at one point to derail the bill again. It has been a delicate compromise to satisfy all of the competing concerns. Everyone has had to compromise, but I think we have come up with a good bill. This compromise will help ensure a strong financial future for the U.S. Postal Service and the many sectors of our economy that rely on its services, and it reaffirms our commitment to the principle of universal service that I believe is absolutely vital to this institution.

Finally, there are so many people both within Congress, within the administration, and among the stakeholders who have worked very hard to bring this legislation to a successful conclusion. I cannot name them all, but I want to name some of them.

Senator CARPER and his staffer, John Kilvington, have been here every step of the way. Senator CARPER was the original cosponsor of the bill and has worked very hard to bring the compromise about.

Senators LIEBERMAN, COLEMAN, AKAKA, and VOINOVICH also have played very important roles.

Our leaders, Senator FRIST and Senator REID, have been vitally interested and have helped us get this job done.

In the House, Chairman TOM DAVIS and the ranking Democrat HENRY WAXMAN of the Government Reform Committee, also worked hard to produce a bill and to work with us to bring about the compromise.

A true hero of this effort, a person who worked on postal issues for a decade, is Congressman JOHN MCHUGH.

The administration has played an absolutely critical role in bringing us to where we are today. The administration often doesn't get credit for that, and they deserve credit. They have worked with us to come up with solutions on the financial issues in this bill, and without the strong support of the administration, we would not be here tonight.

I want to particularly salute OMB Director Rob Portman; Michael Bopp, my former staff director, who is now working at OMB and brought his expertise to bear on this issue; Jess Sharp and Candi Wolff of the White House staff; and of course the staff of the Postal Service itself, which was always there with expertise, particularly Kim Weaver.

But most of all, I thank Ann Fisher of my staff, who has worked for years on this bill. This has been an issue which has meant a great deal to her, and she has been working on postal issues for a long time. She is a recognized expert, and without her expertise, we would not be here tonight.

I finally also want to thank the committee's new staff director, Brandon Milhorn, for bringing his judgment to bear on this issue.

There are so many people who have worked so hard, but the collective effort of everyone has produced a bill of which we can be proud.

It is not a perfect bill, but I am convinced it will put the U.S. Postal Service on a sound financial footing for years to come.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I concur with many of the remarks the Senator from Maine has made. She has listed a host of people who played critical roles in the adoption of the legislation, hammering out a difficult compromise over the last 4 years. I salute her for her leadership and thank her for her leadership.

I especially say thank you to Ann Fisher, who has served for Senator COLLINS and really for us, for the great work she has done in the course of this effort.

I have been blessed with my own staff and a young man named John Kilvington from New Castle, DE, who came here with me 6 years ago and became an expert of his own with respect to postal reform, and has worked long and hard, even into this night, to bridge our differences and to get us over one last hurdle.

There is a reason why we only do postal reform once every 36 years, and the reason is that it is tough to do. There are so many competing interests—mailers large and small in areas rural and urban, the labor unions involved trying to do their best to represent hundreds of thousands of postal employees; there are competitors, UPS and FedEx, that didn't exist a number of years ago.

In fact, if you go back in time to 1970 when the current business model for the Postal Service was created by then junior Senator TED STEVENS, who today is our President pro tempore and one of the most senior Senators in the Senate, he provided the leadership in 1970 to create the U.S. Postal Service.

At the time and for many years thereafter, it was the right business model for providing postal service to the people of this country. But a lot has changed since 1970. In 1970, I was a lieutenant JG on the other side of the world in Southeast Asia the year the Postal Service, as we know it, was born.

One of the things different—I think of the current war that many of our soldiers, sailors, airmen, and marines are waging—in the Vietnam war, we didn't have any e-mails. We had mail call. It was one of the highlights of our day every day. We had no cell phones

with which to communicate with our loved ones. We had no bank by phone. We had no electronic banking. Direct deposits were new. There was no such thing as a FedEx or UPS to provide the kind of competition the Postal Service faces today, and no threat of anthrax in the mail.

The world has changed dramatically, and also the way that we exchange information, the way we communicate with one another has changed dramatically, too. The Postal Service needs to change as well. With the adoption of this legislation, it will.

I extend my heartfelt thanks to our colleagues in the House of Representatives with whom we have served and worked on this challenge, particularly Congressman MCHUGH who led the fight for a decade or more, Congressman DAVIS who chairs the relevant committee in the House, and also Congressman HENRY WAXMAN, with whom I served years ago in the House, entered the fray and helped, along with Congressman DAVIS and others, to get us to the finish line.

I don't want to belabor what this bill does or does not do, but it acknowledges this is not 1970 anymore; this is 2006. We will still have universal delivery for the mail. We will still receive that mail 6 days a week. The Postal Service will still be expected, when somebody builds a new house or starts a new business, to deliver mail to those places.

I am told during the course of the year at least a million new customers come online for the Postal Service, and the Postal Service will be there through rain, sleet, and snow to deliver the mail to all those customers.

The Postal Service under the legislation we have is going to act more like a business. They will have an opportunity to price their products more competitively and overall can put together a whole slew of postal products. Overall, the price of those products cannot go up in a given year by more than the rate of inflation, but individual products can. Product A can go up more than product B and product C more than product D. Over the next 10 years, the overall increase in the cost of postal products can rise above the cost of living. That will provide a measure of stability to the huge industry that relies on the post office and a good postal service.

For those who compete with the Postal Service—and there are very strong and good competitors; UPS and FedEx are among those—they will have the opportunity to continue to compete, but I think they will be on a playing field that is a bit more level where the first-class mail the Postal Service will continue to enjoy a monopoly on will not be able to underwrite the cost of their competitive products with companies such as UPS and FedEx.

One of the things I am happiest about—and I give Senator COLLINS the credit on this for convincing the administration to agree on two points: One, folks who served in the military to come to work in the Postal Service and eventually earn a postal pension. The mailers, people who buy stamps, mailers large and small shouldn't have to pay for the military service that later accrues to those same individuals when they retire from the Postal Service. It is not fair to the mailers. It is not fair to the public. Those costs should be borne by the Treasury, and under this bill they will be.

And secondly, for many years folks thought the Postal Service was underpaying its pension costs for its employees. A couple years ago the Office of Personnel Management did a study and found that rather than underpaying pension obligations, they are overpaying, and if they continue at the rate they are going, they will be making a big overpayment in the years to come.

This legislation corrects that situation. It says that in the future, the Postal Service, 10 years out, will have access to a fair amount of money that would have gone into overpayments. In the meantime, a lot of money is going to be used to pay down the unamortized cost of health care. Tens of billions of costs will be paid off, and that will put the Postal Service in stronger financial shape going forward.

Lastly, I want to mention the administration. I know Senator COLLINS has as well. In the negotiations that lasted for years on this legislation, the administration, particularly in the last weeks, especially played a constructive role. I single out among those Michael Bopp, who previously served on the staff for Senator COLLINS, and his help was critical, as was that of Rob Portman and a number of others in the administration.

Our people said this is perfect legislation. I am not aware of any perfect legislation I have been associated with. This was a hard one to put together. My dad used to say that the hardest things to do are the things that are worth doing. If that is any indication, this is something worth doing. I am grateful to all who played a part.

The hour is late, about 2:20 in the morning. I am ready to call it a day, and I know we will have other business to do.

Again I thank my colleagues, those within the mailing public, the Postal Service, Jack Porter, our Postmaster General, and all who worked to get us to this point in time, and particularly to PATTY MURRAY who worked with us tonight to get past a real tough spot.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FRIST. Mr. President, while the chairman of the Governmental Affairs Committee is on the floor, I want to say congratulations, through the Chair, to her for a tremendous success on the Postal Accountability and Enforcement Act which will be passed shortly. It was a tremendous accomplishment and one she and I have been in touch with a lot by e-mails in the middle of the night, as it came to my mind how important this particular bill is. I will say a few remarks about that.

I did want to congratulate her for a tremendous success on a bill people said was impossible to pass, and 6 months ago people said it was impossible to pass, and a month ago people said it was going to be a challenge, and even 3 days ago saying it was a challenge. But in a bipartisan way coming together, bicameral—the House and Senate—it is a tremendous accomplishment.

For more than 225 years, America's postal system has kept Americans connected. We depend on the Postal Service to keep in touch with family and friends, to send birthday greetings, ship care packages—and a little taste of home—to our students, pay the bills, and even to learn we might win a million dollars if we act right now.

The U.S. Postal Service operates on a single, deep-rooted principle: Every person in the United States—no matter who, no matter where—has the right to equal access to secure, efficient, and affordable mail service.

Today, that translates into serving 7.5 million customers daily in over 37,000 post offices, providing stamps at more than 27,800 vending machines, nearly 25,500 commercial retail outlets, nearly 15,300 banking and credit union ATMs, and 2,500 automated postal centers, and delivering 212 billion pieces of mail annually to over 144 million homes, businesses, and post office boxes in virtually every city and town in the country.

But the Postal Service we know today is vastly different than our ancestors knew 225 years ago or even 75 years ago or 50 years ago. Before there were ZIP codes and mail carriers with home delivery routes—before Priority Mail and Express Mail, before air mail—the Postal Service was an informal network that kept settlers and colonists in touch with each other and their homelands.

The U.S. Postal Service's history is a story of transformation from the steamboats and the pony express in the 19th century, to delivery confirmation and online package tracking of the 21st century.

But in order for the Postal Service to take the next step, in order for the Postal Service to continue delivering on the promise of its fundamental operating principle, Congress must act, and tonight we will do just that.

The Postal Accountability and Enhancement Act enables the Postal Service to maintain its competitive edge. It streamlines the rate-setting process for market-dominant products,

such as first-class mail, periodicals, and library mail.

It removes the redtape and increases the efficiency of the rate-setting process by granting new authorities to the Postal Regulatory Commission and the Postal Service Board of Governors.

It introduces new safeguards against unfair competition by the Postal Service in competitive markets. It transforms the Postal Rate Commission into the Postal Regulatory Commission and grants the new body enhanced authorities to ensure appropriate oversight of postal management.

It ensures increased financial transparency by requiring the Postal Service to file certain financial disclosure forms in detailed annual reports.

It reaffirms USPS employees' right to collectively bargain by instituting changes already agreed upon by the Postal Service and the four major unions.

It brings continuation of payrolls into lines already established by every State's workers compensation program, and it increases the fairness of USPS employees' pension benefits.

This bill is comprehensive in the scope and depth of the reforms it institutes. But these changes are necessary and essential to helping the U.S. Postal Service continue its more than 225 years of reliable and efficient mail service. I once again congratulate Chairman SUSAN COLLINS, and I do thank my colleagues for joining me in supporting this very important measure.

GULF OF MEXICO ENERGY SECURITY ACT OF 2006

Mr. FRIST. Mr. President, on another issue, one of the most significant components of the legislation we passed about 30 minutes ago is the Gulf of Mexico Energy Security Act of 2006. This measure will open more than 8 million acres in the Gulf of Mexico to domestic energy production. In doing so, it will help to make America more energy independent. It will lower oil and natural gas prices for American consumers, and it will help to preserve jobs right here in America—jobs that have been migrating overseas due to high natural gas prices. According to the National Association of Manufacturers, since the year 2006, more than 3 million highways and manufacturing jobs have been lost due to high energy prices.

The area opened up under this bill is estimated to contain a remarkable 1.26 billion barrels of oil and over 5.8 trillion cubic feet of natural gas. That is roughly the same amount of oil as the proven reserves of Wyoming and Oklahoma combined and more than six times our current imports of liquefied natural gas each year.

These estimates could be the tip of the iceberg. This fall, the Chevron discovery in a nearby area found an estimated 3 to 15 billion barrels of oil, the largest discovery in a generation. This find alone could boost U.S. domestic oil reserves by 50 percent.

Efforts have been underway to try to open this area in the Gulf of Mexico for more than a decade. In November 1996, the Clinton administration Interior Secretary Bruce Babbitt proposed opening the so-called Lease Area 181 to oil and gas production. Yet, for various reasons, the area has not been leased and America has not been benefiting from the energy resources we know it contains—until now.

In a post-9/11 world, energy security is a matter of national security. We must take steps, real steps, meaningful steps to reduce our dependence on foreign sources of energy, particularly from countries hostile to the United States. Now, more than ever, America needs America's energy. That is what this provision does: It brings more American energy to American consumers.

This has been a bipartisan effort all along the way. The Senate passed the Gulf of Mexico Energy Security Act on August 1 by a vote of 71 to 25. Chairman DOMENICI led the way on the issue in partnership with Senator LANDRIEU, Senator VITTER, and the entire gulf coast delegation. I do want to salute their efforts and also to thank the assistant majority leader, Senator MCCONNELL, for spearheading this issue on behalf of leadership.

I also thank the tremendous staff, bipartisan staff who helped shepherd this issue through both the House and the Senate. In particular, I thank on my own staff Libby Jarvis, who represented leadership at the table throughout these negotiations.

I truly believe this is one of the most significant accomplishments of the 109th Congress which will have a lasting impact on American consumers and on our economy. I am very pleased we were able to get it over the finish line as part of this important package.

Ms. LANDRIEU. Mr. President, as a member of the Senate Committee on Energy and Natural Resources, and as an original cosponsor and a principle architect of S. 3711, the Gulf of Mexico Energy Security Act, I wanted to rise today to offer my perspective on the bill. This bill is now part of a broader package that was considered today in the House H.R. 6111. The package passed by a vote of 367–45. I sincerely hope and believe that the Senate will pass this historic legislation later tonight or sometime this weekend and that if it is tonight or tomorrow, it will be a historic occasion.

The legislation will open 8.3 million acres of the U.S. Outer Continental Shelf in the central Gulf of Mexico to leasing for oil and natural gas exploration and production. This area is located more than 125 miles from the closest point in Florida on the Florida Panhandle and more than 300 miles from the southern gulf coast of Florida. The area is closest to Louisiana, Alabama, and Mississippi and most of the exploration and production activities are likely to be staged from ports along the gulf coast, and from the ports in my state located in southeast Louisiana.

The U.S. Department of the Interior estimates that the area contains at least 1.3 billion barrels of oil and 5.8 trillion cubic feet of natural gas. To put this in perspective, that is enough natural gas to heat and cool nearly 6 million homes for 15 years.

In addition to opening up 8.3 million acres in the Gulf of Mexico to new oil and natural gas leasing, this legislation will prohibit leasing within 125 miles of the State of Florida in the new eastern Gulf of Mexico planning area until June 30, 2022. Additionally, it prohibits leasing within 100 miles of the State of Florida in the new central Gulf of Mexico planning area, and east of the western boundary of the 181 area until June 30, 2022. Similarly, under the provisions of S. 3711, no oil and natural gas leasing, preleasing and other activities east of the military mission line may occur until June 30, 2022. This was done to accommodate the military training missions that occur from military installations located in Florida. After 2022, the Department of Defense may veto leasing plans if such would interfere with these exercises.

Under the Gulf of Mexico Energy Security Act, 50 percent of the receipts resulting from the collection of bonuses, rents, and royalties from leases in the new areas will be deposited in the general fund of the U.S. Treasury. The other 50 percent will be spent, without further appropriation action, for payments to States and to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965—16 U.S.C. 4601–8. Of this amount, 25 percent will provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965—16 U.S.C. 4601–8—the ''state-side'' of the Land and Water Conservation Fund. The other 75 percent of this amount will be disbursed by the Secretary of the Interior, without the need for appropriation, to the four Gulf producing states of Texas, Louisiana, Alabama, and Mississippi. These amounts are not subject to appropriation or further authorization.

It is the intent of this legislation that the State of Louisiana and all of the recipient States shall have the immediate capacity to bond anticipated future revenues they expect to receive from that portion of the Outer Continental Shelf Federal revenues to which they will be entitled to under this act and to allow the States, if they so decide, to get immediately underway hurricane and coastal protection projects within the scope of this act pursuant to such financing. There is nothing in this act that is intended to prohibit or impede the right of the four recipient States to bond anticipated future revenues they shall receive from this act.

The receipts that derive from the leasing in areas newly opened by the

Gulf of Mexico Energy Security Act will be allocated among the four gulf producing States of Texas, Louisiana, Alabama, and Mississippi to each state in amounts based on a formula established by the Secretary by regulation—that are inversely proportional to the respective distances between the point on the coastline of each gulf producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract. Thus, for each lease, the Department of the Interior will determine the distance from the center of that lease to the nearest point on the coast of each of the four producing states and allocate the qualified revenues derived from that lease according their respective distances with the farthest getting the least and the closest getting the most, but with none receiving less than 10 percent.

A detailed example will help to illustrate how this will work in practice. Imagine that OCS lease A that is producing $10,000 in qualified—shared—revenues each year. The distance from lease A to the nearest points in the four gulf producing States is: 260 miles to Texas, 80 miles to Louisiana, 100 miles to Mississippi, and 90 miles to Alabama. The sum of these distances is 530 miles. The inverse proportion of the distance from the lease to each State's shore is: for Texas 530/260, for Louisiana 530/80, for Mississippi 530/90. Therefore, the States revenues from that lease would be allocated as follows: 10 percent or $1,000 for Texas, 33 percent or $3,300 for Louisiana, 27 percent or $2,700 for Mississippi, and 30 percent or $3,000 for Alabama. In this example Texas is precisely far enough away to receive 10 percent of the total under the formula. However, if Texas were somewhat farther away, it would still receive 10 percent of the total because of the provision in S. 3711 that guarantees a minimum share to each gulf producing State.

This process is repeated for every new lease located in the areas opened for leasing by this legislation. The totals for each state are added up. 20 percent of each state's allocable share and is disbursed directly to coastal counties, parishes or political subdivisions in the manner outlined under section 384 of the Energy Policy Act of 2006, Public Law 109–58.

Under the legislation, the Gulf energy producing States of Texas, Louisiana, Alabama, and Mississippi will 37.5 percent of the receipts that derive from new leasing in areas of the Gulf of Mexico where oil and gas production occurred prior to enactment. Those receipts will be allocated among the states based on the amount of leasing and oil and natural gas production that has taken place over historically off each State's coast. The more leasing and production of oil and gas that has occurred off your coast, the greater your share of these receipts will be.

The task of determining each State's share is not an easy one. The MMS will examine every lease tract in the central and western Gulf of Mexico, determine the revenues derived from its leasing and any ensuring production and add up the totals for each tract. Then, the MMS will determine the distance from the center of every lease tract that has been let since October 1, 1982, to the nearest point on the coast of each of the four producing States.

Then the MMS will divide the total revenues generated by each lease by the proportional according to their respective distances, allotting the least to the farthest, and the most to the closest, but with none allotted less than 10 percent.

After completing this exercise, the MMS will total up the amount allotted to each State. Each State's total will determine the proportional share of the new revenues from the gulf leases from areas where leasing has been allowed.

Again, an example may help to clarify what is an admittedly complex formula: Imagine that 500 leases in this area had cumulatively produced $100 million since 1982. Then imagine MMS going through the process outlined above with each of these leases. When all is settled, Louisiana would be allotted $50 million, Texas $25 million, Mississippi and Alabama would both be allotted $12.5 million. Those allotments then become each State's proportionate share—Louisiana's allotment was 50 percent of the total, so Louisiana would receive 50 percent of the shared revenues from every new lease located in the already-opened areas after the date of S. 3711's enactment. Texas would receive 25 percent, Alabama 12.5 percent, and so on. Each year, each gulf State's allocation will be adjusted by the amount of leasing and production that took place near its shore in the preceding calendar year.

And, as with the revenues shared from newly opened areas, at the end of each year, the totals for each State are tallied and 20 percent of each State's allocable share is disbursed directly to coastal counties, parishes or political subdivisions in the manner outlined under section 384 of the Energy Policy Act of 2006, Public Law 109–58.

Starting in 2017, this legislation would provide additional direct spending authority encompassing 50 percent of the receipts derived from new OCS oil and gas leases, purchased after the date of enactment, in the areas of the Central and Western Gulf of Mexico that were made available by the 2002–2007 Proposed Final Outer Continental Shelf Oil and Gas Leasing Program. Beginning in 2016, the bill would limit total direct spending under the bill in any year to no more than the sum of the receipts from the new areas plus $500 million.

Additionally, the Gulf of Mexico Energy Security Act will offer monetary credits to firms that hold OCS leases located in areas that will be subject to the temporary moratorium on new leasing activity near Florida. These credits may be used for the purchase of a new lease in the Gulf of Mexico. The credits will be equal to the sum of the original bonus bid paid for the held lease and the rentals paid for the lease as of the date that the lessee notifies the Secretary of the Interior of the decision to exchange the lease or leases. Based on information from the Department of the Interior, the Congressional Budget Office has estimated that those credits would be worth $84 million and would be redeemed soon after they were made available.

In general, revenues shared with the coastal energy producing States under the Gulf of Mexico Energy Security Act should be treated in exactly the same ways as are revenues shared with States under the Mineral Lands Leasing Act 30 U.S.C. Sec. 181–287. These funds are not grants by any definition. Rather, they constitute income for the State—simply the State's fair share of revenues generated seaward of its coast. States have, in at least two occasions; used funds provided under the Mineral Lands Leasing Act as cost-share for other Federal programs. At this time in Louisiana's recovery, I envision this as a very much needed avenue for the State of Louisiana, as its citizens regain their feet following the destruction of Hurricanes Katrina and Rita.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO SUSAN BUTCHER

Mr. STEVENS. Mr. President, this past August, Alaska lost a great hero and the Stevens family lost a cherished friend. Susan Butcher was the four-time Iditarod Trail Sled Dog Race Champion and the first and only woman to mush her team to the summit of Mt. McKinley—with her friend and Iditarod race founder, Joe Redington, Sr. She is the reason we say ''Alaska—where men are men and women win the Iditarod.'' Susan left behind her husband David Monson and daughters Tekla and Chisana, and friends and admirers everywhere.

In the solitude of the unforgiving Arctic terrain, this tough, focused, intelligent woman traveled and ran many thousands of miles with her dog teams over the years—a distance greater than a trip around the world. In David's words, she was the most driven woman on the face of this earth.

Susan's skill as a musher was matched only by her great and abiding love for her dogs. If her dogs were happy, Susan was happy.

Whether on the trail or at home, Susan always took care of her huskies before tending to her own needs. With

only her ax and a parka, she once fended off a moose attacking her team along the trail. The moose killed two dogs and stomped 13 others. In another harrowing experience, she was rescued by her dogs when her sled broke through the ice on a remote river in the Wrangell Mountains. After that escape, Susan said she looked at every moment of her life as a gift. Susan did it all—living a life without many regrets and always great humor.

Susan was blessed with a wonderful partner when she married fellow musher and lawyer David Monson. He gave her the love, laughter and relentless support that carried her through their years together. They expanded their family beyond their 100 huskies with the birth of their daughters Tekla and Chisana. Susan embraced motherhood with even greater passion, energy and devotion than she had in her life as a musher. And the girls blossomed in a home and cabin filled with books, music, Native Alaskan culture, and, of course, dogs.

In December 2005, Susan was diagnosed with leukemia and began the toughest fight of her life. At the time, her husband David said ''We're going to do everything we can to make sure she has the best care. She does have the best attitude. Someone said this might be a tough disease, but this leukemia hasn't met Susan Butcher yet.'' Throughout her treatment in Seattle, Susan actively campaigned to help others by increasing donations to the National Marrow Donor Program and support for leukemia and lymphoma research.

Over the past 20 years, Susan often traveled to Washington—bunking with our family—sled dogs, cat, kids and all. Presidents Reagan and George Bush, Sr., invited her and her lead dogs to the White House. She drove her team in the inaugural parades—the last time in 2001, with both her daughters in the sled. With her lead dog, Granite, she was welcomed by Justice Sandra Day O'Connor to her Supreme Court chambers, and to the Pentagon by her friend General Colin Powell, then chairman of the Joint Chiefs of Staff.

Susan had a gift for inspiring others to never give up, to test their limits, to see their way through to the finish line, and to always try the path less traveled. It is no wonder her favorite poem reflected her New England roots—Robert Frost's ''The Road Not Taken.''

On a winter day in 1994, near her home in Eureka, AK, the reporter Skip Hollandsworth watched Susan and her dogs: ''She whispers a command, and in unison the dogs pull forward. The sled slips across the snow. Soon, Butcher and her dogs are like a mirage in the distance. A few moments later, the cold, silent land swallows them up.'' ''Sometimes when she leaves,'' David says, ''I wonder if she ever wants to return home.''

Some day in the years ahead, Susan and David's beautiful daughters Tekla and Chisana will graduate from high school. We hope they and their friends will find the same inspiration to challenge themselves as Susan's words instilled in our daughter Lily's Holton Arms class in 1999.

Mr. President, Alaska lost one of its brightest stars when Susan Butcher passed away. We will always remember this remarkable and courageous woman.

I ask unanimous consent that Ms. Butcher's commencement address to the Holton Arms School be printed in the RECORD.

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

THE HOLTON-ARMS SCHOOL COMMENCEMENT ADDRESS—JUNE 1999

Thank you very much. I'm very honored and excited to be speaking here today. And thank you to the class for asking me. It's especially exciting for me to be here because of my great friend, Lily Stevens, who I watched grow up since she was just a tiny little girl.

I certainly would be surprised to hear if any of you were going to follow me in my chosen occupation as a dog musher. So I don't think that's why you have asked me here. I live in Alaska about a hundred miles south of the Arctic Circle. I own a hundred dogs, and I travel about 6,000 miles a year by sled and dog team. So my life is very different from what we see here. I thought, when I was asked to speak on achievement, that it would be easy to do. But getting to the soul of what motivates a person to excel cuts to the core of each person's dreams, desires and beliefs. Sometimes it goes beyond words. So I will speak for myself, and try and tell you how and why things have worked for me.

It's really exciting to see such youth and promise before me. And it certainly takes me back to my high school graduation in 1972, when I was in Cambridge, Massachusetts. I was very good in math and sciences. But I am dyslexic, so I struggled very hard in school. My strong loves were the wilderness, animals, science, and sports. I had a hobby for the last couple of years of working with my two Alaskan huskies, trying to teach them to be sled dogs. I feel that I was very lucky because even at that young age, I knew my true passion. It was to live in the wilderness and work with animals. But what sort of a career was that? So I started with veterinary medicine, which I also loved. I moved to Colorado where I went on with further schooling, and to enhance my career. By then, my mushing was becoming more than just a hobby. I had eight dogs and was starting to run in smaller races.

In those days though, the Iditarod race didn't even exist. There was no such thing as a professional musher. And yet my dream still was to go and live in the wilderness with my dogs. Shortly after I turned 20, the Iditarod was run for the first time, and I said ''that's for me.'' I packed up my dogs, my cats, and my Volkswagen Bug, and I drove up to Alaska—all my belongings and against all parental advice, but not without their blessings—I lived way out in bush Alaska, teaching myself the art of dog mushing. Still at that time I had no clue that I was going to be able to make this passion into a career and a livelihood. In the summers I supported myself working on a musk ox farm and through fishing for salmon.

I can only say that when I reached Alaska and was working out there, I knew this was perfect for me. I was content in my soul. I knew that I had found my dream. The relationship that I was able to develop with my dogs was deeper and stronger than anything that I could have possibly imagined. Perhaps I can describe that to you a little bit in this story. I worked very hard to try and develop a trust with each one of my dogs individually. And a number of years ago, when I was with my dog team in the Wrangell Mountains and I traveling on a trail that I had been using all year long that crossed a frozen river, my lead dog at the time kept veering off to the right. I kept calling her back to the left, telling her ''haw''—that's the command we use. But she kept going off to the right. She had never disobeyed me before, so I couldn't understand. So I let her have her lead, and just as she pulled myself and the team off to the side of the trail, the entire river collapsed. She had a sixth sense that saved us from drowning. It's this mutual trust—mine and their guidance, and their ability and instinct in the wilderness—that has not only gotten us to the finish line many times, but has also saved our lives.

Success did not come easy for me at all. I struggled for many years with barely enough money to feed myself and my dog team. I was working seven days a week, at least twelve-hour days, trying to train myself and the dogs for the races. I did fairly well in many of the races that I entered, but it took me nine years before I was able to win. I lived alone for nine years in a 16′ x 19′ log cabin. Today my husband and I have built quite a complex, and we have a couple of diesel generators now. But back then I had nothing. I had no electricity, no phone. I hauled my water from the creek, and I had very few neighbors. In fact, there were only eight people in 2,500 square miles. So this was my childhood dream come true!

I was absolutely dedicated to the care and the training of my dogs. All my focus was on becoming the best long-distance sled dog racer in the world. I had put together a great team that was very fast and well cared for. But I kept coming in second in more races than I cared to remember. Clearly, some essential element was missing. It was vision—the winning spirit. I didn't actually see myself as a winner. I believed wholeheartedly that someday I would win the Iditarod, but I didn't see myself as a winner today. I often finished with the strongest, fastest team—in second place. I often finished an hour or—in two instances, a split second—behind somebody else. In 1986, I learned how to pull together. I told myself that not only could I win, but that I deserved to win, and that I would win today. I saw myself crossing the finish line, and I lived and breathed that vision for a year. I told myself the 1986 race was mine. I was able to hold that image eleven days into the Iditarod, when with just 44 miles to go, I was neck-and-neck in a sprint for the finish with a musher named Joe Gamey. I had slept less than 20 hours in 12 days. I had run up every hill between Anchorage and Nome. I was exhausted. Joe made a big push and he passed me, gaining a 2–minute advantage. I was demoralized. I said to myself, ''Well, I guess second place isn't that bad.'' But then, through the blur of fatigue, I again saw myself winning the race. I got off my sled and I ran, pumped with one leg, and pushed the sled until I was able to pass Joe and win my first Iditarod. Once I learned that lesson, I won a lot of races.

I quit fishing and musk ox farming, and I dedicated myself solely to my dogs all year 'round. To maintain consistency and excellence, you are always looking over the horizon, past the finish line, to the next race and the next record time. I found that it wasn't enough to just say to myself ''Well, I want to win again.'' I had to reach deep within and challenge myself. No racer had ever run in four long-distance races in a year. So in 1990

I decided to try to attempt to run in five. I set my goal to win all of them, and to win them in record time. All of these were between 300 and 1,100 miles in length. And some of them were as close as just five days apart. I ended up winning four in record time and coming in a close second in the fifth. So I didn't reach my ultimate goal, but by challenging myself like that I was able to set four new world records. I try to examine each race that I run, even the ones that I have won, to see what little steps I can take to keep getting better.

Let me speak now of failure, because I have had very many of them and each one of you will. It's how you deal with these failures and your setbacks that's the most important thing. In 1991, I was at the top of my game. My team was said to be the best team in the history of the Iditarod that year. I ran a very aggressive race. Mother Nature threw every curve at me and my team that she possibly could. For over 500 miles, me and my team broke trail through storms, leading all the other mushers, until we finally reached the village of White Mountain an hour in front of our next competitor. We were only 77 miles from Nome. The awesome power of nature is very humbling and it must be respected. I went out first into an Arctic blizzard for six hours, losing the trail, regaining the trail, searching to make it through to Nome and win another race, until finally I knew that I could ask my team for no more. Because I continually challenge myself to win, I know that sometimes I must fail. As I tried to become the best, I know that there will be setbacks along the way. This is the essence of competition—that there will be both winners and losers. But I have learned at looking at losing, it's just another step to attaining my final goal. Many times, the pain of failure is very raw for me. But I have great faith in myself, that I will turn my defeats into something positive. I have learned many valuable lessons from my defeats. But I think the best thing was summed up in the words of an old Athabaskan Indian. He told me, ''There are many hard things in life, but there is only one sad thing. And that is giving up.'' So I know that in the future, I will continue to try very hard, and in the end—I will prevail.

Adversity is a very large part of life, and learning to overcome it can be very difficult. When I started racing, I believed that I would win when I made everything run perfectly, when I was able to train all year round, when I didn't get lost or break my sled. So when I would have trouble, I wouldn't completely give up, but I would often settle for second place. Now I know that winning is overcoming adversity. I don't win because I run a perfect race. I win because I deal with the problems that the dogs and I encounter better than my fellow competitors.

I have actually learned to love adversity. In 1988, I had every type of trouble that you could ask for. My sled broke five times. I got lost and I ran into ground storms of 80 miles an hour as I crossed the frozen Bering Sea. I could hardly see my lead dog in front of me, let alone the next trail marker. But I won the race despite all the problems the dogs and I encountered. We finished fourteen hours in front of the second place musher, who couldn't make it through the storm. So I learned that no matter what the obstacles, I always had the chance of winning and should never give up.

It is true that I raced in a totally male-dominated sport. I was a pioneer for women in long-distance racing. But you won't hear me talking very much about that. I think the most important thing was that I saw no gender barriers. And anyone who tried to put me in that box and say, ''well, Susan is the best woman racer,'' I would quickly correct them. I was not a woman racer, I was a racer. It was my plan to be the best musher, and I did that.

Perhaps I have been able to say something here today that will strike a chord with each of you, or some of you. Many of my lessons have been learned from my heroes—my dogs. I'd like to share the story of one of my animals. Twenty years ago, I had a puppy born to my kennel, who didn't look like he was going to be much of a dog. He had a very poor hair coat. He had cowhocked legs, which is basically knock-knees in the back end, and he had no confidence whatsoever. Most mushers would have given up on this puppy and just sold him to someone as a pet dog. But on my runs in the woods with he and his littermates, I saw a special spark in this dog that was not yet ignited. It was a challenge that I couldn't resist to try and make him into a champion sled dog. So I worked with him very hard physically to bring him around, through special nutrition and training. But mostly I concentrated on his lack of confidence. I gave him a strong name—Granite. He soon learned to draw from my strength and confidence, and we became a very powerful team. Granite grew into a 58-pound, deep-chested dog who compensated for his cow-hocked legs with a very powerful gait. All that extra work paid off because he not only turned into a good sled dog, but a great leader. He ended up leading me to victory in the 1986 and 1987 Iditarods, both of those in record time, along with countless other races between 300–500 miles in length. In October of 1987 while we were training for what we hoped would be his third consecutive victory, he became very seriously ill. I had to rush him down to Anchorage to a veterinary hospital to try and save his life. We set up a cot next to his kennel so that I could sleep with him there, day and night, tending him and willing him to live. After two weeks, the veterinarians told me I could take him home, but that he was never going to be able to run again, that he had permanent damage to his heart and liver and kidneys along with damage to the hypothalamus in the brain, which controls body temperature. But Granite had grown to be a magnificent canine athlete who loved to run and race, and all the dogs loved competition. They understand when they have won. They have as much pride as any human athlete. Granite was determined to get back on the team. Every time I would take other dogs out on runs, he would cry and howl, wishing that he could go out with us. Slowly but surely, his test results started showing improvements that the veterinarians were astounded at. They decided to let him start training with me and the puppies on little 2-mile runs. He soon advanced to running with the yearlings on 10-mile runs. And finally, by January, he was once again running with the main team, and the veterinarians okayed him for a 200-mile race. He towed that young team to record-setting victory. Then, 1½ months later he went on to do the impossible. He led me to victory in the Iditarod. And he did it by pulling me through a blinding snow storm that stopped all my competitors. So we finished 14 hours in front of the second place musher, as I told you—through that storm. That made Granite the only lead dog ever to win three consecutive Iditarods.

All of us will fall on hard times, and it's often hard to find the key to help us with our problems. But if we can draw from our inner strength and desires as Granite did, we can overcome incredible odds. It's always important to look around us and see that there are those whose problems are far greater than ours. It's important to take time to give back to your community, to youth, and to those less privileged. As I am now a mother and a dog sled racer, I have taken more time to contemplate my past Iditarod years. So I want to leave you with one last story that sort of sums up what I think of my career.

I always felt that there was a division of duties between myself and the dogs. The dogs were definitely better in the wilderness, such as being able to sense thin ice or where there were wild animals around us, and helping me through the storms. But I was better when we were in Anchorage starting out and there were cars and traffic lights and all sorts of things in any of the villages, and I was also better at strategy and understanding competition. In 1989 I was racing towards the half-way point in the Iditarod. They give you a prize of $5,000 for being the first into that checkpoint, and nothing for being second, so it's quite coveted. Joe Runyon and myself were the best two teams in the race that year, and we had been vying for first place for miles. We had just left the checkpoint of Ophir, and it was about a 90-mile run over to the abandoned gold mine town of Iditarod. Throughout the day, Joe and I had passed each other. You have got to imagine that these are just two mushers out in the middle of nowhere, so when you pass each other—even though you're very competitive with each other—you definitely talk. And when you see each other and pass, you will have a little conversation. So just as it was getting dusk, I had put on my headlight so that I could see through the darkness—a battery-powered headlight, as had Joe—he put his new young lead dog, Rambo, up in lead. He came flying by me. He stopped—I had out my map and compass. He said, ''Where do you think we are?'' I said, ''I think we have just passed the Deshka River. Here it is on the map, so we must be about five miles from the town of Iditarod.'' He said, ''That's what I'm thinking too,'' and he passed me. I was using my lead dog, Tolstoy, at the time. I starting pumping with one leg and encouraging my dogs, saying ''Come on, let's get going.'' They just were flat. They were not going to pick up and go as fast as Joe's team. So I took Granite, who was in the team, and I put him up in lead. I encouraged him, and I encouraged the rest of the team. Still, they didn't respond. Five miles should have taken us about thirty minutes. We went hour after hour after hour. Three hours later, we were still on the trail. I could see Joe's headlight—it's very hilly country there—going up and down the hills, just a little ways ahead of me. All of a sudden, Granite turned around and he looked at me and he went, ''Now!'' And he kicked it into gear, all the dogs immediately responded to him, and he passed Joe 100 yards from the finish line at Iditarod and we won the half-way prize. So I learned that not only do I not know as much about the wilderness as my dogs, but I don't know anything about competition. And it is my job to love the dogs, care for them, feed them and nurture them, and hold on for dear life.

So in parting, I want to say to each and everyone of Holton Arms' 1999 graduating class, I hope very dearly that each one of you is able to find your dream. And when you do—love it, nurture it, and hold on for dear life.

REMEMBERING JOHN MARK LACOVARA

Mr. STEVENS. Mr. President, it is with sadness that I call to the attention of my colleagues the recent passing of one of our most loyal and hard-working former Senate staff members, John Mark Lacovara.

Mark, as he was called by his family and friends, was part of a Capitol Hill

family, joining both his father and sister in holding staff positions in the U.S. Senate. Mark began his Senate career in 1969. He worked his way up the ranks in a number of jobs, starting first as an elevator operator, then as an enrolling clerk, and finally capping his career as the Senate journal clerk.

Those of us who knew him admired his tireless and cheerful dedication to this body. Often he would be the last one to leave his office at night and the first to arrive in the morning, no matter how late the previous session had ended. He truly loved his job, but due to health reasons, he resigned in 1997.

Mark was born in Washington. He grew up in Rockville and graduated from Richard Montgomery High School. Attending night school while maintaining his full-time Senate duties, he received a bachelor's, degree in political science with a minor in American history from the University of Maryland. He served as a member of the U.S. Air Force Reserve for many years.

Mark Lacovara passed away on October 3, 2006. Mark was the son of the late John Lacovara, administrative assistant to the Senate Sergeant at Arms, and Mrs. Patricia Lacovara Ingold of Springfield. My colleagues join me in extending our deepest sympathy to her and Mark's sisters, Dale Monno, a retired lieutenant with the Capitol Police, and Joyce. He will be missed by all of his friends in the Senate.

TRIBUTE TO BOB McGOWAN

Mr. REID. Mr. President, I rise today to honor the accomplishments of Bob McGowan, the Washoe County assessor. After more than 24 years in office, Bob will retire this year as the longest serving elected department head in the county. His personable demeanor and dedication to service will be missed.

Bob has been a resident of Nevada for more than 38 years. After working in the Nevada Attorney General's office, Bob made the first of many successful runs for elected office. In 1982, the citizens of Washoe County elected him as their county assessor. For more than two decades, Bob has presided over the growth of Washoe County. From the rising real estate values at Lake Tahoe to the rapid development in the city of Reno, Bob has sought to provide fairness for Washoe County residents.

Most importantly, Bob has never forgotten that the goal of elected office is service. After his election in 2002, he told the Reno-Gazette Journal: ''From the first day I went in office, we've always been a public service organization, not just a property appraisal.'' Under Bob's guidance, the assessor's office has become more responsive to Washoe County Residents. For example, Bob moved the assessor's office into the digital age, and residents of Washoe County can now access many forms online. Bob has also worked to save the taxpayers money, trimming his own budget to return more than $2 million to the Washoe County general fund.

As the county assessor, Bob has always been in tune with the issues of Washoe County. He has navigated controversies over rising property values with ease, taking the time to talk with people he serves. To this day, residents are amazed that Bob is so approachable and accessible. He can quickly put a visitor at ease with his humble demeanor and his frequent jokes. In fact, I cannot recall a time that I have met with Bob when he hasn't told me a funny anecdote or story.

In addition to his professional accomplishments, Bob is a dedicated part of his community. He has served as president for Habitat for Humanity and as an executive board member of the alumni organization for the University of Nevada, Reno. Additionally, as the president of Keep Truckee Meadows Beautiful organization, he led an effort to protect the pristine areas surrounding Lake Tahoe. While working to improve Washoe County, Bob also raised three wonderful children in Reno. A few years ago, I had the privilege to host his daughter Megan in my Washington office as an intern.

Mr. President, Bob McGowan has been an important part of northern Nevada for more than two decades. His retirement will leave large shoes to fill, but I am confident that Bob will continue to improve Washoe County for many years to come. It is my great pleasure to offer my congratulations to Bob and the McGowan family.

TRIBUTE TO RALPH E. WALZ

Mr. McCONNELL. Mr. President, today I recognize the outstanding service of a remarkable Kentuckian, Mr. Ralph E. Walz. Mr. Walz is the executive liaison officer for the Louisville District of the U.S. Army Corps of Engineers. He will retire from the U.S. Army Corps of Engineers on January 3, 2007, with over 34 years of dedicated service to our Nation as a member of the U.S. Army (1969–1972) and as a civil servant.

A native of Louisville, KY, Mr. Walz is a graduate of Western Kentucky University. As a young man in the 1960s, Ralph Walz served with the U.S. Army in Vietnam as an enlisted infantryman. Performing his duty on the front lines as a non-commissioned officer, facing the daily dangers of active combat, he bravely and honorably served his country.

Mr. Walz began his distinguished civil service tenure with the Louisville District, U.S. Army Corps of Engineers, in 1977. He began his career in the Comptroller's Office, later named Resource Management, where he participated in numerous efficiency reviews, organizational studies, and business-process analysis. During this time, Mr. Walz was instrumental in the transfer of Smithland Lock and Dam to the Louisville District.

In 1981, Mr. Walz helped develop the proposal that resulted in the military construction mission being reinstated at the Louisville district, making it a full-service district whose impact is felt worldwide.

In 1990, Mr. Walz was chosen as the executive liaison Officer and assigned to the Executive Office. In that capacity, he has been instrumental in coordinating many significant events that showcased our great Commonwealth, including National Society of American Military Engineers Conferences which included military personnel and civilians from all over the United States and overseas.

Mr. Walz has also been a champion of quality-of-life initiatives. He helped implement the Uncle Sam's Child Care Center and initially served as board chairman. He served as board chairman and as a member of the board of directors for his local credit union. And he was chairman of the Kentucky Federal Agency Tourism Council, among many other volunteer activities.

Finally, Mr. President, Mr. Walz is a good neighbor and valued steward of our natural resources and defense assets. He will be long remembered for his patriotism, leadership, mentorship of others, and service to his Nation and the Commonwealth of Kentucky. On the occasion of his retirement, I wish to extend my best wishes to Mr. Ralph Walz, his wife, Mary Lou, and their children, Matthew (Matt) and Jake, and I ask my colleagues to salute this esteemed Kentuckian.

TRIBUTE TO DAVID MORGAN

Mr. McCONNELL. Mr. President, I rise today to honor a great Kentuckian, Mr. David Morgan, for his service to the Commonwealth and his commitment to the preservation of Kentucky's historic landmarks.

For the past 29 years Mr. Morgan has worked on preserving Kentucky's heritage, helping cities and towns utilize and revitalize their downtowns and historic sites.

On Sunday, December 3, 2006, the Louisville Courier-Journal published an article highlighting Mr. Morgan's many years of service to Kentucky. I ask unanimous consent that the full article be printed in the RECORD and that the entire Senate join me in thanking this beloved Kentuckian.

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

[From the Louisville Courier-Journal, Dec. 3, 2006]

PRESERVATIONIST BIDS FAREWELL

(By Chris Poynter)

Most Kentuckians likely do not know David Morgan.

But they have certainly seen his work.

If you drive along Paris Pike—the road between Paris and Lexington lined with famous thoroughbred farms—you've seen the historic stone fences and picture-perfect rolling landscapes that he helped protect when the road was widened.

If you've strolled the Main Streets of Kentucky's downtowns—and marveled at the historic buildings—you can thank Morgan for helping revive them.

And if you've seen the old trolley barn in western Louisville that is slowly being transformed into the Kentucky Center for African-American Heritage, Morgan deserves part of the credit.

After 29 years with the Kentucky Heritage Council—the agency that oversees historic preservation for the state—Morgan is retiring and moving to Washington, D.C.

Morgan, 54, and his wife, Marcia, have bought a historic home just blocks from the Capitol. They have a son, Ned, 18.

Morgan has spent his entire professional career at the heritage council, rising from a staff planner in November 1977 to executive director, a position he's held since 1984, when then-Gov. Martha Layne Collins appointed him.

He survived through Republican and Democratic administrations, which friends and co-workers say is a testament to his effectiveness, and he's been at the forefront of saving historic properties from Paducah to Pikeville.

His interest in preservation began as a child in Oxford, Ohio, the son of a college professor and a stay-at-home mother who sold antiques.

On a fourth-grade class trip to Yellow Springs, Ohio—named for a spring that supposedly had curative powers—a young Morgan lamented the demolition of the old Neff House hotel.

''It is important to know how America was settled,'' Morgan wrote in a school essay he still keeps. ''If you tore down everything that was historical, people would forget how America was settled.''

Morgan laughs at his simple six-paragraph essay now—but the lessons he learned on that field trip are woven throughout his life.

Preservation—though it began as a movement of upper-crust white women—has expanded and matured and become more inclusive. Morgan has changed the heritage council's mission with that evolution.

He helped create the African-American Heritage Commission, the Native American Heritage Commission, and the Military Heritage & Civil War Preservation Program. He and his agency worked to raise awareness about Rosenwald Schools—one-room schoolhouses for black children that at one time dotted Kentucky and the South—and he has helped preserve 60 Civil War sites across the state.

In 1979, while still in his 20s, he started the Main Street program to help revive Kentucky's decaying downtowns. The program now includes 110 cities and towns across Kentucky and is credited with helping breathe new life into desolate city centers.

And he pushed to get Kentucky buildings and properties on the National Register of Historic Places. Kentucky now has 41,000 properties and 3,200 historic districts, such as Old Louisville, on the register.

That's the fourth-largest number of any state in the nation, according to the National Park Service, which keeps the register.

Though he's had many successes—including persuading state transportation leaders to make historic preservation a key component of the Paris Pike widening—all has not been positive, Morgan admits.

He hasn't persuaded the state legislature to commit more money for preservation.

''We don't have the ability to give grants out, to start projects on the local level,'' Morgan said.

He also laments that grassroots preservation groups have been slow in forming. It's those organizations, such as Preservation Kentucky, run by citizens, that have the power to effectively lobby the legislature, Morgan said.

''A lot of people don't consider themselves preservationists,'' he said. ''But people who live in Old Louisville in an old house, for example, are great preservationists.''

Helen Dedman, whose family owns and operates the Beaumont Inn in Harrodsburg, a restaurant, hotel and tavern housed in an 1845 building, said Morgan had done much for Kentucky out of the public eye.

''He has touched people and places over the whole state,'' she said.

Dedman met Morgan when they were students at Centre College.

''He was the first person that I knew that really knew about antiques,'' she said.

The two kept in sporadic touch over the years, but it wasn't until 15 years ago that she and Morgan closely reconnected because of newfound activism in preservation.

Dedman helped organize a tour of historic homes and found herself ''falling in love with these old homes,'' she said. She, along with others, formed the non-profit James Harrod Trust to advocate for preservation in Harrodsburg and Mercer County.

''David has never lost his passion,'' Dedman said. ''It didn't matter who you were, what class you were, what color you were—if you had just a little bit of interest in his preservation, he was your cheerleader, he was on your side.''

Historic preservation leaders from across Kentucky gathered for a dinner in downtown Louisville last month to honor Morgan. The location was befitting—inside the old Henry Clay Hotel, a 1924 building that is being renovated into housing and commercial shops.

Morgan has been an advocate of saving the structure, commonly called the old YWCA.

Friends and co-workers roasted Morgan—poking fun at his big nose, bushy eyebrows and black mustache—while viewing pictures of him over the decades, with former governors and first lady Laura Bush. Bush visited Louisville in 2004 and praised Morgan and the heritage council for their work on the ''Preserve America'' federal program.

Morgan, whose replacement will be named next year, said he one day hopes to return to Kentucky. For now, he plans to enjoy his free time and will likely find a job in preservation in Washington.

''Leaving this job is the hardest thing,'' he said. ''I've put my whole life into it. There's not an inch of Kentucky in the last 29 years I've not seen.''

''It's an incredible place,'' he said, ''and its greatest asset are its people.''

TRIBUTE TO JEANE KIRKPATRICK

Mr. MCCONNELL. Mr. President, today America mourns the loss of one of its great public servants and patriots, Dr. Jeane Kirkpatrick.

Dr. Kirkpatrick was the first woman to serve as U.S. Permanent Representative to the United Nations. During her tenure at the U.N., she was a vigorous advocate of American interests. She also recognized the strong moral leadership that this Nation provides for the rest of the world.

She was awarded numerous honors for her work. Among them, she received the Nation's highest civilian honor, the Presidential Medal of Freedom.

Mr. President, few can match the courage that Dr. Kirkpatrick brought to defending freedom and American interests around the world. She was a warrior for human rights, for freedom, and for her Nation. Few have or ever will match her service to our country. We, and millions around the world, are in her debt. We will miss her greatly.

TRIBUTE TO WILL EDD CLARK

Mr. MCCONNELL. Mr. President, I today pay tribute to Will Edd Clark, who is the general manager of the Western Dark Fired Tobacco Growers' Association in Murray, KY. Will Edd has served in this role for 27 years, and during that time, he has been a tireless advocate for tobacco farmers in western Kentucky.

The Western Dark Fired Tobacco Growers' Association was established in 1931 and has helped administer the Federal tobacco program as well as represent the interests of tobacco growers in nine counties in western Kentucky, plus three counties in Tennessee. In 2004, the tobacco quota buyout program was signed into law, which dismantled the Federal tobacco program that had been in place since the 1930s. Will Edd realized the benefit that the association's growers would receive from this historical piece of legislation, and he played a vital role in securing its passage.

Now that the tobacco quota program is gone, the Western Dark Fired Tobacco Growers' Association has decided to close its operations at the end of 2006. Although the association will no longer be in existence, the association's historical papers will be kept by Murray State University, which will preserve the legacy of Will Edd as a true supporter of Kentucky's tobacco industry. I ask unanimous consent that an article which appeared in the Murray Ledger & Times on December 1, 2006, detailing the association's history and Will Edd's record of service be printed in the RECORD. I ask my fellow Senators to join me in thanking Will Edd Clark for his service to the people of Kentucky.

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

DESPITE CLOSURE, TOBACCO ASSOCIATION'S HISTORY, EFFORTS WILL BE PRESERVED

(By Greg Travis)

Murray's Western Dark Fired Tobacco Growers' Association is closing its operations after serving the people of western Kentucky and west Tennessee since 1931. An absolute auction of the association's business office and warehouses was held Thursday for the 4,048 brick, business office complex at 206 Maple Street and property consisting of 55,599 square feet of three commercial warehouses located at Poplar and Elm streets.

''We appreciate everyone's interest in the auction. Naturally, we would liked to have seen them bring more but we had to sell them. We had no choice,'' Association General Manager Will Edd Clark said, adding that the combined totals realized from the sale was just over $400,000.

''Those bidding knew this was an absolute auction. We're proud for them. They got some good buys today.''

He said the office went to Rick Hixon and the warehouses were purchased by Keith Brandon.

He said that as a result of the tobacco buyout program, directors of the association decided there was no need or purpose for the association to continue.

''The association came about as a result of low prices that were being realized from the

early 1900s to the 1920s. Farmers were looking for security in their production of tobacco,'' Clark said. ''The tobacco industry as we know it today did not exist. There were Night Riders in the area and other situations that influenced the production of tobacco for many growers.''

He said the tobacco business that most people are familiar with existed from the 1930s until the tobacco quota buyout that was included in the America Jobs Creation Act of 2004 terminated the federal tobacco price support and supply control programs.

He said the program that had been in place until then worked well and was one of the best farm programs. ''But everything has a life span. With the anti-tobacco feelings in the country today it's hard to generate changes in the program,'' he said.

He said the local organization had a lot of local history. ''Tobacco will continue to play a major role in this region. It will still be here for many years to come, but you have to change with the changes, and our changes will really start to be felt with the new owners of our properties.''

Clark said that once the properties are disposed of and all the business issues are settled, the association will go back and return those assets to the association's members.

He added that James R. Cash of Mayfield, who is a member of the association, offered to conduct the auctions at no fee charge. ''He said that, as a member, he has been fortunate to assist other members with auctions of land and equipment and that he wanted to conduct this auction with no fees,'' Clark noted. ''This will be a great benefit to the association and its members.''

Clark said the association will still maintain a presence in the community for some time. He said, as with any industry of its size, there are still business-related issues that will require time and attention. He estimated that his final days on the job would probably be in a few months. ''The association had a good run. There have been lots of directors and I have no regrets for my time here.''

The association has approximately 1,000 members, it was reported.

He noted that, over the years, tobacco has paid billions of dollars in taxes and those dollars collected have paid for many things. ''Tobacco has meant so much to so many people and it has impacted everyone. Our forefathers thought it was important enough that there are tobacco leaves on the facades of many important buildings. Tobacco has saved many farmers, helped families and sent many children to school.''

Throughout the years the local association has administered the tobacco program and lobbied for the growers in the nine counties of the Jackson Purchase and the Tennessee counties of Henry, Weakley and Obion.

''Since there will not be a tobacco program or a price support system, then there really isn't a need or purpose for our association any longer,'' Clark said. ''We have been working to get things in place for the closure.''

Clark said he has arranged with Murray State University to take over some of the association's historical papers.

''This will be a big benefit for residents of the community. MSU's people will have to go through the old papers and catalog all of those items before they are available to the public,'' he said. ''We have old records, papers and even the minute books from the first meetings. Many papers date back to 1931. And there are old floor sheets on tobacco that went to pool. There's lots of information and names.''

He said the vintage documents will be of interest to a lot of people.

''One of the very first things I did when I came to work here was to go back and read through all of the old minute books. It really helped me to know where we were as an association and it helped to plan for the future,'' he noted.

Clark is only the fourth or fifth manager since the association began. He said he was unsure what he would do, but he added, ''something will come along.''

Association President Jim Kelly said the sale was the end of a long era in Calloway County. ''Lots of farmers were helped through the association. Things are just different now. Farmers are contracting with companies and that's where most of the farmers are at these days. The pool was a safety net that would grade and process tobacco until somebody needed it,'' he said.

Kelly, who farms 76 acres of burley and dark-fired tobacco, said more farmers were going for larger acreage and many of the smaller farmers were dropping out the businesses. ''With the costs of farming nowadays, it's just not something that people get into the way they used to do.''

He said farmers were basically at the mercy of what the companies would pay for the tobacco. But even then, there are pluses and minuses to the situation.

He added that the association was in a shut-down phase and assets would eventually be returned to its members.

''There hasn't been any tobacco stored in those warehouses in a long time. It's sad to see it all come to a close,'' he remarked.

DEFINITION CLARIFICATION

Mr. DURBIN. Mr. President, I come to the floor to discuss a very important issue facing American workers—millions of whom will be barred from organizing or exercising their labor rights unless Congress intervenes.

Eight million workers will no longer be able to join a union or fight collectively for better pay and working conditions—including those already in a union, who will be forced to leave when their current collective bargaining agreements expire.

This includes more than 800,000 nurses—40,000 nurses in my home State of Illinois alone.

This will happen because the Bush administration's National Labor Relations Board recently decided which types of workers are considered ''supervisors.'' By law, if you are considered a ''supervisor,'' then you are not allowed to join a union.

In a series of rulings, the NLRB has decided the fate of America's workers, and it did so behind closed doors. These changes—some of the biggest decisions in years have stripped millions of American workers of their rights under the National Labor Relations Act.

This flies in the face of what Congress intended more than 60 years ago.

Moreover, at a time when several states are suffering from nursing shortages, this will further worsen the nursing crisis. More than 72 percent of hospitals experience nursing shortages, and 1.2 million nursing positions need to be filled within the next decade. By denying 800,000 nurses the right to collectively bargain, pay will surely decrease and nurses' working environment will deteriorate, thereby driving even more nurses out of the profession and discouraging people from becoming nurses.

Clearly, this law must be clarified so that American workers receive the labor law protections that Congress envisioned.

Many courts, including the United States Supreme Court, have struggled with how to apply the definition of ''supervisor.'' It is time for this Congress to step up and make clear that the American worker has the right to organize.

Therefore, early in the next Congress, I hope that every Senator will join Senators DODD, KENNEDY and myself in introducing legislation to amend the National Labor Relations Act to clarify the definition of ''supervisor.''

The legislation we envision will use a commonsense definition of the term that is faithful to Congress's intent in 1947, to delineate the relationship between supervisors and employees.

I look forward to working with my colleagues on both sides of the aisle in the 110th Congress to pass this much-needed legislation so that millions of working Americans will be able to retain their right to join a union and collectively bargain.

MATERNAL MORTALITY

Mr. DURBIN. Mr. President, I rise today to talk about what should be a moment of great joy: the birth of a child. But for millions of women in the world, childbirth is a deadly game of Russian roulette.

Over 500,000 women died last year in childbirth or from complications during pregnancy. Another 10 million were injured or disabled, often permanently. During her lifetime, a woman in Angola has a 1 in 7 chance of dying in childbirth or from complications stemming from pregnancy—1 in 7. In Sierra Leone, the risk of dying is 1 in 6. That number is the same in Afghanistan—a 1 in 6 chance of dying from pregnancy or childbirth. In developed countries, such as ours, the risk of dying in childbirth is 1 in 2,800. Every such death is a tragedy, but it is hard for us to even imagine that we would lose 1 of every 6 or 7 of our mothers, wives, sisters, or daughters.

That statistic, the chance of dying from childbirth, represents one of the widest chasms separating rich and poor countries.

That gap is wider than differences for life expectancy and wider than differences in child mortality, even though the health of the mother and her baby are deeply intertwined.

As Isobel Coleman of the Council on Foreign Relations has stated, ''In some countries, getting pregnant is the most dangerous thing a woman can do.'' We have an obligation to change that state of affairs.

Earlier this fall, William Kristof wrote in the New York Times, ''These women die because they are poor and female and rural—the most overlooked and disposable people throughout the developing world.''

Kristof did a pair of columns on the subject of maternal mortality.

In the first column, he described how a young woman in Cameroon named Prudence Lemokouno was desperately ill. Her baby was already dead and she was dying, her uterus ruptured. After 3 days of labor, her family had managed to get her to a hospital, but the doctor initially refused to operate, saying he needed both money and blood. The family did not have the money, and the nearest blood bank was 50 miles away. Kristof and his associate provided the money and donated the blood. They hoped it would be enough, but the doctor still did not operate immediately. Later, Mr. Kristof wrote a second column. In it, he told us that the young woman had died. In describing her struggle, he wrote, ''It was obvious that what was killing her wasn't so much complications in pregnancy as the casual disregard for women like her across much of the developing world. . . . It's not biology that kills them so much as neglect.''

We cannot continue to overlook these women. No one should be disposable. And today's devastating statistics do not have to be tomorrow's realities. We cannot make childbirth risk free; it is not. There are sometimes factors and conditions that doctors cannot in the finest hospitals in the world cannot prevent.

But women and girls in developing countries die at such tragically high rates during pregnancy and childbirth primarily for some basic and preventable reasons. And many of the solutions are both simple and cost effective.

Millions of deliveries in the world take place without a skilled birth attendant—that means no doctor, no nurse, no midwife, no one with any medical training at all. In fact, millions of women literally give birth alone.

The shortage of health workers handicaps the world's fight against HIV/AIDS and every other global health challenge. That is equally true of the struggle against maternal mortality. Training community health workers, nurses, midwives, and doctors is part of the battle. But it is also critical to help countries better distribute their health workforces and better manage their health systems.

Malawi, for example, has one of the highest maternal mortality rates in the world. But 25 percent of its nurses and 50 percent of its physicians are concentrated in 4 central hospitals. And yet the population of Malawi is estimated to be 87 percent rural.

We address the maternal mortality crisis in part by building health workforces to provide prenatal care and to be there during delivery, in rural areas as well as cities.

We also help countries address this crisis by getting them to take a second look at child marriage. In developing countries, girls aged 10 to 14 who become pregnant are 5 times more likely to die in pregnancy or childbirth than women aged 20 to 24. These same young mothers are also at higher risk of obstetric fistula. Fistula is a devastating condition that can result from prolonged labor without medical help. In the end, as a result, babies are most often stillborn and women and girls are left with gaping holes in their bodies that leak feces and urine. They are then often abandoned by their families.

Even if their mothers escaped this brutal, prolonged labor and its terrible consequences, infant mortality rates for the babies of these child mothers are also much higher than for the children of older women. Yet an estimated 25,000 girls are married each day in the world, some of them as young as 7 or 8 years old.

We save lives not by demanding that countries ban child marriage in fact, child marriage is officially illegal in most nations. We save lives by convincing communities to keep their daughters in school rather than marrying them off. Many parents believe that marrying their daughters early is the best way to keep them safe from sexual predators and other dangers. We can help their communities find better ways to keep their daughters safe.

Senator HAGEL and I have introduced a bill, the International Child Marriage Prevention and Assistance Act, to help countries take such steps. We plan to reintroduce this bill when Congress reconvenes for the new session in January and work toward its enactment.

Women and girls also die during pregnancy and childbirth because they are cut off from access to health care. There is a direct link between lack of transportation and high maternal mortality rates. That is one of the many links between poverty and maternal mortality. Being poor should not be a death sentence.

Rural development is critical to solving this problem, and reducing maternal mortality will enhance economic development. We can and should train more health workers, encourage communities to end child marriage, and build better transportation networks.

But those aren't the only factors that affect maternal mortality and our response to it. Politics is another cause of death. Of all the factors that contribute to the deaths of mothers, and often their babies, this is the easiest one to fix and the most unforgivable to allow to persist.

The United Nations Population Fund, UNFPA, is an organization that is doing lifesaving work. They help to promote reproductive health, including, for example, providing safe delivery kits. What is a safe delivery kit? It is often just a plastic sheet, a bar of soap, a razor to cut the umbilical cord, and a string to tie it. Imagine being on the verge of giving birth or knowing that your wife is about to deliver and lacking even these most basic supplies.

UNFPA provides family planning assistance in countries where they are welcomed. In those countries, they provide this help to families who ask for it. They also have a well developed program to prevent and treat obstetric fistula, that terrible condition which I described earlier that results from prolonged labor without medical assistance.

So each year, Congress appropriates money to support UNFPA's efforts to help countries and families who want their assistance. Yet every year the Bush administration has withheld that money. The administration does so because it claims that since UNFPA works in China, that UNFPA is supporting or participating in coercive abortions or involuntary sterilization, practices which the Chinese Government has long carried out.

In fact, UNFPA works to do exactly the opposite. UNFPA promotes voluntary family planning and opposes abortion as a form of family planning.

The United States sent a fact finding mission to China in 2002 to investigate this matter. It found no evidence of wrongdoing by UNFPA and recommended that the funds Congress appropriated for UNFPA be released. Studies have shown that abortions decrease in areas where UNFPA operates—and so do maternal and child mortality.

False accusations that UNFPA supports abortions in China are cutting off funding that could help save the lives. Yet, on September 13, for the fifth year in a row, the Bush administration announced that it was withholding the $34 million appropriated by Congress for UNFPA.

Every minute, a woman in the developing world dies from treatable complications of pregnancy or childbirth. That is a terrible tragedy. But the fact that politics are making this tragedy worse is an abomination.

HONORING OUR ARMED FORCES

Mr. NELSON of Nebraska. Mr. President, I rise today to honor SSG Jeremy W. Mulhair of Omaha, NE.

Sergeant Mulhair will be remembered as a brave and committed soldier, a dedicated husband, and a loving father. His family says it was Sergeant Mulhair's dream to serve his country as a soldier, inspired by his father's, Jerry Mulhair, service in Vietnam, his uncle's service in the Navy, and a cousin's in the Marines.

Sergeant Mulhair was originally born in Michigan but grew up on a farm in a rural area northwest of Omaha. He attended Horace Mann Junior High School and Omaha Central High School. He later earned an equivalency degree before enlisting in the Nebraska Army National Guard. Sergeant Mulhair served with the Army in Korea in addition to two tours in Iraq.

On November 30, 2006, while serving in support of Operation Iraqi Freedom with A Troop, 1st Squadron, 7th Cavalry Regiment, 1st Calvary Division, of Fort Hood, TX, Sergeant Jeremy

Mulhair passed away when a roadside bomb exploded near his vehicle in Taji, Iraq. He was 35 years old and had been serving in Iraq since October.

Giving his life in service to our country, Sergeant Jeremy Mulhair is the paradigm of courage and selflessness. He is survived by his wife Suzie and three children, Celina, Jeremy, and Maybel, of Fort Hood, TX; his parents, Jerry and Mildred, of Kimballton, IA; his brother, Robert Mulhair, of Mead; and his sisters, Tammy Lines and Dixie Heisner, both of Omaha.

I offer my prayers and thoughts to Sergeant Mulhair's family. He made the ultimate sacrifice to ensure that his children and others realize a peaceful and free world. Sergeant Mulhair was a soldier of incredible purpose and all Americans will never forget what he gave to our country.

LANCE CORPORAL MICHAEL SCHOLL

Mr. President, I rise today to honor LCpl Michael Scholl of Lincoln, NE.

Corporal Scholl will be remembered as a brave marine, a good friend, and a loving father and husband. He graduated from Lincoln High School in 2002, where teachers and classmates knew him for his easygoing personality and intelligence. He was also interested in cars, participating in a local car club, Camaros, Inc.

Friends say Corporal Scholl had dreamed of serving as a marine since he was young. When he enlisted it was only after being denied at first because he was diagnosed with a kidney condition as a toddler. His ability to overcome this obstacle set the precedent for his reputation as a reliable, courageous marine. Corporal Scholl's company commander told Scholl's family that the corporal had saved his life during a battle in October.

Corporal Scholl met his wife Melissa on a beach in Hawaii while training there. The couple married before his overseas assignment in Afghanistan. A few weeks after his deployment to Iraq, Melissa gave birth to their daughter, Addison. Sadly, Scholl was never able to see his infant daughter.

On November 14, 2006, while serving with the Marine Corps' 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force based out of Kaneohe Bay, HI, Corporal Scholl passed away from wounds received from a roadside bomb in Haditha, Iraq. He was 21 years old.

In addition to his wife and daughter, Cpl Mike Scholl is survived by his mother and stepfather, Debora and Jackson Chandler of Lincoln, and his father and stepmother, Steve and Donna Scholl of Friend.

Sacrificing his own life so that others could live, Corporal Scholl was the embodiment of bravery and the finest example of selflessness. I extend my deepest condolences to Corporal Scholl's family and friends. His unfaltering patriotism and his dedication to his family will remain a source of hope and inspiration for all Americans. Corporal Scholl was a man of exceptional honor, and we will not forget what he gave for our Nation.

SERGEANT FIRST CLASS SCOTT E. NISELY

Mr. President, I rise today to honor SFC Scott E. Nisely, 48, of Marshalltown, IA.

Sergeant First Class Nisely will be remembered as a man of faith, a compassionate father and friend, and a dedicated soldier. Originally from Syracuse, NE, Sergeant First Class Nisely graduated from Doane College in Crete, NE, where he was a decorated track star, excelling in hurdles. His alma mater is renaming an annual track and field event as the Scott Nisely Memorial Track Classic. While in college, SFC Nisely enlisted with the Marines Corps Reserve, later rising to the rank of major, and serving in Operation Desert Storm.

After leaving the Active-Duty Marines, he worked for the U.S. Postal Service in Marshalltown, IA. In 2002, he enlisted in the Iowa Army National Guard. On September 30, 2006, while serving in support of Operation Iraqi Freedom in Al Asad, Iraq, with C Company, 1st Battalion, 133rd Infantry Regiment, 34th Infantry Division, Iowa Falls, then-Staff Sergeant Nisely passed away when his military vehicle encountered small arms fire. He was posthumously promoted to sergeant first class.

Sergeant First Class Nisely is survived by his wife Geri of Marshalltown, IA, his son Justin of Greeley, CO, his daughter Sarah of Ames, IA, and his parents J.C. and Norma of Syracuse, NE.

I offer my sincere condolences to Sergeant First Class Nisely's family. He made the ultimate and most courageous sacrifice in the name of freedom and hope to defend liberty. Sergeant First Class Nisely was a man of incredible bravery; he will be forever remembered as a hero who sacrificed everything for his fellow country men and women.

RETIREMENT OF GENERAL JAMES L. JONES, U.S. MARINE CORPS

Mr. LEAHY. Mr. President, I would like to take this opportunity to commend GEN James L. Jones and to congratulate him on his retirement. General Jones has served this country through landmark events, including the Cold War and September 11, with consistent skill and with dedication, energy and intelligence. The country has greatly benefited from his service, and his clear-eyed counsel will be greatly missed.

I have known Jim Jones for almost 30 years. I was immediately impressed with his calm manner and obvious intellect when I first encountered him as a major in the Senate's Marine Corps liaison office. I had heard of his distinguished background to that point, which included service in Vietnam, where he earned a Silver Star, and years as a company commander, motivating his marines with his steadfastness.

Over the years, I, along with all of my colleagues in the Senate, have watched Jim Jones grow into a stellar leader. There are two sides to military service—the field operations and the administrative side. While each presents its own challenges, both are absolutely essential to a strong Marine Corps. Jim Jones has been simply superb in both roles.

I remember encountering then Colonel Jones in northern Iraq after the first gulf war during Operation Provide Comfort, which sought to provide food and supplies to the Kurds. At one point, I accompanied him into the town of Zaku. While you would think that this would be one of the more dangerous places, with multitudes of refugees and harassing Iraqi forces, I must admit I have never felt safer as Marine helicopter gunships, Air Force A–10s, and well-orchestrated groups of marines provided cover. General Jones was utterly comfortable, and completely confident, in that environment.

Yet he was just as at home in the conference rooms at Corps Headquarters, at the Pentagon, and walking the historic Halls of Congress. Serving as the 32nd Commandant of the U.S. Marine Corps, General Jones provided remarkable leadership to the Corps before and after the September 11 attacks. The marines under his command took on critical counterterrorist activities, forging strong ties with our special operations forces. General Jones' leadership led to the Marine Corps' successful operations in southern Afghanistan. Always a persuasive advocate for adequate resources for the Corps, he was an equally outstanding contributor to the Joint Chiefs of Staff, where he could only ''partly'' wear his service hat.

For someone with such multifaceted talent, skill and experience, it is little surprise that General Jones performed in equally spectacular fashion in his last, two-pronged position as Commander of U.S. European Command and as the Supreme Allied Commander, Europe. The 14th Supreme Allied Commander, he has encouraged our NATO allies to take on greater military responsibilities outside of Europe, including more leadership in ongoing operations in Afghanistan. His clear, well-spoken manner and obvious credibility have made General Jones an invaluable asset.

Through it all, General Jones has had no greater partner, confidant, and friend than his wife Diane. The commitment that they have shown in the good and bad times, to their children and to all who know them, is simply remarkable, and it is inspiring.

I join with my wife Marcelle, my fellow Vermonters, and all Americans in expressing our deep thanks to General Jones and his family. We owe this outstanding American, great marine, and dedicated representative of the very

best aspects of our Nation, a debt of gratitude that can never be repaid.

LANDMINES IN COLOMBIA

Mr. LEAHY. Mr. President, as someone who has been concerned about the problem of landmines for nearly two decades, I was heartened when every nation in this hemisphere, except, regrettably, the United States and Cuba, joined the Ottawa Treaty banning antipersonnel landmines. Many of them had experienced the human misery and economic hardship that landmines cause. Today most people in Central and South America can walk in safety thanks to the treaty and thanks to the efforts of the Organization of American States, with assistance from the U.S. Government, to remove the mines in those countries.

Today Colombia is the only country in Latin America where landmines are still being used. They are a persistent problem in almost every department, including some of Colombia's richest coffee-growing areas. According to the 2006 Landmine Monitor report, landmines in Colombia claim an average of three new victims a day. Colombia has the third highest incidence of mine victims in the world, behind only Cambodia and Afghanistan.

In Colombia the mines are used by rebel and paramilitary groups, and they are rudimentary in design. They kill or maim whoever comes into contact with them, whether it is a soldier or a young child. Many of the victims live in remote areas, hours or days from any medical services, so there is a high risk of bleeding to death.

Several initiatives are under way to help Colombia's mine victims with artificial limbs and rehabilitation and vocational services. Among them are the Polus Center for Social and Economic Development, the Colombian Coffee Federation, the OAS, Centro Integral de Rehabilitacion de Colombia, the Observatorio de Minas Antipersonnel, and the Colombian organization TECNOVO.

In addition, the Colombian organization United for Colombia has been working on a shoestring budget, and recently with assistance from the U.S. Government, to bring Colombian soldiers who have been grievously injured from landmines to the United States for reconstructive surgery.

I applaud the efforts of organizations that are working to assist victims of landmines in Colombia.

It is tragic that any of this is necessary. Landmines are inhumane, inherently indiscriminate weapons which should be relegated to the dustbin of history. The FARC rebels and AUC paramilitaries who use mines should be condemned. The use of these weapons is a gross violation of human rights and a crime against humanity.

On December 3, 2007, the world will mark the 10th anniversary of the signing of the Ottawa Treaty. Great progress has been made during the past decade in ridding the world of landmines. Let us hope that those who continue to insist on their right to use these indiscriminate weapons—in Colombia and in other parts of the world including the United States—will finally recognize that too often their victims are innocent people and that this cannot be justified.

FIGHTING MALARIA

Mr. LEAHY. Mr. President, earlier this year, the widely read, widely respected Sports Illustrated columnist Rick Reilly launched his Nothing But Nets campaign after learning that thousands of Africans—including about 3000 children—die each day from malaria and that simple mosquito netting could save many of these lives.

When I saw recently that his readers had kicked in more than $1.2 million for this effort—enough to buy 150,000 nets—I had to give that dollar total a double-take before it sunk in. His campaign has collected enough to buy thousands and thousands of nets, enough to save thousands and thousands of lives. Those nets, distributed by the United Nations Foundation and the World Health Organization, already are accomplishing that.

What Rick Reilly's crusade shows is that if you give Americans a clear and worthy goal, just about anything is possible.

Government and private relief agencies should be taking notes—and a lesson—from Rick Reilly. There are so many other devastating diseases that we could control or even conquer, if we summon the will.

I ask unanimous consent that Rick Reilly's column about this project be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD.

[Sports Illustrated, Nov. 28, 2006]

NOTHING BUT THANKS

(By Rick Reilly)

Seven months ago you and I found out that each day 3,000 African children die of malaria for the very sad reason that they can't afford mosquito nets over their beds. Didn't seem right to us. Sports is nothing but nets—lacrosse nets, cutting down the nets, New Jersey Nets. So SI started the Nothing But Nets campaign. Doctors guaranteed that if you sent in $20, you'd save at least one kid's life, probably two.

It was the alltime no-brainer. Skip lunch; save a life. Buy the Top-Flites instead of the Titleists; save a life. Don't bet on the Redskins; save a life. Nothing to research. No government to topple. No warlords to fight.

Bless your little hearts, all 17,000-plus of you who chipped in more than $1.2 million—enough to buy 150,000 nets, which the United Nations Foundation and the World Health Organization started hanging all over Nigeria, where kids younger than five are getting murdered by mosquitoes that come out only at night.

I know, because I saw the nets. Just got back. Feel a little bad about going without you. After all, it was your money. So let's pretend it was you who made the trip, not me.

Remember? Everywhere you went, people mistook you for King Tut. Women got down on their knees and kissed your hand. Whole towns threw festivals. The king in every ward summoned you to his one-room, one-lightbulb palace. One pointed his horsehair scepter at you and pronounced, ''Thank you for dee nets. All my wives use dem!'' Turns out he has four wives and 23 kids, and they're all under the nets, which is a good thing because the open sewer that runs right outside his shack is a kind of one-stop malaria center.

Everywhere you went, 40 people followed: doctors and nurses and random government suits and guards with AK–47s and vice-kings. You rode in an eight-truck caravan past unimaginable squalor, vans on fire and guys selling caskets on the street—a very good business in Nigeria, where the average life span is 47. And every time you opened your car door, two drummers beat a skull-busting welcome. You'd pull into a school, and the principal would hang a ribbon around your neck and say something you couldn't hear. ''What?'' you'd holler over the drums.

''We humbly fumalk apoplia!''

And you'd shrug, and he'd gesture to the 200 kids behind him, who were chanting something over and over, their faces beaming. Later you'd find out it was, ''Thank you, white person!''

And they'd play a soccer game in your honor that featured nine-year-olds who played like 14-year-olds in the U.S., on fields full of weeds and trash, with goals made of tree branches. In three games the closest thing you saw to a boy with shoes was a set of brothers who wore one sock each.

And they'd hand you the mike, and you'd try to say how blown away you were and how you wished you could raise 100 times more in donations, because already one hospital in Nigeria is saying that since the nets went up, outpatient cases of malaria have dropped from 80 a month to 50. But they'd all put their hands to their ears and go, ''What?''

When you bribed the drummers into taking a union break, you finally met the people you'll never forget: the mothers. Turns out they're nothing but nuts about the nets. In fact, so many mothers want the nets that to get one, the World Health Organization requires them to bring their kids in for a measles vaccination. How often do you get two for one on diseases?

You met a mother who walked half a day to get a net. You met a woman who sleeps with her four kids under her net, maybe because she knows that three out of every 10 child deaths in Nigeria are from malaria.

In the fetid slums of Lagos you met a woman named Shifawu Abbas who's had malaria twice. ''Everybody wants the nets here, everybody!'' she said, beaming. ''My sister visited from the country and tried to steal it from me!''

Still, as you were climbing back into your air-conditioned SUV, she yanked back your hand and begged, ''Please? Can I come with you?''

Sorry, you said.

On the last day you met Noimot Bakare, a mother whose youngest child died of malaria. She was so grateful that she trembled as she spoke. ''Malaria is killing our children,'' she said, holding her toddler. ''There is so much need here. God will bless you for the work you are doing.''

Please go to NothingButNets.net and keep it up.

For that, we humbly fumalk apoplia.

INDIAN GAMING LEGISLATION

• Mr. MCCAIN. The 109th Congress ends with many missed opportunities, and among them is the opportunity to enact necessary amendments to the Indian Gaming Regulatory Act, IGRA.

IGRA has not been significantly amended since its enactment in 1988, almost 20 years ago. When IGRA was enacted, Indian gaming was a $200 million dollar industry. Today, the industry earns $23 billion a year. The industry is no longer just bingo; instead, the lion's share of revenue—at least 80 percent—is generated by what IGRA calls class III gaming; that is, slot machines and other ''Las Vegas'' style casino games. This explosive and unanticipated growth in Indian gaming has created a changed environment that cries out for modifications in the law. Yet Members of this body have blocked getting needed legislation passed. They have done so at the cost of good public policy.

During the 2 years that I have served as chairman and Senator DORGAN has served as vice chairman of the Committee on Indian Affairs, we held seven hearings on Indian gaming. After four of those hearings and based on testimony received, in November 2005, we introduced S. 2078. After the bill's introduction, we held three more hearings to continue oversight over the Indian gaming industry. These hearings revealed, among other things, that a court decision had decimated the Federal regulatory agency's authority and that, meanwhile, new large Indian casinos were threatening to appear in all areas of the country. Based on the hearings and responses from interested parties, I offered a substitute amendment, which was successfully reported out of committee with bipartisan support. However, when we sought unanimous consent for passage of the bill, holds were placed on it. These holds were placed by Senators with concerns that the bill was not restrictive enough and by those who thought it too restrictive. Understandably, these concerns were mostly prompted by constituent interests. We then worked in a bipartisan effort to modify the bill to answer our colleagues' concerns while balancing the need to provide real oversight over the industry. Some of our Members' constituents, however, simply do not want Federal oversight. Some took the position that there must be no change in IGRA because opening up IGRA would send a signal that Indian gaming was not perfect and no one was to speak that truth. It seems that these people assumed that ignoring the problems is a better policy than confronting them.

And there are problems. Through S. 2078, I sought to confront these problems while at the same time honoring the rights of Indian tribes to conduct gaming, a right guaranteed by the Supreme Court in the California v. Cabazon decision. I will continue to believe that effective regulation—including effective Federal regulation—of Indian gaming is critical to tribes' continued success.

A critical problem we have left unsolved is the hole left in regulation of class III gaming; that is, slots and other casino games. On August 24, 2005, the U.S. District Court for the District of Columbia issued its decision in Colorado River Indian Tribes v. NIGC, ''CRIT'', ruling that the National Indian Gaming Commission, NIGC, did not have jurisdiction to issue class III Minimum Internal Controls Standards, MICS. That ruling was upheld by the U.S. Court of Appeals for the District of Columbia in October of this year.

Until the court's decision, the NIGC had been regulating class III gaming through MICS since 1999. The regulations applied both to class II gaming—that is, bingo and games similar to bingo—and to class III—gaming including slot machines and table games—which represents the source of four-fifths of all revenue in Indian gaming. Following the CRIT decision, however, tribes have increasingly challenged NIGC's authority to issue or enforce the MICS over class III gaming. This leaves Federal oversight only over class II gaming, which is a small—and with increasing numbers of States entering into compacts, a diminishing—source of Indian gaming revenue. It leaves class III regulation up to the terms of the compacts negotiated between tribes and States. But States' roles in regulating and enforcing class III regulation varies widely among State-tribal compacts. While some States take a rigorous role in regulation, many simply do not have the expertise or resources to regulate Indian casino games. These States have typically relied on NIGC to provide regulations. As a result of the CRIT decision, however, tribes are increasingly refusing to allow for NIGC access to or oversight of their gaming facilities. These tribes are, in effect, now free to regulate themselves.

I do not believe that self-regulation without oversight is real regulation. By failing to enact legislation that overturns the CRIT decision, we have left the lion's share of a huge industry in its own hands. This is not a small matter. Indian gaming in 2006 is a nationwide industry. More than 220 tribes operate gaming facilities throughout the United States, from Connecticut to California. Indian gaming is no longer simple bingo parlors on rural Indian reservations. For a nationwide industry that generated $23 billion dollars a year and is growing, uniform Federal standards are necessary and vigorous enforcement of those standards are imperative to making sure that the money that customers put into Indian gaming machines finds its way safely from the casinos to the tribal governments, which through IGRA are directed to use the money to strengthen the social and economic fabric of their tribes. The failure of this Senate to pass this bill will leave Indian gaming radically less protected than it was before the 109th Congress convened and the CRIT decision was issued. What we have now is the triumph of individual self-interests over the public good and it sorrows me to leave Indian gaming in that condition.

Failure to pass this bill also leaves a well-documented hole in Federal oversight of gaming contracts. While the NIGC has told us that management contracts are not the only source of overreaching by contractors, we have left the agency with the authority to approve or disapprove only management contracts. Similarly, while we all know that Indian gaming is spreading beyond the confines of reservations, by not passing this bill, we have also failed to amend IGRA to limit ''off-reservation'' gaming and the growth of casinos where local people could never have foreseen their arrival. In 1988, when we first enacted IGRA, we provided a general prohibition against conducting gaming on land acquired after 1988; in the interest of fairness, several exceptions to this ban were provided. Unfortunately, exploitation of these exceptions, not anticipated in 1988, has led to a burgeoning practice by unscrupulous developers seeking to profit off Indian tribes desperate for economic development.

S. 2078 would have eliminated the ability of tribes to establish casinos outside of their reservations and provided a process whereby local communities can voice their concerns regarding impacts of casino development. Finally, it would have prevented attempts to create reservation land, specifically for casinos, through so-called land claims unless Congress actually approved legislation to that effect.

It is my hope that the next Congress will leave Indian gaming better regulated and more responsive to present-day realities than this Congress has left it. This is my hope for tribal members, who depend on honestly tracked revenue from gaming establishments for their government services. This is my hope for local communities who are facing the prospect of huge casinos in their hometowns where they could never have anticipated them. I am hopeful that we will choose to put the good of the American people above special interests.●

NORTH KOREA

Mr. FEINGOLD. Mr. President, I think we all can agree that North Korea remains one of the greatest challenges to our country's foreign and national security policy, and it is clear that approaches to date haven't been successful. This year saw Kim Jong Il launch seven ballistic missiles into the sea of Japan and successfully detonate a nuclear device, defying the clear will of the international community and forcing us to confront the reality of a nuclearized North Korea.

The Bush administration's policy on North Korea has been a complete failure. The 1994 Agreed Framework which this administration inherited was not perfect, and the North Koreans cheated by pursuing uranium enrichment. But the collapse of the framework, which had kept North Korea's fuel rods under IAEA supervision, has been a disaster.

As the Director of Central Intelligence, George Tenet testified publicly in 2004, ''the IC judged in the mid-1990s that North Korea had produced one, possibly two, nuclear weapons. The 8000 rods the North [now] claims to have processed into plutonium metal would provide enough plutonium for several more.''

But that is the past; our problem now is to find a way forward. For far too many months we have been waiting on the sidelines, hoping, passively, that conditions will turn our way. We have been distracted by Iraq—it took a series of missile launches and the actual detonation of a nuclear device for us to get fully engaged again. And still we wait for the Six Party Talks to reconvene.

I welcome the news that North Korea has agreed to come back to the Six Party Talks. That is a good starting point, but it cannot be the end point; the Six Party process has dragged on for years now, and the only objective result has been that Kim Jong Il now has nuclear weapons. There must be results that come from these talks, and we must have in place benchmarks for what success means. I hope that we can convince Kim Jong Il to give up his nuclear weapons, but history does not provide a great deal of reassurance on that score. At a minimum, we should seek steps in that direction, such as partial dismantlement or a freeze on further production of fissile material, as a starting point.

Ultimately, North Korea needs to be brought back into the international fold. Unfortunately, we can't do that if we signal that our true desire is ''regime change'' and we continue to refuse to consider other options, such as direct negotiations. When dealing with such an important matter to our national security, we should not keep any option off the table. It is high time for a change of course in President Bush's North Korea policy.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT

Mr. CRAIG. Mr. President, I rise to make a few comments regarding the Secure Rural Schools and Community Self-Determination Act, or County Payments Act as it has been nicknamed.

As this session comes to an end, I want to express my disappointment that this Congress did not act to reauthorize County Payments and to publicly reaffirm my commitment to finding resolution for this issue.

In 2000, the Congress passed Public Law 106–393 to address the needs of the forest counties of America. It created a new cooperative partnership between citizens in forest counties and our Federal land management to develop forest health improvement projects on public lands and simultaneously stimulate job development and community economic stability.

The act has been an enormous success, not just achieving but surpassing the goals of Congress. This act has restored programs for students in rural areas and prevented the closure of numerous isolated schools. It has been a primary funding mechanism to provide rural school students with educational opportunities comparable to those enjoyed by suburban and urban students. More than 4,400 rural schools receive funds because of this act.

Next, the act has allowed rural county road districts and county road departments to address the severe maintenance backlog. Snow removal has been restored for citizens, tourists, and school buses. Bridges have been upgraded and replaced, and culverts that are hazardous to fish passage have been upgraded and replaced.

In addition, over 70 Resource Advisory Committees, or RACs, have been formed. These RACs cover our largest 150 forest counties. Nationally, these 15-person diverse RAC stakeholder committees have studied and approved more than 2,500 projects on Federal forestlands and adjacent public and private lands. These projects have addressed a wide variety of improvements drastically needed on our national forests. Projects have included fuels reduction, habitat improvement, watershed restoration, road maintenance and rehabilitation, reforestation, campground and trail improvement, and noxious week eradication.

RACs are a new and powerful partnership between county governments and the land management agencies. They are rapidly building the capacity for collaborative public land management decisionmaking in over 150 of our largest forest counties in America and are reducing the gridlock over public land management, community by community.

The legacy of this act over the last few years is positive and substantial. This law should be extended so it can continue to benefit the forest counties, their schools, and continue to contribute to improving the health of our national forests.

I could go on and on about the merits of this act, but the truth is politics got in the way of funding any extension.

Some of my colleagues proposed to fund this measure through a sweeping new 3-percent withholding on all payments made by Federal, State, and local governments. This proposal would impose significant burdens on businesses. In most cases, businesses make substantially less than a 3-percent profit on their contracts and sometimes turn no profit at all. The withholding requirement will effectively withhold entire paychecks—interest free—thereby impeding the cash flow of small businesses, eliminating funds that can be used for reinvestment in the business, and forcing companies to pass on the added costs to customers or finance the additional amount. In addition, the cost to the Federal, State, and local governments to administer and implement the new withholding requirement will be substantial. The Congressional Budget Office called the provision an unfunded mandate on State and local governments because its expected costs exceed the allowable $50 million annual threshold. In short, this proposal would hurt many of the same people we are trying to help.

The administration also proposed a few ideas, one being the selling of public lands. I have always supported the exchange or sale of small parcels of public land that improve land management for wildlife habitat, recreation, and access. I oppose selling those public lands that are America's treasures such as national parks, wilderness lands, or national monuments. I also oppose selling public lands for the sole purpose of generating funds for the U.S. Treasury.

All of the ideas I brought to the working group encouraged responsible resource development and further promoted the relationship of our resource dependant communities and our public lands. I have encouraged the working group to look at expediting oil and gas leases, thus generating additional revenue through increased royalty payments. Next, I asked that the working group consider streamlining NEPA for salvage logging and other timber-related projects. My hope was to build on the success of the Healthy Forest Restoration Act of 2003 and reunite our communities with our public lands.

Let me assure you that these ideas I have just described were only the tip of the iceberg. No stone was left unturned, and in many cases the rock was flipped several times in hopes of shaking a new idea loose. Unfortunately, none of the ideas could garner enough bipartisan support. Again, it is upsetting to me to see an issue that has built its reputation on nonpartisan success fall victim to partisan politics.

If we do not work to reauthorize this act, all of the progress of the last 6 years will be lost. Schools in timber-dependant communities will lose a substantial part of their funding. These school districts will have to start making tough budget decisions such as keeping or canceling afterschool programs, sports programs, music programs, and other programs that serve the basic educational needs of our children. In addition, many school districts will have to determine if and how many staff members they can retain for the next school year. Next, counties will have to reprioritize road maintenance so that only the essential services of the county are met because that is all they will be able to afford. Since most school districts and counties operate on a fiscal year that begins July 1, many of these critical decisions have to be made sooner rather than later.

I have always viewed that this act as a temporary measure to help communities transition from historical payments to the reality of today. Unfortunately, our communities have not come far enough in the last 6 short

years. I want to work with my colleagues to help counties expedite their transitions and feel that the first step is to address how much funding is associated with the reauthorization.

With the beginning of the next Congress, I will encourage my colleagues to recall why we are working on this reauthorization, the relationship between our public lands, schools, and counties. And I will be asking for their commitment in working in a bipartisan fashion to address this critical issue expeditiously.

RECOGNIZING THE DC COMMISSION FOR WOMEN

Mr. BROWNBACK. Mr. President, I rise to reflect on the contributions that the DC Commission for Women has made to the lives of the disenfranchised in our Nation's Capital. Of particular note has been the commission's focus on homeless women and children who are often forgotten and neglected in the District of Columbia.

I am particularly pleased that the commission will serve as a partner in the ''big read'' program, sponsored by the national endowment for the arts. This program provides books for low-income ''at-risk'' children. The DC Commission for Women is also a national model for educating the public on domestic violence prevention and women's health and safety issues.

My remarks are coming on the eve of Mayor Anthony Williams' transition from pubic service into private life. It is befitting that the commission is paying tribute to Mayor Williams' mother, Virginia E. Hayes Williams, a member of the commission and a strong advocate for children and women. It is not coincidental that the tribute will be held at the Saint Constantine and Helen Greek Orthodox Church for Mrs. Williams, like Constantine the Great's mother, Helen, advised her son on religion and affairs of the state.

I would also like to acknowledge the commission's chair, Dr. Christine M. Warnke, whose leadership has brought international resources and visibility to the commission. She has expanded the commission's programs and forged global partnerships which promote religious and cultural tolerance.

As we move into the 110th Congress, I look forward to working with the Commission for Women on these important issues.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOICE OF AMERICA

• Mr. BIDEN. Mr. President, as the people of Serbia approach a critical national election on January 21, 2007, I pay tribute to the journalists and broadcasters who have worked to provide an antidote to forces of extremism in the country. I especially congratulate the Voice of America's Serbian Service and recognize the 10-year anniversary of its first television broadcast. VOA's long-running work in Serbia has played a valuable role in the country's evolution and provided an important source of information during the darkest periods of Serb history. This contribution has been particularly evident as Serbia has undergone profound changes in the last 10 years.

Open Studio, VOA's first daily television newscast, was launched on December 11, 1996, in the wake of massive demonstrations to protest the invalidation of election victories by opponents of Slobodan Milosevic. In the face of public outcry, the Milosevic regime worked quickly to silence independent media outlets in Serbia, including a small, vibrant radio station called B92. The student-run station had distinguished itself by broadcasting hard news about the wars in the former Yugoslavia and engaging in relentless criticism of the Government. VOA's Serbian Service responded to the Milosevic regime's attacks on media freedom by expanding its broadcast and providing extensive reports on the international reaction to the protests in Serbia. On the day Serb authorities finally shut down B92, VOA requested permission to help the station reach its audience via VOA radio waves. As a result, VOA Serbian launched a media solidarity project and began broadcasting reports prepared by B92 stringers. The solidarity project received widespread international attention, including press coverage by the New York Times, Washington Post, CNN, and many other respected media outlets.

After VOA began providing assistance to B92, the Milosevic Government relented and permitted the station's radio service to resume broadcasting. B92's chief editor, Veran Matic, credited VOA's assistance and international pressure on the Milosevic Government with getting his station back on the air. B92 quickly became a symbol of freedom and resistance to ultranationalism during the balance of the Milosevic era. Today, the station is one of the most respected radio and television broadcasters in Serbia.

VOA's Open Studio program has built on its early success and is now carried by 53 television stations in the region; 45 in Serbia and Montenegro, 6 in Bosnia-Herzegovina, and 1 each in Kosovo and Macedonia. VOA is the leading international broadcaster in Serbia and Montenegro today, reaching 16 percent of the country's population each week through its radio and television programming.

By presenting American values to an audience that was predominantly anti-American, the Voice of America Serbian Service has been an important public diplomacy tool and helped promote United States foreign policy objectives in Southeast Europe. In keeping with the best traditions of the service's 60-year history, VOA has helped guide Serbs toward greater freedom and openness, and encouraged the country to come to terms with the difficult legacy of the Yugoslav wars. VOA's objective, comprehensive reporting and analysis has provided reliable, often indispensable information to the region's Serbian population.

Events in Serbia during the last decade provide compelling evidence of how courageous journalism can serve as a catalyst for democratic change. As the region prepares to deal with new challenges, including potential political changes in Belgrade and Kosovo, there is an ongoing need to provide Southeast Europe with reliable information. Along with the important work of B92 and other brave Serb partners, I applaud the efforts of the Voice of America to convey the facts and represent the United States to the people of Serbia. I look forward to the VOA's continued success in its next decade of service.•

WATER RESOURCES DEVELOPMENT ACT

Mr. NELSON of Florida. Mr. President, I rise today to talk about a bill that we have been trying to pass for several years now—the Water Resources Development Act. Yet, again, we were not able to pass this bill that is not only important for the State of Florida, but also for the country. It includes two particularly key projects for Everglades Restoration: Indian River Lagoon and Picayune Strand. Both of these projects are critical to ''getting the water right'' and restoring the natural environment of America's Everglades. As incoming Chair of the Senate Environment Committee, will it be a priority of the new Chair, Senator BOXER of California, to pass the WRDA as soon as possible in the 110th Congress?

Mrs. BOXER. Yes. I commit to my friend from Florida, Senator BILL NELSON, that as the new chair of the Environment Committee, WRDA will absolutely be a priority for the committee. I look forward to working with him on projects important to Florida and passing WRDA as a whole as soon as possible in the 110th Congress.

WORLD TRADE MONTH

Mr. SMITH. Mr. President, I rise today to speak about World Trade Month. I have always been a free trader, and I am very proud of the many Oregon companies that are active in international trade and are pioneers in breaking into new markets and tearing down ancient barriers to commerce and cooperation. As advances in technology and transportation shrink our world, the international trade of goods and ideas becomes more and more vital to our economy.

In May 2006, the Commerce Department's Office of Export Assistance organized a very timely and useful program that focused on Asian markets

beyond China. Oregonians who pay attention to trade realize the importance of China as a market for goods and services from the Pacific Northwest, but we also have a long and robust history of trade relations elsewhere in Pacific Rim Asia. As a result of this, I have led the Senate's effort to normalize our trade relations with Vietnam and increase trade with the least developed countries in the Asia-Pacific region.

As a businessman, I have seen how trade can raise standards of living both in America and around the world. International commerce creates new growth opportunities for our manufacturers and agricultural producers, and WTO membership for Vietnam will help ensure that everyone's playing by the same rules. It will also mean that Oregon farmers, ranchers, manufacturers, and service providers will enjoy greater access to a market of more than 83 million new customers.

During the Commerce Department's conference, Deputy Assistant USTR Jeri Jensen provided a very insightful keynote address, which, without objection, I would like to have printed in the RECORD. I believe this speech is worth examination by my colleagues interested in trade policy and export markets for U.S. goods and services.

Mr. President, I ask unanimous consent that the speech be printed in the RECORD.

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

EXPANDING TRADE WITH THE PACIFIC RIM

(Remarks of Jeri Jensen)

Want to thank the Portland USEAC and Scott Goddin in particular. Before coming to USTR, I spent about 20 years at the Commerce Department, working trade promotion and policy issues. I've known Scott most of that time, and can say without a doubt how lucky Portland is to have him.

Also want to thank companies that are here today, for their interest in the region and their support for our trade agenda more broadly. Companies like Intel, Nike, Tektronix, HP, Infocus and Colombia Sportswear are the reason why we work as hard as we do at USTR to increase our footprint in the Asia Pacific region. We look forward to your support next year when we seek Congressional approval for our trade agenda.

What I want to accomplish today is for you to come away with the clear sense that there really is no other region in the world now where we are more economically engaged than the Asia Pacific. We have a vision to continue to get you in on the ground floor of these economies, which you all know are the fastest growing economies in the world.

This is good news to Oregon, because you all are the seventh largest state exporter to Asia, (Washington is third—but Scott assures me that its only forty planes and some Microsoft software that separates Oregon from Washington when it comes to trade with the Asia Pacific).

Exports from your state to Asia have averaged about $5 and a half billion over the last 5 years, and as most of you know, have been concentrated in the high tech sector and agriculture. Eight of your top twelve trading partners, or more than 60 percent of Oregon's trade, is with countries in the Asia-Pacific region.

This tracks with the overall significance of U.S. trade with Asia. Asia accounts for one-third of total U.S. trade—up almost 70 percent over the past 10 years. U.S. investment, also has more than tripled in the region over same period.

As we can see from the number of companies in the room, few major U.S. companies do not have an Asia strategy, and many have chosen some of our FTA partners like Malaysia and Singapore as hubs for their regional supply chains.

What I want to do today is give you a snapshot of where we are with our trade policy efforts in the region, but before I do, let me provide some context and say a word about some of the recent economic dynamics in the region.

First, it wasn't that long ago when our trade policy was all about our rising trade deficit with Japan. Now, the challenge and opportunity is dealing with the commercial and strategic influence of China.

Second, along with China's new economic might, we've seen unprecedented economic growth and political reform in the rest of Asia. And, we are now the largest or second largest trading partner of most of these fast-growing economies.

Third, most of the countries in the region are developing unique visions of how they intend to compete and integrate their economies into the global trading system. Some want to move quickly, some more slowly.

Fourth, we are well aware of the fact that we are not the only country that is thinking strategically about this region. Virtually every country in Southeast Asia has or is negotiating an FTA or regional agreement. There are now about 14 trade agreements in SE Asia. China has 3 now and is negotiating 17 more. ASEAN has an FTA with China and is negotiating FTAs with Korea and now the EU.

None of them are as comprehensive and deep as those the U.S. negotiates. But they clearly affect the competitive landscape, and China's influence in the region.

So the question we try to answer every day is how to deepen our economic ties with each of these countries in a way that supports their unique efforts toward economic and political reform, and yet recognizes the commercial and strategic significance of the region, and the fact that our competitors are not standing still?

We are answering that question, as Ambassador Portman has said, by walking and chewing gum at the same time.

We are working to build relationships regionally in APEC and ASEAN. Indeed, we are all going to the APEC Trade Ministerial next week, and we are in the midst of negotiating a Trade and Investment Framework Agreement with ASEAN.

But most of our efforts are focused on an aggressive bilateral agenda. We believe this approach will accomplish the most, in light of our Congressional requirements, the different levels of development in the region, and the needs of U.S. companies for genuine market access that goes beyond just tariff reductions to include non-tariff measures like IPR, remedies for investment disputes, trade facilitation, transparency, and other barriers that plague many of the markets in SE Asia.

This approach is working for U.S. companies. We are increasing our exports and are opening the markets that matter most to our exporters.

If you were to take all of our current FTA partners, while they may represent only 14 percent of the world economy, they buy about 50 percent of U.S. goods exports and are about the size of our third largest market.

And if you look at the exports of our FTA partners, they are growing at a clip of about twice as fast as our exports to the rest of the world.

We have five FTAs in the Asia-Pacific region which we have recently negotiated or are about to negotiate. When all five are complete, Oregon companies will have better access to a $2 trillion market, and the sixth largest market worldwide.

Our agreement with Singapore in 2003 was one of the first FTAs President Bush announced under Trade Promotion Authority and the first FTA between the U.S. and an Asian country.

Since we implemented the agreement, U.S. exports have increased almost 25 percent and our trade surplus with Singapore has tripled. Most of those increases have come in sectors where Oregon companies are globally competitive, like info technology equipment and chemicals.

Singapore, by the way, at our urging, has developed one of the strongest intellectual property rights regimes in Asia. Over the last 2 years they have even gone beyond their FTA commitments, amending their laws in all IPR areas.

Based on those amendments, just last month Singapore's courts imposed its first fine (of about $20,000) on a copyright-infringing design firm after police discovered illegal installations of Microsoft, Adobe, and Autodesk software.

Our FTA with Australia was completed 1 year after Singapore's. We have referred to it as ''the manufacturing FTA'' because 99 percent of our manufactured goods exports gained immediate duty free access. All U.S. agricultural exports received immediate duty-free treatment as well.

One year later we can already see the benefits. U.S. exports are already up 10 percent; U.S. agriculture exports are at record levels, and when the data comes in we expect to see gains in services as well.

Let me turn to our ongoing FTA negotiations in the region. First, regarding Thailand, we have had six rounds of FTA negotiations, and have made progress in a number of areas.

However as many of you know, this February the Thais called for snap elections in April. Since then, the Thai government has had no mandate to negotiate and our negotiations have been on hold.

Two weeks ago, the Thai courts invalidated the results of the April elections and new elections will now be held, probably this Fall. Once a new government is in place, we will determine, in consultation with the Thai government, where we go from there.

But our negotiations with Malaysia are poised to begin in three weeks in Penang. This agreement holds particular promise for Oregon companies because you are the third largest exporter to Malaysia, beating out Washington who comes in at a mere 12th.

Few people realize we export more to Malaysia than we do to India, Russia, Chile, Singapore, Brazil or Thailand. Malaysia is our tenth largest trading partner, with $44 billion in two-way trade, and a consistently strong growth rate averaging about 5 percent for the last decade.

Two-thirds of our trade with Malaysia is in electronics and high-tech products, and is tied to a number of U.S. company supply chains, which may explain Oregon's interest. Financial services and autos, where entry barriers are high, will also likely benefit from an FTA.

We will also begin our negotiations with Korea next month. This will be a huge opportunity for U.S. companies, as the most commercially significant bilateral free trade agreement launched by the U.S. since NAFTA 15 years ago.

Korea is the third largest market in Asia, after China and Japan, and the world's tenth

largest economy. Like Malaysia, it has consistently high growth of about 5 percent a year over the last 10 years. It is a high-income economy with per capita income about $20,000/year.

And it is a major world trader—the world's seventh largest goods and services exporter. We are already Korea's second largest trading partner.

But we are under no illusions about the challenge ahead. As with Malaysia, we have about a year to complete the agreement, which will be no small feat in light of the size of the Korean economy and the number of non-tariff measures unique to Korea. But because of the extensive preparatory work that was done and the political commitment on both sides, we believe it is achievable.

We also have an active bilateral agenda that's distinct from our FTA negotiations.

At about the same time we were concluding the Singapore FTA, President Bush announced the Enterprise for ASEAN Initiative in 2002. This is really the strategic framework for our trade relationship with the ASEAN countries.

It's a vision for a network of FTAs with those ASEAN economies that have demonstrated an ability to resolve bilateral trade issues, build strong support in the U.S. business community and in the Congress, and are ready to meet our comprehensive FTA commitments.

TIFAs—Trade and Investment Framework Agreements—are really just a fancy acronym for an ongoing trade dialogue. TIFAs are one of many possible bilateral vehicles that can work to take a trade relationship to the next level.

The point is that we are broadening and deepening our trade relationships throughout the region, and the shape that takes for each country depends on each country. Indeed, precisely because the region is so dynamic, there is no ''one size fits all'' for trade agreements here.

We have TIFAs with 7 countries in Asia.

Our TIFA discussions with the Philippines and Indonesia are great examples of the breadth of issues that can be covered.

The Philippines have lifted its ban on U.S. beef, opened its market to U.S. poultry and modified their decision to increase auto tariffs. There have also been major accomplishments on IPR, including stronger legislation and increased coordination among IP agencies.

Indonesia's Trade Minister Pangestu was just in town in March for TIFA discussions. She and Ambassador Portman announced a customs cooperation agreement and an MOU on textiles. They also announced their intention to negotiate a bilateral investment treaty and the first agreement ever on illegal logging and illegal trade in endangered species.

As a major exporter of forest products that compete with illegal logs, this should be of interest to Oregon. We hope the agreement will be a model for other countries who have an interest in protecting their land and sensitive habitats from illegal logging, while making sure they have access to legally produced timber.

We are particularly excited about the agreement in principal we reached with Vietnam May 14 on bilateral market access that will pave the way for Vietnam to enter the WTO.

This is a major accomplishment, considering that it wasn't that long ago—just a little more than a decade—that France was Vietnam's major trading partner and Vietnam was a state-controlled economy.

Now the U.S. is Vietnam's major partner and it's clear Vietnam recognizes its future is tied to the global economy, through broad-based economic reform.

You can see this in the stats: its growth rate last year alone was 8.4 percent, the fastest in Southeast Asia. Its imports have grown dramatically. Last year our exports to Vietnam were up 24 percent. Two-way trade with the U.S. has grown to more than $8 billion, which is an increase of more than 400 percent since 2001.

Our bilateral agreement will result in real market access for U.S. companies when Vietnam accedes to the WTO.

About 94% of Vietnam's imports from the United States will face duties of less than 15%. Major U.S. exports like construction equipment, pharmaceuticals and aircraft will face duties of less than 5%.

Vietnam will join the Information Technology Agreement, implement low duties on nearly all medical equipment and to harmonize its chemicals tariffs.

About three-fourths of U.S. agricultural exports to Vietnam will face duties of less than 15%. And, Vietnam will open up telecom, distribution, financial, insurance and energy services to foreign participation.

The next step is for Congress to grant Vietnam Permanent Normal Trade Relations (PNTR), so that U.S. companies can take advantage of all of the benefits I've just described. We believe there is bipartisan support for PNTR, and are consulting with the Hill to highlight the benefits of the agreement.

Last but certainly not least, let me say a few words about Japan and China.

Japan of course is our 4th largest trading partner. And the question that is always posed is why aren't we negotiating an FTA with Japan? And the answer is, as with all of our FTAs, we always seek a fully comprehensive agreement that covers all industry sectors, including agriculture. And the reality is that Japan is not yet interested in negotiating this kind of fully comprehensive agreement.

That said, Japan certainly is one of our most important trade relationships. We already have an advanced approach to working with Japan, under our Joint Economic Partnership for Growth, which includes work across a number of important areas—including regulatory reform, financial services, express delivery and investment.

And we are looking at new ways to integrate our markets more, particularly in the area of IPR, both through APEC and bilaterally.

And then there is China. Thirty years ago China accounted for less than one percent of the world's economy. Today, it is four percent of global economic activity, with almost $1 trillion in foreign trade annually, one third of which is with the U.S.

It is one of the world's fastest growing economies, with almost 10 percent growth in 2005, the third largest economy in the world in terms of purchasing power, and our second largest trading partner.

What is often overlooked in our relationship with China is the opportunity—the fact that it is our fastest growing export market and that U.S. companies are doing quite well there.

Exports to China have increased at a clip of about 20 percent a year for the past five years. What's even more impressive is that in the first 3 months of this year we almost doubled that rate, with our exports increasing 39%, 2 times faster than our exports to Japan and more than double the growth rate of U.S. imports from China during the same period.

And, China is not a market just for large, sophisticated companies. The number of small and medium-sized enterprises (SMEs) exporting to China rose faster than to any other major market in the last ten years, with the total number of firms exporting to China quadrupling.

But as with any complex relationship, there are challenges. In February, USTR unveiled a top-to-bottom review which concluded that, while the U.S. has clearly derived substantial benefits from U.S.-China trade, the relationship has not been sufficiently balanced.

We are entering a new phase in our relationship with China. We are treating it as a mature trading partner and drawing upon the full set of tools available to us to make sure China complies with its commitments.

You may have noticed that we were just joined by Canada and the EU in bringing a case to the WTO over China's unfair barriers to imported auto parts. Of particular concern has been its WTO commitment to enforce intellectual property rights.

We've had two recent opportunities to strengthen this relationship. The Joint Commission on Commerce and Trade, or JCCT, chaired by the Secretary of Commerce and the USTR, met in April as it does each year to discuss our bilateral trade agenda. And then there was President Hu's visit to see President Bush ten days later.

At the JCCT, the Chinese made a number of commitments to strengthen their enforcement of intellectual property, resume trade in U.S. beef, improve access to China's telecom market, sign the WTO government procurement code and take steps on transparency and export controls.

During his remarks on the South lawn, (just before the Falun Gong protester made her remarks, President Hu reiterated the key commitments China made during the JCCT, such as boosting domestic demand and increasing imports, improving market access and strengthening intellectual property protection.

And President Bush impressed upon Vice Premier Wu Yi that the value of these commitments was in the follow-through. We are currently working with our Chinese counterparts to turn these commitments into reality.

So we believe our relationship with China is on track.

To sum up, there are really just three points.

First, the transformation of the Asia-Pacific region from a center of low-cost manufacturing to what has become the growth engine for the world economy has been truly remarkable;

Second, we ''get'' at USTR that for Oregon's companies—and all U.S. companies—to stay innovative and globally competitive, they have to be integrated into the fabric of the Asia-Pacific;

And third, we have a strategy to do just that, one that contemplates the economic diversity of the region and employs a variety of tools matched to the potential, capacity and willingness of our trading partners.

Thank you.

ENRICHED URANIUM

Mr. VOINOVICH. Mr. President, last year after many years of effort, the Congress finally passed a bipartisan energy bill, the Energy Policy Act, which I was very pleased to work on and support. I believe, as I know many of my colleagues believe, that abundant, stable and affordable energy is one of the most fundamental challenges the United States faces in terms of job creation and our ability to compete in the global marketplace.

In order to best meet these challenges, I believe we need to develop and nurture all forms of energy—including

coal, oil, natural gas, renewables and clean, safe nuclear energy. In doing so, we need to promote energy diversity and conservation.

I commend the Chairman DOMENICI and Ranking Member BINGAMAN of the Senate Energy Committee for their outstanding work on the bill. In particular, I applaud their work in promoting new nuclear generation, and in fact helping to launch a nuclear renaissance in the United States.

According to the Energy Committee, the bill will have a dramatic effect:

> Because of the provisions in the energy bill, including the loan guarantee authority, the production tax credits, and the insurance protection against licensing delays and litigation, electricity generating companies and consortiums across the United States are preparing applications for permission to build up to 25 new nuclear power plants.

The committee further states that if all 25 plants are built: they would generate between 20,000–25,000 megawatts of new electricity, enough to power 15 million households; they would create between 40,000 and 45,000 construction jobs; and they would create approximately 10,000 high paying, high-tech plant operation jobs.

As my colleagues also know, one of our often stated but not yet achieved priorities is to foster energy independence. I must point out to my colleagues that at present our country is threatened not only by our current dependence on foreign oil, but also by a possible future dependence on Russian uranium needed to fuel U.S. nuclear reactors.

Earlier this year, when President Bush traveled to Russia for the G8 summit, I was pleased to join in a letter led by Senators DOMENICI, BINGAMAN and DEWINE that expressed our concern about further expansion of Russian uranium into the domestic marketplace. We wrote of our concern that any changes proposed in either the Highly Enriched Uranium, HEU, Agreement or the Suspension Agreement would have the potential of making the U.S. more dependent on foreign sources of nuclear fuel at a time when domestic sources are being developed. Further, the letter stated that additional Russian access to the U.S. market at this time is likely to result in market destabilization potentially jeopardizing resurgence of the nuclear-related industry.

Frankly, I am concerned not only based on our goal being secure in our energy needs, but because of concerns regarding our national security. Russia is the largest single supplier of uranium enrichment services to U.S. utilities, providing 45 percent of the domestic market.

Unfortunately, a recent decision of the U.S. Court of Appeals for the Federal Circuit has created a possible loophole in U.S. antidumping law that could further expose the U.S. to a greater reliance on Russian uranium. This decision is important because the United States government is currently engaged in negotiations with Russia over possible changes to the U.S.-Russian Suspension Agreement, with critical meetings to take place this month and in January.

Unfortunately, this possible loophole may compromise the administration's negotiating position because Russia now believes it can simply terminate, rather than renegotiate, this agreement, and subsequently exploit this possible loophole to avoid any dumping liability on its low enrichment uranium exports. Under this decision, the Russians can designate their uranium fuel as a ''service'' and bypass the U.S. trade restrictions that are in place to regulate the import of ''goods''.

I had planned to offer a narrow amendment expressing concern over possible Russian plans to export more uranium and to support maintaining the existing Suspension Agreement and HEU Agreement between the United States and Russia. In fact, I have a communication from the National Security Council that states the administration's support for language similar to the amendment I had drafted.

The basis for my concerns for our national security is this: should the Russians back out of the Suspension Agreement in an effort to obtain direct access to the U.S. nuclear fuel market, this could undermine and disrupt the HEU Agreement. The bottom line is the Suspension Agreement and the HEU Agreement have a direct relationship. It is clear to this Senator that changes to the Suspension Agreement would have significant consequences to the HEU Agreement, and there is no doubt that ensuring uninterrupted execution of the HEU Agreement is absolutely in the U.S. national security and energy security interests.

That being said, I understand there is concern with addressing the issue at this time, and I have decided to withhold further action. While I am disappointed that there is not enough time in this Congress to deal with this important issue, it is my hope that this situation can be quickly addressed in the 110th Congress.

(At the request of Mr. ALLEN, the following statements were ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. WARNER. Mr. President, rollcall vote No. 275 was in reference to Executive Calendar No. 924, the nomination of Kent Jordan to be a U.S. Circuit Court Judge for the Third Circuit. I had to be necessarily absent from this vote so that I could attend and speak to an international conference in England sponsored by the Ditchley Foundation to discuss the steps required to eradicate worldwide terrorism. Had I been able to vote, I would have voted for cloture on the nomination.

Mr. President, I had to be necessarily absent from votes today so that I could attend and speak to an international conference in England sponsored by the Ditchley Foundation to discuss the steps required to eradicate worldwide terrorism. Had I been able to vote on the motion to invoke cloture on the tax extenders package, I would have voted in favor of it.

I had to be necessarily absent from votes today so that I could attend and speak to an international conference in England sponsored by the Ditchley Foundation to discuss the steps required to eradicate worldwide terrorism. Had I been able to vote on the motion to waive regarding the tax extenders package, I would have voted in favor of it.

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CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL

• Mr. WARNER. Mr. President, I speak in support of legislation that passed the Senate unanimously last evening to establish the CAPT John Smith Chesapeake National Historic Trail.

This House legislation, championed by my Virginia colleague, Congresswoman JO ANN DAVIS, and supported by many in the Chesapeake Bay watershed, is the companion to S.2568, introduced by Senators SARBANES, ALLEN, MIKULSKI, CARPER, BIDEN, SANTORUM, SPECTER, and myself. It establishes the first all-water trail in the National Park Service trail system. This trail commemorates Captain John Smith's 2,300-mile voyages to explore the Chesapeake Bay and its tributaries in 1607–1609, and will become an important component of our national ceremonies next year to mark the 400th anniversary of the establishment of Jamestown in 1607.

Events to commemorate the 400th anniversary of Jamestown, the first permanent English settlement in America, will remind Americans that Jamestown was the birthplace of representative democracy, religious freedom, free enterprise, and as distinguished by the voyages of John Smith, the spirit of exploration. The cornerstone of this year-long commemoration is to tell the complete story of the convergence of three cultures at Jamestown between Europeans, Native Americans, and African Americans.

Central to understanding the first encounters between the English and Virginia native tribes, and the bounty of the bay that sustained the early settlers are John Smith's diaries. It is those diaries that give a first-hand account of the interaction of the English with Native American tribes throughout the bay during Smith's journeys. Captain Smith also wrote in vivid detail about the living resources of the bay, the abundance of shellfish, finfish, and other species, as his small group traveled in their 28-foot shallop.

Many people and organizations deserve credit for their work to advance the concept of a national water trail. Principal among these are Patrick Noonan, chairman emeritus of the Conservation Fund, and Gilbert Grosvenor, chairman of the board of the National Geographic Society. They had the vision to see that a new national trail to mark John Smith's travels of the Chesapeake bay would foster renewed interest in early colonial history, highlight the importance of geography and the bay's natural resources in sustaining life, broaden our understanding of the contributions of Native American tribes, stimulate heritage tourism, and expand educational efforts to restore the Bay's ecosystem.

The Conservation Fund and the National Geographic Society's steadfast support, and dedication of resources to this effort created a partnership that ensured our success. I speak on behalf of all Virginians, and lovers of the bay to say a warm and heartfelt thank you.

I also thank my colleagues for their support of this legislation, and extend my personal appreciation to my friend and colleague, Senator SARBANES, for his leadership on this issue and for the many courtesies he has extended to me over the years. He has been an effective working partner over the years as we have worked on issues important to the Metropolitan Washington region.

As America prepares for the 400th anniversary of Jamestown, this new national trail will connect Americans to one of the earliest chapters of our heritage, allowing us to retrace the paddle strokes and footsteps of CAPT John Smith, to relive what he experienced some 400 years ago, and to give us a new avenue to enjoy and preserve the Bay.●

RESIGNATION OF AMBASSADOR JOHN BOLTON

Mr. BUNNING. Mr. President, I speak today on the resignation of Ambassador John Bolton from the position of Permanent Representative of the United States to the United Nations.

I am very disappointed that a handful of my colleagues prevented Ambassador Bolton from receiving the up-or-down vote that he deserved in the Senate. This comes at a critical time in our Nation's foreign policy.

His no-nonsense diplomacy was a welcome change at the United Nations at a time when the organization found itself rife with corruption.

During his time at the United Nations he successfully led negotiations that resulted in unanimous Security Council resolutions regarding North Korea's military and nuclear activities. He built consensus among our allies on the need for Iran to suspend the enrichment and reprocessing of uranium. In addition, his efforts to promote the cause of peace in Darfur resulted in a peacekeeping commitment by the United Nations.

I wish Ambassador Bolton well in his future endeavors and thank him for his service at the United Nations. His job was not an easy one, but he carried it out with a unique grace and candor that served our country well. He will be missed.

TRIBUTE TO HANNAH TETER

Mr. LEAHY. Mr. President, I would like to recognize the achievements of an outstanding and accomplished young Vermonter. Last February, Hannah Teter of Belmont made her family, her friends, and her fellow Vermonters proud as she won the Olympic gold medal in the women's half pipe event in Turin, Italy. While this accomplishment alone deserves congratulations, Hannah has, perhaps more impressively, reached beyond her athletic success and used her national—and international—recognition to forge one of the most creative charitable endeavors I have seen in quite some time.

Just 19 years old, Hannah has enjoyed immense success on the international snowboarding circuit, winning nine titles and medals in the last 2 years alone. In the summer of 2005, ESPN recognized her with an ESPY Award for Excellence in Sports Performance. Realizing how blessed she was with the opportunities that gave her the chance to make her mark in snowboarding, Hannah was inspired to give something back. She has seized this opportunity to demonstrate to other young people that they have the power to make a difference.

Upon her return from Turin earlier this year, Hannah enjoyed the limelight that her Olympic successes brought her. But it wasn't long before her altruism opened the door to a creative way to help others to benefit from her success. Raised in a family where maple syrup production was an annual event, Hannah drew on her childhood experiences and, together with her mother, conceived ''Hannah's Gold.'' The bottles of maple syrup, produced on a neighbor's farm, are sold to benefit World Vision, a charitable organization that provides aid to struggling people in Africa. Proceeds from each bottle of syrup will go toward alleviating hunger and the AIDS crisis in impoverished areas.

Hannah's efforts are just one example of the long legacy of service and charity in which we Vermonters take so much pride. She is truly an example to the many young people who look at her achievements with dreams of their own.

The Boston Globe recently published a superb account of Hannah's story, ''Teter's Syrupy Story is Worth Telling,'' profiling Hannah and her charitable venture. I ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. There being no objection, the material was ordered to be printed in the RECORD.

[The Boston Globe, Oct. 26, 2006]

TETER'S SYRUPY STORY IS WORTH TELLING

(By Bob Duffy, Globe Staff)

BELMONT, VT.—At the crest of a spiraling dirt road, fronting the private pond and the greenhouse attached to the small wooden home, on the outskirts of this splotch of a village amid the amphitheater of the Green Mountains—at the peak of her universe—Hannah Teter stands in the ramshackle wooden shed and explains how you make really good maple syrup.

You collect enough logs to suffocate a room, like the one behind the elongated brick-and-steel oven she's pointing to. You jam the wood under the oven until you have a small inferno.

You let the sap from the maples creep agonizingly along a tubular labyrinth—you do this for hours upon hours—until it achieves a viscous state.

You fill bucket after bucket with it. You dump each bucket into a huge vat on the bed of a truck. You drive the load to the processing plant.

Then you pour it all over the world.

Granted, the standard recipe doesn't include this last ingredient. But Teter likes to think big. She's in a position to, as she has been since she won the Olympic halfpipe snowboarding gold medal at Turin in February.

Standing atop the podium, she was transported to another perch—the large rock in the field at the bottom of her street, where she used to sit and muse.

''I was doing all this traveling for snowboarding then,'' she says. ''I'd think about how much I was doing, how lucky and blessed I was, and I wanted to reach back, give something back.''

In the hubbub of triumph, she found an Olympic torch of inspiration.

''The fire was still burning,'' says Teter. ''I thought, 'This is my big chance to do something to help people.' ''

It was still a vague notion. Teter wanted something special to express her charitable inclinations, but she had no clue about what it should be. She turned to her mother, Pat, whose brainstorm became Hannah's Gold.

Hannah's Gold is marketing metallurgy. Its intent is to provide nourishment in the truest sense. The proceeds from each $15 bottle of Vermont maple syrup, produced by Mapleside Manufacturing, go to the charitable organization World Vision to alleviate the hunger and AIDS crises in Africa's most impoverished towns.

It's personal. It's indigenous. It's pure, well, Hannah.

''Maple syrup made me what I am today,'' she says.

All right, so it isn't actually snowboarding's answer to Popeye's spinach. Give the kid a break; she's only 19. And maple syrup sweetens an abundance of her childhood memories.

Out in the shed, Hannah and some combination of her four brothers—Amen, Abram, Elijah, and Josh—would sit transfixed on a discarded truck seat overlooking the oven where their father, Jeff, made syrup every spring. He'd let them pour the buckets into the vat. And after they'd driven it around town for processing, she couldn't wait to eat it. Before she got into the house, if necessary.

''Snow syrup,'' says Teter, her eyes sparkling at the recollection. ''Nothing like it.''

Such was the flavor of her youth on this 10-acre plot—simple, ineffable pleasures. With an extended family that she estimates includes ''about 50 cousins,'' she'd swim and canoe and skate on the pond. She'd skateboard on a homemade ramp. She'd play volleyball at the net that stood in the side yard. She'd jump from an upstairs bedroom window onto a trampoline in front of the house—when her parents were away, of course. And after she became a globetrotting snowboarding prodigy, following her apprenticeship at the local ski area, Okemo Mountain, she'd miss all that.

''Not being here for maple syrup season,'' says Teter, ''is like missing Christmas.''

Now she's trying to turn maple syrup season into Christmas.

''I wondered where the money would help the most,'' says Teter. ''I thought of Africa. I read up all I could on it. I read about the AIDS and the hunger and I thought this would be the best place to start.''

''Start'' is the operative word. Hannah's Gold has raised only about $5,000 so far, but it was launched just a couple of months ago, and Teter's grasp is of a much grander scale. She'll appear on Jimmy Kimmel's late-night TV show Dec. 15 to promote Hannah's Gold. She has agreements from Okemo and Burton Snowboards to donate $1 each per bottle of Hannah's Gold sold.

This is only the ground floor, anyway. Teter now lives in the limelight; she's based in South Lake Tahoe, Calif., but most of the time she's ordering room service on a transcontinental whirlwind on behalf of sponsors Motorola, Burton, and Mountain Dew. ''They keep me pretty busy,'' she says.

But she wants to do the majority of her cashing in for charity.

''People know me as a snowboarder,'' she says, ''but I want to branch out to different avenues, really reach out and raise money. Hannah's Gold is the first step. I plan to do more, keep building.'' The ideas are like mountain snow right now, more kinetic rush than specifically targeted, but even as a novice fund-raiser, Teter intends to be more than a mouthpiece.

''I plan to go over to Africa soon to see where and how the money is being spent,'' she says. ''I don't just want to lend my name to these projects.''

No matter how modest a start her altruism is off to, Teter won't be shortchanged on enthusiasm and optimism.

''Hannah's Gold has only been out so long,'' she says. ''It's really flying. It's going uphill, the way I go in snowboarding. I hope it goes with me. No, I know it will.''

A TRIBUTE TO ANTHONY J. ZAGAMI

Mr. LEAHY. Mr. President, on January 3, 2007, a longtime employee of the Congress and the Legislative Branch will retire from public service. After 40 years of service, Anthony J. ''Tony'' Zagami will depart as the longest serving general counsel in the history of the U.S. Government Printing Office.

Tony Zagami began his career as a young Senate Page in the mid-1960s. I first met him during my first term in the Senate representing the citizens of Vermont. At that time, Tony was working in the Senate Democratic cloakroom while completing law school. He spent a total of 25 years in various positions on Capitol Hill before leaving in 1990 to become the general counsel for GPO, the agency responsible for printing and distributing the CONGRESSIONAL RECORD and almost all other Government publications.

Years ago, my wife Marcelle and I invited Tony over for an evening at our house in McLean. Also joining us was Henry Chapin, who gave us a performance that showed us why he is known as a great balladeer. I will always remember that night of music, laughter, and friends fondly.

Throughout his career both here on the Hill and later with GPO, Tony was known for his dedication and hard work on behalf of the American people. He leaves with a lengthy and very distinguished record of public service. I thank my friend Tony Zagami for that service, and Marcelle and I wish him well as he departs to begin a new chapter in his life.

Mr. KENNEDY. Mr. President, at the end of the year, a longtime public servant who is a former congressional staff member will retire after 40 years of distinguished Government service to the Nation. Since 1990, Anthony J. Zagami has been general counsel of the Government Printing Office, the longest serving general counsel in the agency's history, and I welcome this opportunity to commend him for his long and outstanding career.

Tony has been general counsel at GPO for the past 16 years. Before that, he had worked ably with us in a variety of positions in the Senate. I first met him in the 1970s, when he was an impressive young aide in our Senate Democratic cloakroom.

At the time, Tony was also earning his law degree from George Mason University School of Law in Arlington, and his strong commitment to public service impressed us all.

He later became general counsel of the Congressional Joint Committee on Printing, our oversight committee for GPO, and he served there for 9 years. When he moved to GPO in 1990, Tony became an essential part of the ongoing effort to guide the agency in the digital age.

I have enjoyed working with Tony very much over the years, and I have always had great respect for his ability and dedication. On the occasion of his retirement, I thank Tony for all he has done so well, and I extend my best wishes to him and to his family for the years ahead.

SERGEANT FIRST CLASS ROBERT LEE ''BOBBY'' HOLLAR, JR. POST OFFICE BUILDING

Mr. ISAKSON. Mr. President, today I pay tribute to SFC Robert Lee ''Bobby'' Hollar, Jr. Sergeant First Class Hollar was an exemplary soldier, respected U.S. Postal employee, and a loving family man.

Before deploying for Iraq, Sergeant First Class Hollar dropped by Crescent Elementary School in Griffin, GA, to visit a class of students. In the classroom, Sergeant First Class Hollar fielded questions about where he was headed, what he would be doing there, and when he would be coming home. He encouraged the students to write and promised he would do the same.

On September 1, 2005, on a road south of Baghdad, an IED ended the life of Sergeant First Class Hollar. As word of his death reached the classroom where he had stood just months before, the children began to cry. You see, Sergeant First Class Hollar taught them something else: he taught them that our freedom is not free.

This week, the Senate passed S. 4050, a bill naming the post office in Thomaston, GA, as the Sergeant First Class Robert Lee ''Bobby'' Hollar, Jr. Post Office Building. For the children at Crescent Elementary School, this building will serve as a lasting memory of their pen pal and hero. For the rest of us, this building will serve as a reminder that our freedom is not free.

In closing, I would like to thank the numerous people in Georgia who helped to make this possible as well as the U.S. Postal Service and my fellow Senators.

INDIAN TRUST REFORM ACT

• Mr. MCCAIN: Mr. President, as chairman of the Committee on Indian Affairs, I rise today to speak in vigorous support of S.1439, the Indian Trust Reform Act of 2005, a bill I introduced in July 2005, with Senator DORGAN as an original co-sponsor, to address a broad range of Indian trust asset issues and trust management policies and practices. As introduced, this bill was intended only as a starting point for an extended dialogue with interested parties in Indian country and in the Government that would lead us, eventually, to legislation that brings real and lasting improvements in the way Indian trust assets are managed and that resolves the 10-year old class action lawsuit against the United States known as Cobell v. Kempthorne. I want to begin by extending my thanks and great appreciation to Senator DORGAN, who is vice-chairman of the committee and will soon be its chairman in the 110th Congress, for the extraordinary, tireless effort that he and his staff have made in working on this bill over the course of the past 2 years. In accordance with a long-standing tradition of bipartisanship within the Committee on Indian Affairs, Senator DORGAN and his staff have worked hand-in-hand with me and my staff in our attempt to reform the way in which Indian trust lands and resources are managed and to settle the Cobell lawsuit.

By no means did trust reform begin with this bill. I myself have introduced similar legislation in prior Congresses, including S. 1459 in the 108th Congress; in 2004 the Congress enacted the Indian Probate Reform Act, which brought significant reforms to the laws applicable to the probate of individual Indian trust and restricted land; and 10 years before that the American Indian Trust

Fund Management Reform Act of 1994 was enacted into law, which, among other things, created the Office of the Special Trustee for American Indians. While I truly believe that as a result of these and other enactments, and reform initiatives within the Department of the Interior—in part in response to court orders in the Cobell case—there have been improvements in at least some areas of trust management, we still have a very long way to go before the business of Indian trust reform is complete.

I will not even try to recount here the difficult history of the relationship between the United States and its native peoples. But I am pleased to say that the past 25 years have brought significant advancements in the lives of many Indian people as a result of better access to education, health care and housing, and because of economic development in some parts of Indian Country. However, there are still many unacceptable disparities between conditions in many Indian communities and those of non-Indian communities in this country. S. 1439 represents an attempt to address one particular component that affects the economic well-being of many Indian people: the way in which Indian trust and restricted assets—land, minerals, water, timber, crops, and the revenues derived from these resources—are managed by the United States.

The performance of the United States over the past 125 years in its capacity as trustee and manager of Indian trust and restricted lands is not something to be proud of. The policy of allotting Indian tribal lands, which had become the general Federal Indian policy in the 1880s, was one of several federal ''experiments'' in Indian matters that have had regrettable results both for the Indian tribes and for the Government. This policy of the 19th Century has come back to haunt us now in the form of fractionated ownership of allotted lands—where some parcels of land are owned by dozens, often hundreds and in some cases even over a thousand different individual Indian owners. This fractionation of ownership has led to a proliferation of individual Indian money accounts, ''IIM accounts'', which now number in the hundreds of thousands of separate accounts and many of which have very small balances and annual income, all of which the Federal Government has a trust obligation to track and manage—at considerable expense.

The staggering number of tiny fractionated interests—along with decades of mismanagement on the part of Government officials—contributed to the conditions that led to the filing of the Cobell class action here in the District of Columbia. A lot has happened in that litigation since it was filed 10 years ago, much of it reported in newspapers across the country, but I think it is fair to say that one thing the case has shown is that the United States has not lived up to its duty as a fiduciary to the thousands of Indian beneficiaries of trust lands and funds.

Between 1993 and 2006, the Committee on Indian Affairs has held at least 17 hearings on the matter of Indian trust reform or reorganization of the Bureau of Indian Affairs. In 1994, Congress passed into law the American Indian Trust Fund Management Reform Act, 25 U.S.C. §4001, et seq., to reform the management of Indian assets, accounts, and resources held in trust and managed by the United States. The 1994 Act was not the final word on trust reform, even in the limited context of Indian trust funds management. Two years after that Act was passed, a class action based in part on the requirements of the Act was filed in the United States District Court for the District of Columbia: the case of Cobell v. Babbitt—redesignated Cobell v. Norton with the appointment of Gale Norton as Secretary of Interior, and again Cobell v. Kempthorne with the appointment of Dirk Kempthorne as Secretary.

In November 2001, in response to the Cobell litigation, the Department of Interior submitted a reprogramming request to the Senate and House Appropriations Subcommittees on Interior and Related Agencies to establish a new ''Bureau of Indian Trust Asset Management'', BITAM, within the Department to be administered by a new appointed official, an ''Assistant Secretary—Indian Trust Asset Management.''

The BITAM proposal was very poorly received by Indian country, and soon thereafter the Senate Appropriations Subcommittee on Interior and Related Agencies asked the Department to resubmit its reprogramming request at a later date pending further consultation and further review of the management and organization of the Department's trust program.

Over the course of 2002, the Department convened and participated in a series of consultations and other meetings with Tribal officials and representatives across the country to discuss Indian trust asset management and reform. The principal mechanism for this consultation was a ''Joint Tribal Leader/Department of Interior Task Force on Trust Reform'' composed of Tribal leaders from around the country and Department officials. The joint task force reviewed and documented trust asset management functions and processes at all levels within the Bureau, and eventually identified numerous features of the Bureau's trust system and organization that required reform. The joint task force also studied several restructuring proposals developed by Indian tribes around the country.

Ultimately, the joint task force reached an agreement in principle on a restructuring proposal that would create a new position of Under Secretary for Indian Affairs. The Under Secretary would report directly to the Secretary of Interior and have authority over all aspects of Indian affairs within the Department, including the management of tribal and individual Indian trust assets, including both financial and natural resource trust assets. Under this proposal, the Office of the Special Trustee would eventually be phased out. However, although Tribal leaders and Department officials on the task force also reached agreement on other significant matters relating to trust reform and restructuring, they were unable to agree on certain key elements of the legislative proposal. In October of 2002, the joint task force was disbanded.

Mr. President, I wish I could say that our efforts in the 109th Congress bridged all of the gaps between the Government, the tribes and individual Indians, but I cannot. That does not mean that we did not make significant progress. In the course of the past 18 to 20 months all parties have acquired a much better understanding of the issues and of each other's positions. The Committee and its staff have also acquired a better understanding and appreciation of the issues as well. Again, I want to thank Senator DORGAN for his insights, efforts, and commitment of time and staff in this truly bi-partisan effort. The majority and minority staff of the Committee on Indian Affairs met extensively with representatives of Indian tribes, tribal organizations and individual Indian organizations in an effort to get a solid understanding of what Indian country wants to get out of trust reform. The staff of both sides of the committee also met and conferred extensively with various components of the administration and representatives of the plaintiffs in the Cobell case to discuss S. 1439 and the settlement of claims in the lawsuit. I know this outreach and the information it produced will be extremely useful to this body as the Indian trust reform initiative goes forward in the 110th Congress.

One significant outcome of our efforts during this Congress is the fact that the administration made a counter-proposal in October of this year which spells out its views of what should be done to reform the management of Indian trust assets, and I am submitting a summary of that proposal along with this statement. Their proposal has four major components: consolidation of ownership of fractioned tracts within the next 10 years; a transition to beneficiary-managed ownership of trust lands within the next 10 years; resolution of tribal trust claims—in addition to individual Indian trust claims; and some limitations on the liability of the Government for claims that may arise during and after the 10 year transition period to a system of beneficiary management.

Not surprisingly, the reaction of Indian country to the administration's proposal was, for the most part, quite negative. Much of the opposition focused on the timing of the proposal: it

was made with only weeks of legislative days left in our calendar, not nearly enough time to consider, debate or even understand the far-reaching implications of the administration's ideas.

On the other hand, while many tribes and individuals criticized the proposal taken as a whole, many were not completely opposed to all aspects of the proposal and, indeed, some even agreed with certain aspects of the administration's ideas. For example, there was widespread acknowledgment that fractionated ownership of individual Indian lands has been a real, ever-worsening problem that has plagued the system for many decades—one that Indian country must confront and deal with now and not later—and that dealing with the problem will require solutions that are not altogether pleasant. And even though some commentators seemed to oppose any system of beneficiary-driven management decisions for trust lands, others recognized that the Indian tribes and Indian landowners can and will make better decisions regarding the use of their own lands than the Bureau of Indian Affairs if they are given the appropriate resources to do so. I am also submitting for the record a copy of a recent editorial that appeared in a widely read Indian periodical, Indian Country Today. The editorial suggests that certain aspects of the administration's proposals are in fact reasonable, including the idea that Indian beneficiaries will make good managers of their land, and it challenges Indian country to engage with the administration on its ideas and ''come back with an improved set of proposals based on them'' rather than just reject them out of hand.

So indeed, Mr. President, while I am disappointed that S. 1439 was not passed into law, I am also encouraged by the progress we have made in our understanding of trust management problems and in the willingness of the Indian tribes, individual Indians, representatives of the class action plaintiffs and the administration to engage in meaningful discussions on how to fix this system. I am hopeful that in the 110th Congress the Committee begins where we left off in this bill and that it will not shy away from the difficult issues of Indian trust reform.

Mr. President, I ask that the aforementioned documents be printed in the RECORD. The documents follow.

NEWLY PROPOSED PROVISIONS FOR SENATE BILL 1439 THE INDIAN TRUST REFORM ACT

Senate bill 1439, the Indian Trust Reform Act of 2005, would resolve the Cobell v. Kempthorne case and make reforms to the way the United States manages Indian trust funds and assets. The bill was introduced in July 2005 and Committee staffs have been meeting with representatives from the plaintiffs, the Administration, and Indian tribes to decide what changes, if any, should be made to the bill. This paper highlights several proposals that have come out of some of those discussions.

To gain support for a multi-billion dollar bill, it may be necessary to incorporate significant changes to the management system for Indian trust assets. As proposed, these changes would not remove the trust status of Indian lands, but would reallocate significant decision-making authority and legal responsibility from the Federal government to the Indian tribes and individuals. The proposed changes are generally described below.

The Chair and Vice-Chair of the Committee have not approved these proposed changes to S. 1439, but have asked their respective staff to seek input from Indian Country before they make a decision on these proposals and how to proceed with the bill.

Land fractionation—consolidate all 128,000 individual Indian allotments into ownership of no more than 10 individuals per tract of land within 10 years

The highly fractionated nature of many individual Indian lands has made it difficult for the United States to manage these lands and the revenues generated from them. There are currently 128,000 individual Indian allotments and 3.6 million fractionated interests. One proposal to address this issue has been to develop aggressive mechanisms to consolidate all allotments into 10 or fewer owners for each tract of land within the next 10 years.

All land would remain in Indian title with individual Indian or tribal owners.

Consolidation would include voluntary and involuntary mechanisms, but large interest owners would have a first opportunity to buy out the smaller interest owners would have a first opportunity to buy out the smaller interest owners before an entire tract is put up for sale to either the tribe or a member of that tribe.

Consolidation of tracts with 100 or more owners would be prioritized.

Funding for the proposed consolidation mechanisms would be assured by inclusion in the funding levels of the bill.

Beneficiary-managed trust—transition of all individual Indian and tribal land to a beneficiary-managed trust system within 10 years

After fractionated lands are consolidated, it is proposed to convert the current management system for all individual Indian and tribal land into a new system within a 10 year timeframe. The lands would remain in trust and not be subject to taxation, but the individual or tribal owner of the lands would have most of the privileges and responsibilities of property management.

The landowners would make nearly all decisions on land use within certain broad parameters.

All revenues generated from the land would go directly to the landowners (direct pay).

The landowners would negotiate their own long-tern leases and land use agreements, without Secretarial approval.

The BIA would provide ''management'' financial support and technical assistance during a transition period to assist owners in becoming efficient property owners and managers.

The federal government would remain responsible for: preventing involuntary alienation of land; approving transfers of land title; maintaining land title records; and probating trust estates.

Resolution of tribal claims related to the mismanagement of trust funds, lands and resources

In addition to resolving all individual Indian claims related to the United States' mismanagement of trust funds, lands and resources, it has been proposed to resolve all tribal claims for the same matters. Possible suggestions for addressing this issue include:

All mismanagement claims for tribal monies, lands, and resources would be resolved and settled.

A settlement fund would be established and each tribe would receive a distribution based on a formula that would take into account the amount of land a tribe owns and the amount of revenues that were generated from that land for a specified period of time.

All historical accounting claims against the United States would be settled.

Account balances for Indian trust accounts would be deemed accurate as of the date of passage of Senate bill 1439.

The bill would not settle takings claims for land or related resources, claims to establish the right to possess or the ownership of tribal land, or claims arising under Federal environmental laws.

Limitation on liability of the United States during and after transition period

In order to facilitate the proposed reforms, it has also been proposed that during the period of time for land consolidation and transition of the trust management system into a beneficiary-managed trust there would be some limitations on the liability of the United States in regard to the management of trust resources.

After the transition period, the Federal government would remain responsible for correcting errors, but without damage claims against the government for its residual responsibilities.

[From Washington Watch, Nov. 30, 2006]

TRUST FUNDS SETTLEMENT SHOULD NOT BE LEFT TO THE FOSSIL RECORD

The Individual Indian Money trust remains a troubled realm, and it is likely to stay that way well into the next Congress.

Indian country was right to reject the case settlement concepts offered by the administration. But as spelled out by the next Senate Committee on Indian Affairs chairman, Sen. Byron Dorgan, D–N.D., failure to resolve the IIM litigation ''overhangs everything else'' in federal Indian affairs, on the funding front above all.

That overhang, 10 years in the making, isn't likely to get any less severe under a Democratic Congress over the next couple of years. Another leading figure on the issue, Sen. John McCain, R–Ariz., has stated outright that he will not vote for a bill to settle the IIM litigation if it does not also settle as many subsidiary trust claims as may be possible. He wants a ''whole'' settlement, in contrast to an IIM-only settlement that would be considered ''partial.'' As a Republican of high stock right now and a probable presidential candidate in 2008, McCain's views will take many lawmakers along with him.

So for now, any hope of an IIM-only, ''partial'' settlement is out.

So is any hope of the huge settlement described as fair by the IIM plaintiff class. Remember, the litigation itself is only about an accounting. When the frail pages of the lawsuit are found among other fossils many centuries from now, they may show that a court has ''settled'' the mismanaged accounts for a larger sum than the government will agree to, left to its own devices. But the government can litigate for decades yet at a cost still light-years from the settlement figure(s) the plaintiffs have initiated.

The starting figure of $176 billion, though never actually sought, was off-putting; $27.5 billion proved another non-starter; $13 billion also struck the administration as unrealistic; $8 billion to $9 billion, considered a reasonable ''rough justice'' number by the SCIA, might have been reachable two years or so ago, but now the administration considers a much lower figure justice enough.

Nonetheless, according to Interior Secretary Dirk Kempthorne, it is willing to invest ''billions'' in a kind of omnibus bill on trust claims. The key verb is not ''to settle'' or ''to reimburse'' but ''to invest,'' and in the short term there is no getting around it.

Indian country should engage with the administration's case settlement concepts, then, and come forward with an improved set of proposals based on them.

It's a steep order, but the case settlement concepts do provide some footholds. For starters:

The administration foresees ''voluntary and involuntary'' mechanisms for consolidating fractionated lands. Given the history here, the concept of an involuntary taking of land to be consolidated is troublesome, to say the least. But assuming economic use is the goal of consolidation, there is no other way. Land tracts with hundreds of owners cannot be managed for profit, period. Consolidation that requires consent from all owners is impossible for many reasons. Tribes should be able to propose sensible limits on involuntary consolidation mechanisms that don't also torpedo the purposes of consolidation.

The administration foresees a ''beneficiary managed trust'' that would grow the trust estate. This was dangerous at the time of the Dawes Severalty Act, a century and some years ago, but nowadays it simply isn't a new concept. In fact, it's a solid, tested concept that can help prosperity along by goading individuals and tribes toward the aggressive management of their own resources. After a 10-year period for technical assistance as financed in the law itself, individuals would manage their own lease property, with payments going direct to individuals instead of being lightened along the way by the government. The original trust funds reform law of 1994 foresaw every bit of that. But the government would still fulfill vital residual roles, maintaining the land as inalienably tribal land, in trust and tax-exempt, as well as probating estates, correcting errors in the accounts, transferring titles and keeping title records. A proposal like this should not be rejected with outrage, but embraced with care. Again, tribes can certainly offer proposals for the longer-term protection of their more vulnerable members.

Tribes have especially reviled the idea of limits on federal liability, should IIM beneficiaries choose to manage their own lands. But already, the U.S. Supreme Court has established limits on federal liability in cases where statutory language does not assign liability. Tribes should be willing to propose strictly limited statutory language that assigns certain modified federal liabilities, but without going so far as to convince McCain and company that the settlement is therefore ''partial.''

Tribes also seem to despise the idea of an alteration in the trust relationship. But Elouise Cobell, lead plaintiff in the IIM case, suggests the same and then some every time she declares the IIM trust should be taken from Interior and placed in receivership. This could never be done because no bank could responsibly take on the liabilities, but if it were done it would profoundly alter the trust relationship. So let's alter it already, not through receivership but by participating and directing. It really is too important to be left to lawyers and individuals.

Finally, tribes have objected to the idea that tribal claims should be included in any settlement that approaches the $8 billion range. But the guessing here is that if tribes genuinely got behind a ''whole'' settlement at some realistic cost, providing their own serious counterproposals with a minimum of posturing, billions more might be found.●

NATIONAL INSTITUTES OF HEALTH REFORM ACT

Mr. REED. Mr. President, I take this opportunity to acknowledge a very important deed this body has accomplished prior to the conclusion of the 109th Congress. Despite some incredible obstacles and limited time we have succeeded in protecting real health insurance coverage for low-income, working Americans.

The State Children's Health Insurance Program, SCHIP, which I am proud to have helped establish in 1997, has made a difference in expanding health insurance coverage to low-income children around this country. In previous years, Congress has stood up for low-income children and produced the additional funding necessary to keep the SCHIP program running. A number of states are again facing urgent shortfalls in their SCHIP allotments in fiscal year 2007. I was deeply disappointed when the tax extenders package did not include, as expected, a modest proposal to help those states facing immediate shortfalls in their SCHIP budgets.

Not so long ago, Rhode Island could proudly claim it had the lowest rate of uninsured children in the country. The latest Census Bureau report is now showing a different picture—the number of uninsured children rose a full percentage point, from 5.8 percent to 6.8 percent from 2004 to 2005. My state has worked hard over the past decade to build a children's health insurance program that has become a model for the nation. Yet, Rhode Island is anticipated to be the first of several states in a funding shortfall next year. Specifically, my state is facing a $43 million shortfall and will have only 32 percent of the funding necessary to sustain SCHIP in 2007. These dollars mean the difference between thousands of children, pregnant women, and families getting access to health care or not getting the care they need at all.

Included with the reauthorization of the National Institutes of Health, NIH, is a modest bipartisan proposal to defer the shortfalls that would negatively impact the SCHIP program in my state as well as several others. This additional time is needed to work on a more permanent solution to the chronic shortfalls and other structural issues that should be addressed in the context of SCHIP reauthorization next year.

I would be remiss if I did not extend my sincere gratitude to the Democratic leader, Senator HARRY REID, and his staff, particularly Kate Leone, for their understanding, tenacity, and tireless effort in making this possible. I would also like to thank my colleague from Montana, Senate Finance Committee Ranking Member MAX BAUCUS, and his staff for all of their hard work in putting together a carefully crafted stopgap measure, and I look forward to working with him on the equally challenging task of SCHIP reauthorization next year.

In the waning hours of the 109th Congress, we have taken a small but important step to maintain our commitment to America's children.

END OF THE 109TH CONGRESS

Mr. ROCKEFELLER. Mr. President, as the 109th Congress wraps up its final session, I want to note my disappointment that the current leadership decided not to work on all 10 of the appropriations bills that remain undone. Congress is adjourning and walking away with much of our work incomplete.

It is irresponsible and wrong. We should have stayed and made the tough decisions to get the appropriations done. The Federal budget is due October 1. We missed that deadline, as we have often in recent years. The leadership adjourned for the elections, and when we returned the leadership lacked the will and determination to finish the appropriations bill. Many individuals Senators, including me, would have stayed and worked hard to get the job done. But we were overridden.

Failure to enact the appropriations in a timely manner hurts programs because administrators cannot plan and they cannot hire staff in a timely manner. This can create real problems in our VA hospitals, our Head Start agencies and the clinics funded by the Maternal and child health block grant.

This year, instead of doing our work, the congressional leaders are punting the tough budget decisions into the next year and the next Congress. On February 15, 2007, when the continuing resolution, CR, expires, agencies will have been operating for 4½ months under a CR which represents more than a third of the fiscal year. This imposes burdens and hardships on the people that our agencies of Government serve. It is failure of leadership.

The Coalition of Human Needs has done some estimates about these cuts and their effects since 2002. Their analysis highlights that over time 72 programs of direct services have been cut when inflation is considered. Inflation erodes buying power over time, and it makes a stark difference in what services needy children and families receive. The coalition reports that 35 programs were cut by 10 percent or more, including essential programs like family violence, maternal and child health block grant, and Even Start, the early education component of Head Start. Such cuts are harsh and, in my view, shortsighted. Investments in our children's health care and education are downpayments for our future.

Housing programs, economic development investments in water and sewer projects, and basic funding for local law enforcement, along with a host of other programs will be put on hold for the next 9 weeks. I wish this were not the case, but sadly it is.

My hope for the new Congress and the new leadership is that we will get the job done. I am proud to note that the leaders for the 110th Congress, which begins on January 4, 2007, have

already announced their commitment to strike a new tone and to unite the interest of the American people. I will work with our leaders to get our work done for the families in West Virginia and across our country.

FEDERAL DISASTERS IN OREGON

Mr. SMITH. I rise on the Senate floor today to lament a state of emergency in the rural parts of my State. The emergency we face is related to natural resources but different from those of drought and hurricane that the Senate has discussed and responded to.

The disasters in Oregon are not acts of God but of an infinitely more fallible entity—the Federal Government. Adverse decisions on forest and fisheries management are imperiling entire communities and entire ways of life.

I am not seeking, at this time, to reverse those management decisions. Although they deserve intense scrutiny. What I am seeking is that this Government recognize that its decisions have a cost—one that is borne on the backs of those who can least afford It. These people and communities need relief as much as those burdened by other disasters not of their creation.

Over a decade ago, the Federal Government sought fit to bring tens of thousands of loggers and mill workers to their knees by stopping timber harvest on Federal lands in Oregon. It did so in the name of the spotted owl, a threatened species under the Endangered Species Act. I should add that after 15 years of negligible harvest on these lands, the owl is still not recovering and its habitat is being incinerated in catastrophic wildfire.

That timber war had more casualties than just jobs in the woods. County governments receive a share of timber receipts from Federal land—25 percent from the Forest Service and 50 percent from the BLM. For generations these funds have offset the inability to tax Federal property—which makes up the vast majority of most counties in my State.

When timber harvest evaporated, so did county budgets. In 1999, I came to this floor to describe to my colleagues what was happening in rural Oregon. Schools went to 4-day weeks, dropped sports and extracurricular activities, and curtailed other programs. Communities were forced to make heartbreaking decisions over whether to cut back social service programs or school funding—or to sharply reduce sheriffs' patrols and close jails or to cut out all extracurricular activities at their schools.

Fortunately, Congress created a safety net in the Secure Rural Schools and Community Self-Determination Act of 2000. This provided funding to counties based on historic rather than current timber harvest levels. And not just Oregon counties. In the life of that legislation, California received California received $308 million; Idaho, $102 million; and Montana, $63.4 million.

That program expired, on our watch, 2 months ago.

My colleague from Oregon and I have left no stone unturned to find money for an extension. Those efforts have been unsuccessful and we stand here, with our timber dependent counties, at the mercy of the Government.

Their plight is compounded by a second Federally created disaster in Oregon's commercial salmon fishing industry, delivering a double blow to many of the same counties. Commercial salmon fishing remained this season along more than 400 nautical miles, stretching from Florence, OR to Pigeon Point, CA. Estimates put the impact of this closure to Oregon and California fishing communities around $60 million. This year marked the first time in history that there was no commercial salmon harvest in Curry and Coos counties in Oregon. Curry County also stands to lose $6,591,993 or 62.3 percent of its road and general discretionary funds with the failure of Congress to extend the Secure Rural Schools and Community Self-Determination Act.

Mr. President, the clock is winding down on the 109th and soon Members of Congress will leave town to return to their districts or States. We will be leaving without extending this important safety net for our rural counties and without completing action on the annual appropriations bills to fund the Government. I can only tell my counties and Oregon's fishermen that the fire will not die on these issues, it will only grow more intense when the 110th Congress convenes.

IRAQ

Mr. FEINGOLD. Mr. President, this past Wednesday, Washington felt a little like Hollywood. In fact, not many blockbuster movies have gotten the kind of massive press and critical acclaim that we saw yesterday for the release of the Iraq Study Group report. Official Washington rushed to embrace the report—understandably, since it reflected the same flawed mindset that led so many here to embrace the war in Iraq 4 years ago. Unfortunately, that same mindset is now what is keeping too many here from fixing an Iraq policy that many now agree is badly flawed.

The administration still believes that Iraq is the be-all and end-all of our national security. So, too, does most of Washington. Unfortunately, the Iraq Study Group report does too little to change that flawed mind-set. I respect the serious efforts of the group to correct the administration's misguided policies, and the report has some valuable ideas. But the very name, the ''Iraq Study Group'' says it all. We need recommendations on how to address Iraq, but those recommendations must be guided by our top national security priority—defeating terrorist networks operating in dozens of countries around the world. We can't just look at Iraq in isolation—we need to also be looking at Somalia and Afghanistan and the many other places around the world where we face grave and growing threats.

The report doesn't adequately put Iraq in the context of a broader national security strategy. We need an Iraq policy that is guided by our top national security priority—defeating the terrorist network that attacked us on 9/11 and its allies. Unless we set a serious timetable for redeploying our troops from Iraq, we will be unable to effectively address these global threats. In the end, this report is a regrettable example of ''official Washington'' missing the point. The report may have gotten a glowing reception at its DC premiere, but I don't think it will get the same response once it goes on the road. Maybe there are still people in Washington who need a study group to tell them that the policy in Iraq isn't working, but the American people are way ahead of this report. It has been just over a month since the American people told us clearly what they were thinking about Iraq. They recognize that we need a timetable to bring the troops out of Iraq. They know that a flexible timetable is needed to preserve our military readiness, to prevent more unnecessary and tragic American casualties in Iraq and to protect our national security. They are the ones we should be listening to—not the insiders, politicians and think-tankers who believe they have cornered the market on wisdom.

Unfortunately, the focus of this commission, and the amount of attention being given to this single report, show just how myopic this administration and Members of Congress are. The long-running debate here in Washington about whether and when to redeploy our troops from Iraq always centers on the situation on the ground there, and whether a drawdown of troops will make it better or worse. Those are important considerations. But even more important are the issues that are largely ignored—the fact that our commitment of troops and resources in Iraq is dangerously weakening our national security and the opportunity cost of ignoring the growing threats elsewhere in the world.

As the administration and Congress mull over the Iraq Study Group's recommendations, it comes as no surprise that the group's work includes what the New York Times had called a ''classic Washington compromise.'' But we need much more than a compromise to fix our national security policy. We need a dramatic and immediate change of course in Iraq—a timeline to redeploy our troops from Iraq so that we can refocus on the terrorist networks that threaten the safety of the American people.

The war in Iraq was, and remains, a war of choice. The administration has tried to create a false choice, between staying in Iraq with no end date in sight and ''cutting and running.'' They want us to believe that Iraq is the central front in the war on terror, just as

they wanted us to believe their trumped-up reasons for going to war in the first place. They want us to believe that any option besides staying the course is going to be detrimental to our national security. That argument is mistaken.

The real choice is this: continuing to devote so much of our resources to Iraq, or devoting some of those resources to waging a global campaign against al-Qaida and its allies. We cannot do both.

The administration's choice—to maintain a massive and seemingly indefinite U.S. presence in Iraq—is harmful both to our efforts in Iraq, as well as to our global efforts to defeat the terrorists that attacked us on 9/11.

Our indefinite presence in Iraq is destabilizing and potentially damaging Iraqi efforts to rebuild their government and their country. That is not the fault of our brave troops—it's the fault of the policymakers here in Washington, who don't recognize that our presence is generating instability in Iraq, and that, unless we make it clear that we intend to leave, and to leave soon, our presence is more harmful than it is helpful.

The Administration's approach in Iraq is a diversion from the global fight against terrorism. Iraq isn't, and never was, the central front in the war on terrorism. Unfortunately, because of our disproportionate focus on Iraq, we are not using enough of our military and intelligence capabilities for defeating al-Qaida and other terrorist networks around the world. While we have been distracted in Iraq, terrorist networks have developed new capabilities and found new sources of support throughout the world. We have seen terrorist attacks in India, Morocco, Turkey, Afghanistan, Indonesia, Spain, Great Britain, and elsewhere.

The administration has also failed to adequately address the terrorist safe haven that has existed for years in Somalia and the recent instability that has threatened to destabilize the region. And resurgent Taliban and al-Qaida forces are contributing to growing levels of instability in Afghanistan.

Meanwhile, the U.S. presence in Iraq is being used as a recruiting tool for terrorist organizations from around the world. In Indonesia, home to historically moderate Islamic communities, conservative religious groups are becoming increasingly hostile towards the U.S. In countries like Thailand, Nigeria, Mali, the Philippines, and elsewhere, militant groups are using U.S. policies in Iraq to fuel hatred towards the West.

This administration's choices have been devastating to our national security. Unfortunately, the Iraq Study Group's report doesn't do enough to put Iraq into a global context. It doesn't recognize the extent to which our disproportionate efforts in Iraq are damaging our national security. And, even where the report suggests the toll that Iraq is taking on our ability to address global threats, it ends up falling back into the same Iraq-centric mindset that we need to change. For example, the report says that ''the United States should provide additional political, economic, and military support for Afghanistan, including resources that might become available as combat forces are moved out of Iraq.'' But then it goes on to recommend that ''The most highly qualified U.S. officers and military personnel should be assigned to'' teams imbedded in Iraqi battalions and brigades. Those are the very people we need in places like Afghanistan and elsewhere we face significant threats to our national security. It was the administration's decision to move resources from Afghanistan to Iraq that contributed to the resurgence of the Taliban there—we can't afford to perpetuate that mistake.

Elsewhere, the report recommends that the DNI and Secretary of Defense ''should devote significantly greater analytic resources to the task of understanding the threats and sources of violence in Iraq.'' The problem is that the report doesn't consider the *relative* importance of directing more intelligence resources to understanding Iraq as opposed to al-Qaida and its affiliates around the world, Afghanistan, Somalia and other critically important regions and concerns. So it came up with a recommendation that doesn't serve our overall national security interests. Implementing this recommendation at the expense of fighting terrorism and dealing with other terrorist safe havens around the world will make us less safe.

We need to return to the post-9/11 mindset. In the days after 9/11, we all shared an anger at and a resolve to fight back against those who attacked us. This body was united and was supportive of the Administration's decision to attack al-Qaida and the Taliban in Afghanistan. No one disputed that decision.

That is because our top priority immediately following 9/11 was defeating the terrorists that attacked us. The American people expected us to devote most of our national security resources to that effort, and rightly so. But unfortunately, 5 years later, our efforts to defeat al-Qaida and its supporters have gone badly astray. The administration took its eye off the ball. Instead of focusing on the pursuit of al-Qaida in Afghanistan, it launched a diversion into Iraq—a country that had no connection to the 9/11 plot or al-Qaida. In fact, the President's decision to invade Iraq has emboldened the terrorists and has played into their hands, by allowing them to falsely suggest that our fight against terrorism is anti-Muslim and anti-Arab, when nothing could be further from the truth.

But instead of recognizing that our current policy in Iraq is damaging our national security, the President continues to argue that the best way to fight terrorists is to stay in Iraq. He even quotes terrorists to bolster his argument that Iraq is the central front in the war on terror. Just a few months ago, he told the country that Osama bin Laden has proclaimed that the ''third world war is raging'' in Iraq and that this is ''a war of destiny between infidelity and Islam.''

Instead of letting the terrorists decide where we will fight them, the President should remember what he said on September 14, just 2 days after 9/11. He said:

> [t]his conflict was begun on the timing and terms of others. It will end in a way, and at an hour, of our choosing.

The President was right when he said that, and he is now wrong to suggest that we must stay in Iraq because that is where the terrorists say they want to fight us. al-Qaida and its allies are operating around the globe. We must engage in a global campaign to defeat them, not focus all of our resources on one country.

The way to win a war against global terrorist networks is not to keep over 140,000 American troops in Iraq indefinitely. We will weaken, not strengthen, our national security by continuing to pour a disproportionate level of our military and intelligence and fiscal resources into Iraq.

Unfortunately, the administration has yet to understand that the threats to our country are global, unlike any we have encountered in the past. Our enemy is not a state with clearly defined borders. We must respond instead to a loose network of terrorist organizations that do not function according to a strict hierarchy. Our enemy isn't one organization. It is a series of highly mobile, diffuse entities that operate largely beyond the reach of our conventional war-fighting techniques. The only way to defeat them is to adapt our strategy and our capabilities, and to engage the enemy on our terms and by using our advantages.

We have proven that we can't do that with our current approach in Iraq.

By redeploying our troops from Iraq, we can pursue a new national security strategy. We can finish the job in Afghanistan with increased resources, troops, and equipment. We can develop a new form of diplomacy, scrapping the ''transformational diplomacy'' this administration has used to offend, push away, and ultimately alienate so many of our friends and allies, and replacing it with an aggressive, multilateral approach that would leverage the strength of our friends to defeat our common enemies.

And we can repair and infuse new capabilities and strength into our armed forces. By freeing up our Special Forces assets and redeploying our military power from Iraq, we will be better positioned to handle global threats and future contingencies. Our current state of readiness is unacceptable and must be repaired. Our National Guard, too, must be capable of responding to natural disasters and future contingencies.

This new national security strategy will make our country safer. It will enable our government to fully address the wide range of threats our country faces. It will free up strategic capacity to deal with Iran, North Korea, and the Middle East, and to provide real leadership internationally against other enemies that we all face, like poverty, HIV/AIDS, and corruption.

In sum, it will help return the United States to a place of preeminence in the world and will give us the opportunity to address the very real threats we face in the 21st century. While the Iraq Study Group has generated some good ideas and choices, it doesn't put Iraq in the context of a broader national security strategy.

We face an unprecedented threat to our national security, and we must respond with much more than a classic Washington compromise. We need to refocus on fighting and defeating the terrorist network that attacked this country on September 11, 2001, and that means realizing that the war in Iraq is not the way to defeat al-Qaida and its global affiliates. It never was and it never will be. That global fight can't be won if we let Iraq continue to dominate our security strategy and drain vital security resources for an unlimited amount of time. The President's Iraq-centric policies are preventing us from effectively engaging serious threats around the world. We must change course in Iraq, and we must change course now.

This isn't a choice, it's a necessity.

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT

Mr. INOUYE. Mr. President, I rise to recognize final passage of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 by both the Senate and the House this week, clearing the bill for Presidential approval. I am proud to have. developed this bill with my friend and colleague, Senator TED STEVENS.

The Magnuson-Stevens Fishery Conservation and Management Act is the primary Federal statute governing how we manage our Nation's fisheries and, as such, plays a vital role in our Nation's ability to achieve its overarching ocean policy goal. This bill reauthorizes the Magnuson-Stevens Act from fiscal year 2007 through fiscal year 2013 and takes steps to improve the act both by making it more effective and responsive to the needs of our fishing communities here at home and by taking important steps toward exporting our successful management approaches internationally.

After the Senate passed the bill earlier this year, Senator STEVENS and I worked with the House on a bipartisan basis in order to reach consensus on a final version of the bill. I am pleased that these discussions have resulted in further improvements and additions to the bill that have motivated strong bicameral and bipartisan support for this important piece of conservation legislation.

The key to the success of the Magnuson-Stevens Act has always been its regional approach to management. Keeping with that regional approach, this bill strengthens the accountability of the Regional Fishery Management Councils by requiring training of new members to prepare them to comply with legal, scientific, economic, and conflict of interest requirements applicable to the fishery management process.

Our bill also aims to improve conservation performance in our fisheries by requiring all Councils to establish annual catch limits in each federal fishery management plan. The role science plays in this decisionmaking process will be strengthened by this bill as well, since requirements will now be in place for each council to adhere to the recommendations provided by their Science and Statistical Committee, SSC, or other peer review process to prevent overfishing and achieve rebuilding targets. In recognition of the SSC's increased role, we have strengthened the conflict of interest disclosure requirements to which each SSC member must comply.

The bill also requires limited access privilege programs, such as individual fishing quota systems, established in the future not only to contribute to a reduction of capacity in overcapitalized fisheries and improve fishermen's safety by ending the race for the fish but also to consider social and economic benefits to coastal communities. Senator STEVENS' and my intent was to sustain thriving fishing communities and promote access to the fisheries by residents of our coastal communities in order to foster the independent, coastal community-based character of our Nation's fisheries. To achieve this aim, the bill sets forth a strong list of standards to ensure that any such program take into account the social and economic implications of the program. In addition, it authorizes the creation of voluntary regional fishery associations for the mutual benefit of fishery participants, including provisions to ensure we maintain free and open markets for fishermen to sell their catch.

The bill also requires a periodic review of each program's compliance with the goals of their program. Individual permits will be renewed automatically every 10 years, unless the permit holder fails to meet the requirements specified in the program as meriting modification, limitation, or revocation. The bill also contains grandfathering and transition rules to address the application of these new standards to existing and developing programs. I want to make clear that final Senate changes in these provisions were not intended to adversely affect or delay ongoing development of a proposal for a rationalization program for the Pacific trawl groundfish and whiting fisheries by the Pacific Fisheries Management Council. We intend that this process go forward and that adherence to the new standards not delay development of the plan called for in the bill.

In order to assist fishermen in helping to reduce bycatch and seabird interactions, H.R. 5946 establishes a regionally based Bycatch Reduction Engineering Program to develop technologies and methods to improve the ability of fishery participants to reduce bycatch and associated mortality, including post-release mortality. The provision includes an outreach mandate to encourage the adoption of new technologies and also encourages the adoption of bycatch reduction incentives in fishery management plans, such as bycatch quotas. Finally, it encourages the National Oceanic and Atmospheric Administration to continue coordinating with the U.S. Fish and Wildlife Service and other entities to reduce or mitigate seabird interactions in fisheries, a process that has had much success in the Western and North Pacific.

This comprehensive package not only addresses conservation and management within our Nation's waters but equally as important, strengthens controls on illegal, unreported, and unregulated IUU fishing in the high seas. IUU fishing, as well as expanding fleets and high bycatch levels, are threats to sustainable fisheries worldwide. The bill includes provisions to strengthen the ability of international fishery management organizations and the United States to ensure appropriate enforcement and compliance with conservation and management measures in high seas fisheries. The international component of this bill ensures other nations provide comparable protections to populations of living marine resources at risk from high seas fishing activities. These provisions help the U.S. fishing industry by both sustaining shared resources and leveling the playing field in terms of regulation and responsibility.

I am particularly pleased that the bill includes provisions crucial to the long-term sustainability of tuna and other high seas stocks so important to Hawaii and the Pacific Islands, as well as a program to help increase marine education and technical skills in the region. These provisions will not only help us work with other countries to conserve our shared marine resources but also reduce unfair conservation burdens on U.S. high seas fleets. The bill also contains long-awaited legislation to implement the Western and Central Pacific Fisheries Convention, a critical step in ending overfishing of bigeye and other tuna species in the Pacific. I am pleased that representatives of both the Western Pacific Council and the Pacific Council will be commissioners and that the territories will be provided representation in this important organization.

In addition, the bill contains provisions that promote marine education,

training, and assistance opportunities for Western Pacific communities and underrepresented groups. This training is critically important for communities that are so dependent upon the health and sustainability of our ocean resources.

Finally, the bill contains the text of the Tsunami Warning and Education Act, another bill that Senator STEVENS and I developed early last year and then negotiated with the House Science Committee. This legislation, so critical to the Pacific region, will go far to strengthen and expand the existing tsunami warning and detection system, and I am grateful, on behalf of the people of Hawaii, for all the support the bill has gained in Congress.

Mr. President, I look forward to working with the administration on implementation of the many important provisions of this bill, and I thank my friend, Senator STEVENS, as well as committee colleagues, particularly Senators CANTWELL, SNOWE, BOXER, LOTT, AND LAUTENBERG, for working so hard toward enactment.

HONORING THE LIFE OF GRENVILLE GARSIDE

Mr. DOMENICI. Mr. President, on behalf of myself and Senator BINGAMAN, I come to the floor today to inform the Senate that the Committee on Energy and Natural Resources has recently passed a resolution honoring the life and service of Grenville Garside. I have here a resolution signed by all 22 members of the committee.

Mr. Garside served as the very first staff director of this committee when it was first established in 1977 under Senator Henry ''Scoop'' Jackson of Washington. Gren was well respected on both sides of the aisle and was renowned for his knowledge of energy and natural resources law.

The committee enjoyed the able leadership of Mr. Garside in those early years as its jurisdiction and influence began to take shape. Gren was known for his integrity, good judgment, and affable nature.

So, it is fitting that we take a moment to honor this man, whose professional career was so intertwined with this revered institution. It is right that we place this resolution in the RECORD. We are grateful for his many years of service. Each member of this committee expresses their deepest sympathy to Gren's family and multitude of friends.

Mr. President, I ask unanimous consent that a copy of this resolution be printed in the RECORD.

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

UNITED STATES SENATE

COMMITTEE ON ENERGY AND NATURAL RESOURCES HONORING THE LIFE AND SERVICE OF GRENVILLE GARSIDE

Whereas Grenville Garside was legislative counsel to the late Senator Henry M. Jackson of the State of Washington from 1969 to 1972;

Whereas Grenville Garside joined the staff of the Committee on Interior and Insular Affairs of the Senate in 1972 and became its staff director in 1975;

Whereas Grenville Garside became the first staff director of the Committee on Energy and Natural Resources of the Senate in 1977;

Whereas Grenville Garside faithfully served Senator Jackson, the Committee on Interior and Insular Affairs, the Committee on Energy and Natural Resources, and the Senate for 10 years;

Whereas Grenville Garside was renowned for his knowledge of energy and natural resources law, his integrity, and his good judgment;

Whereas, Grenville Garside served as vice president of the Henry M. Jackson Foundation, a nonprofit public policy foundation dedicated to continuing the unfinished work of the late Senator Henry M. Jackson and perpetuating the legacy of Senator Jackson for the benefit of future generations; and

Whereas Grenville Garside passed away on September 22, 2006: Now, therefore, be it

Resolved, That the Committee

(1) learned with profound sorrow and deep regret of the death of Grenville Garside;

(2) remembers with gratitude his service to the Committee, the Senate and the United states; and

(3) expresses its deep and heartfelt condolences to his family on their loss.

Pete V. Domenici, Chairman; Jeff Bingaman, Ranking Democratic Member; Larry E. Craig, Daniel K. Akaka, Craig Thomas, Byron L. Dorgan, Lamar Alexander, Ron Wyden, Lisa Murkowski, Tim Johnson, Richard Burr, Mary L. Landrieu, Mel Martinez, Dianne Feinstein, James M. Talent, Maria Cantwell, Conrad Burns, Ken Salazar, George Allen, Robert Menendez, Gordon Smith, Jim Bunning.

FAREWELL TO BRUCE ARTIM

• Mr. HATCH. Mr. President, as this session draws to a close, I would be remiss if I did not take a moment, or perhaps more than a moment, to share with my colleagues my deep appreciation to a staffer who has recently left the Senate and Federal service. I speak of Bruce Artim.

Bruce came to us over a decade ago, first as a legislative fellow, then moving through the ranks of the Senate as a detailee, and finally as the top Judiciary Committee staffer.

What a long, strange trip it has been.

Bruce's work has spanned stem cells to trade treaties to the criminal code. In fact, I can't think of an issue that Bruce has not worked on—nuclear waste with the Department of Homeland Security to international AIDS with Bono—although it is an open secret Bruce much prefers the Stones—to juvenile diabetes with Mary Tyler Moore.

At times, Bruce has provided legislative drafting services to the Utah legislature and medical advice to Members of Congress. He has plotted strategy to enact the Child Health Insurance Program, flipped charts at Labor Committee hearings, and written floor statements so long the podium sagged.

Bruce is equally competent and equally happy explaining the complexities of molecular biology or the intricacies of intelligence law. His range of expertise spans the subchapters of food and drug law to the nuances of trade treaties. He is a man who really knows his Zantac. He works equally well inside the bureaucracy, outside the bureaucracy, and around the bureaucracy. He has advised me on the esoterics of the totipotent oocyte, the best escape route from the Hart in times of emergency, and which dishes were best at the Dirksen buffet. Never was there a better proofreader of international law.

I have valued his work, both as a trusted aide in whom I have total and absolute confidence, but also as a family member, who has been with me through thick and thin.

So it is with great sadness that I rise to express my heartfelt thanks, appreciation and best wishes to Bruce and his family as he retires from 25 years of Federal service and assumes a wonderful opportunity in the private sector.

Bruce has exemplified the best of Capitol Hill staffers. He is known and loved by all—from the cafeteria workers to the chairmen of the major committees. All recognize what we have come to appreciate about Bruce—his affable manner, his keen intellect, quick wit, and his readiness to help any and all.

Bruce is truly one of a kind. His departure from my office has certainly left a void that will be very difficult to fill.

Bruce, his loving wife, Brenda, and his precious 12-year-old son Jon, have been a part of the extended HATCH family for many years. In fact, Jon has had such a frequent presence in our office that I think we have even put him to work more than once.

Another frequent guest to our office was Bruce's wonderful mother Irma, who turned 80 years old this May. Bruce father's Ed, a World War II combat veteran, passed away many years ago and I will always regret that I never had the chance to meet him.

I remember so well the time Bruce told me one of the most important things that his father taught him was to always try to make time to give career counseling and opportunities to the talented individuals you meet at work, particularly the young people.

I agree with this advice wholeheartedly because as I look at my 30-year career in the Senate, one of the aspects I most cherish is the successes that so many of my friends and constituents in Utah and former staffers and other associates have accomplished in part because of the help that our office has provided.

Bruce is one of the brightest, hardworking, and loyal staffers who have ever served on my staff.

And there is one unique and endearing quality about him—he always put his family first. His love for his family is inspiring. Even though he worked endless hours for me, he always made it a priority to attend his son's baseball games and swimming meets.

After completing his undergraduate education, Bruce started his career in

government as a member of the Volunteers in Service to America—as a VISTA Volunteer. Stationed in Columbus, IN, Bruce helped organize six local housing authorities and helped train them to operate housing rehabilitation and community development programs to benefit low-income families.

After returning to school and graduating from law school in 1983, Bruce joined the Office of Management and Budget where he was assigned to review the regulatory and legislative programs of the Food and Drug Administration. In 1986, Bruce moved to the Department of Health and Human Services as the executive assistant to the Assistant Secretary for Health, Dr. Robert Windom. In 1989, Bruce became the assistant director for policy at the National AIDS Program Office of the U.S. Public Health Service.

Bruce first joined my office as a legislative fellow assigned to the Senate Labor Committee, on which I served as ranking Republican member. It was during this time that Bruce was my lead counsel on the original Prescription Drug User Fee legislation, which will again be up for reauthorization next year.

Between late 1992 and mid-1995, Bruce served as the Assistant Director for Policy at the National Institutes of Health's, NIH, Office of Technology Transfer. During that time, he played a key role in formulating NIH policy on gene patenting, sponsored research agreements, and pricing clauses in Federal Licenses and research agreements.

When Bruce returned to my staff in 1995 on loan from the NIH, I was chairman of the Judiciary Committee. I assigned him to a wide range of high-priority, complex and sometimes contentious issues. For example, Bruce became an expert in the manner in which the historic 1995 General Agreement on Trade and Tariffs—the GATT Treaty—intersected with FDA regulatory requirements and U.S. and international intellectual property laws, including the special rules related to pharmaceutical patents.

In 1997, my friend from Massachusetts, Senator KENNEDY and I decided to collaborate together on legislation that would increase health insurance coverage to children of low-income families to be financed by increased tobacco taxes. At the beginning of the effort to enact what would become the very popular and very successful CHIP program that provides millions of children with health insurance, there was a bipartisan team of six staffers.

Representing me were Bruce, my longstanding, loyal, and very talented aide and current chief of staff, Trish Knight, and Rob Foreman, who went on to run the legislative office of the Centers for Medicare and Medicaid Services during the busy and challenging time period when the Medicare Modernization Act and the new prescription drug benefit was being written and implemented.

Senator KENNEDY was also represented by a team of energetic experts: Lauren Ewers, who was a key player in the Kassebaum-Kennedy Health Insurance Portability and Accountability Act, better known as the HIPAA law, David Nexon, a leading Congressional staff authority of health issues who was the nemesis to many a Republican Member and staffer alike on a plethora of issues, and, last, but certainly not least, Nick Littlefield, a visionary and inspirational leader and master legislative tactician. It is my firm hope now that Nick and David are both in the private sector that they see the error of Senator KENNEDY's liberal ways and allow their inner-conservative selves to come out.

One of the things that make this institution a great place is the ability to battle one another politically but to do so always with respect and, as often as possible, with good humor. One thing you can say about Bruce is that he made us laugh, sometimes not even intentionally.

I will never forget the time when I was testifying before the HELP Committee on the children's health bill. I noticed that Senator KENNEDY's staff had made far better charts than my own crack staff could muster. I ordered Bruce to borrow Senator KENNEDY's posters for me to use and was prepared to enjoy my friend from Massachusetts' surprise and dismay when he discovered the temporary heist. But the situation got even better when Bruce thoroughly distracted Senator KENNEDY's opening statement by dropping the posters on the floor after getting into a verbal altercation with none other than that great shrinking violent of the press corps, Adam Clymer of the New York Times.

Apparently, Mr. Clymer was dismayed that the charts were blocking his and other reporters' view and demanded that the offending charts be moved. Bruce explained that he was just doing his job. To which Mr. Clymer responded in his normal diplomatic style: But do you have to be so bad at it?

Suffice it to say that years later when Vice President CHENEY made that now famous comparison between Mr. Clymer and an unflattering part of the anatomy, some of us thought back to his discourse with Bruce.

Although from time to time Bruce could drive me out of my gourd, it did not stop me from giving him challenging assignments. Once he wrote a history of how the Food Drug and Cosmetic Act treated exports of products for me to deliver at a major conference we were to attend in Salt Lake. As it was time to depart for the airport, Bruce looked up and said, ''But I am only up to 1938!'' But he got it done.

In 2003, I promoted Bruce to be my right-hand man by naming him as the Judiciary Committee's chief counsel and staff director, where he advised me and other committee members on matters pertaining to executive branch and judicial nominations, criminal and civil justice, counterterrorism, immigration, intellectual property, antitrust, and constitutional law. During his tenure as chief counsel, Bruce helped devise and implement a successful strategy that resulted in the passage of the Justice for All Act, a key legislative priority for me, Senator LEAHY, Chairman SENSENBRENNER, and Representatives CONYERS and WILLIAM DELAHUNT. This law helps ensure that DNA technology will help bring to justice those who have eluded arrest and trial in serious crimes such as rape and, just as importantly, helps set free those wrongfully convicted and incarcerated.

I feel compelled to add that this success was achieved despite the fact that during a particularly sensitive time in the often-contentious negotiations, Bruce did not at first completely comply with my direct order to refrain from speaking to anyone from the Department of Justice, specifically including a certain sometimes confounding official we all knew well.

I am very proud that, with Bruce's help, during my last 2 years as Judiciary Committee Chairman, we were able to work to have the Senate confirm 104 Federal judges.

I am also proud that when a few Republican staffers acted overzealously and improperly with regard to confidential committee member files concerning judicial nominations, my staff including Bruce, Reed O'Connor now Senator CORNYN's chief counsel, and Grace Becker—now a Deputy Assistant Attorney General at DOJ, helped me and the committee set the matter back on the right course. Regardless of whether it is ultimately determined that any laws were or were not violated, in this case the conduct of accessing another's computer files was simply wrong and unacceptable. With the advice and counsel of staffers like Bruce Artim and Bruce Cohen, Senator LEAHY's Democratic Chief Counsel and others, I think the Judiciary Committee faced up to a serious breach of comity and concluded, despite those who might erroneously think that anything goes in political combat, anything does not, and should not, go in the Senate, especially not on the Senate Judiciary Committee.

I do not shy away from political battles.

I do not like to lose political battles.

But when I fight a political battle, I fight straight up.

Part of what makes our country so great and so strong is that for over 200 years we have agreed to disagree agreeably. Bruce understood that fighting fairly and ethically with our adversaries in the Senate today helps ensure that this body will remain strong and respectful tomorrow.

In the current 109th Congress, Bruce served as the chief counsel and staff director of the Intellectual Property Subcommittee but still made time to advise me on a wide range of matters, including the confirmations of the Chief Justice of the United States,

John Roberts, and Associate Justice of the Supreme Court, Samuel Alito; reauthorization of the USA PATRIOT Act; the Bankruptcy Reform bill; and the Class Action Reform legislation.

I frequently called upon Bruce to counsel me on difficult matters involving ethics. In recent years, stem cell research has required a careful study of complex issues relating to ethics, law, science, economics, intellectual property, politics and religion.

Bruce Artim accompanied me every step in my journey to understand and formulate policy on stem cell research. He worked closely with key Senate staffers, such as David Bowen of Senator KENNEDY's staff, and Sudip Parikh of Senator SPECTER's staff.

He helped me and other Senators and House members draft the critical pieces of legislation that are at the center of national debate.

I could list so many laws to which Bruce contributed—the cord blood bank law, modifications to FDA export law we enacted not once, but twice, Federal Tort Claims Act coverage for Community Health Center workers, the bioterrorism legislation, and of course, patent law and especially drug patent law.

As Bruce leaves, there are many voids we struggle to fill. There is so much we will miss about Bruce. He was undoubtedly the most accomplished Hill expert on the Drug Price Competition and Patent Term Expiration Act, better known as Waxman-Hatch or Hatch-Waxman.

We will miss his pink bicycle down in the Hart garage, the many jokes left on the cutting room floor, and a never-ending supply of neckties which supplied so many Hill gentlemen in a time of need.

I have always appreciated Bruce's wise counsel, his deep commitment to the Senate and his ability to make everyone laugh even during extremely tense legislative negotiations. He made a tremendous contribution to the Senate, and I know that he will do the same for his new employer, Eli Lilly and Company.

Mr. President, Bruce will be missed. He was not only a congressional staffer, he was a true friend. So as the 109th Congress draws to a close, I hope my colleagues will join me in expressing appreciation to Bruce Artim for his loyalty and his significant contributions he has made to the Senate over his record 11 years; a record Bruce would be pleased to note now exceeds that of Doug Guerdat.

I hope my colleagues will join me in saluting Bruce's 25 years as a public servant and wishing him all of the best in the future.●

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2006

● Mr. HATCH. I rise today to congratulate my Senate colleagues on the passage of a tremendously important piece of legislation, the Office of National Drug Control Policy Reauthorization Act of 2006, H.R. 6344. This act contains numerous provisions whose implementations are vital, and would provide specific goals and measurement standards to evaluate the effectiveness of our national drug control policy.

I want to highlight a specific provision of this bill that, when enacted, will benefit thousands of Americans who are struggling with addiction to drugs. As our country seeks to develop better treatments for drug abuse, countless Americans continue to fall prey to illicit drugs. As their lives are torn apart by these addictions, many find the strength to call out to doctors for help. Unfortunately, some of these calls for help go unanswered due to limitations placed on physicians with regard to their treatment options.

In 2000, I worked with Senators LEVIN and BIDEN to pass the Drug Addiction and Treatment Act. This groundbreaking legislation allowed certified physicians to prescribe appropriate medication to patients suffering from drug addiction. Under this law, physicians are prescribing the drug buprenorphine to patients fighting their addiction to heroin and other opiates. The results have been tremendous, and countless lives have been saved by breaking the addiction cycle.

However, current law caps the number of patients a qualified physician can treat with this medication at 30. Unfortunately, many doctors are at their cap and are forced to turn patients away due to this artificial limitation.

I have spoken with numerous doctors who have relayed amazing stories of patients turning their lives around by using this medication and participating in treatment. These patients have gone on to return to the workforce and continue their lives as productive citizens, free of the scourge of drug abuse.

This bipartisan provision included in this bill would expand the number of patients whom qualified doctors are allowed to treat. Passage of this legislation will provide immediate assistance to countless Americans who are fighting for their lives.

It is clear this cap needs to be raised. To make an analogy, a doctor would not turn away a broken arm because he or she had already fixed 30 arms that month! The doctor would not stand for it, and neither would society. The same should be true for physicians treating drug addiction. Given that the destructive effects of drug addiction are so much greater than a broken arm, we should strive to ensure that the healing hands of doctors are not bound by unintended mandates. Doctors should be allowed and encouraged to help as many as possible, and this legislation allows them to treat many drug addicts that are otherwise being turned away. This provision will immediately help countless Americans get the treatment they seek and so desperately need.

I highlight this provision as a sample of the meaningful substance in this measure, and I applaud the efforts of lawmakers in both Chambers of Congress whose tireless efforts produced this bill.●

Mr. LEAHY. Mr. President, I support reauthorization ONDCP and passage of the Office of National Drug Control Policy Reauthorization Act of 2006. This bill recognizes and strengthens the Office of National Drug Control Policy as the lead agency in the fight against illegal drug use. It also includes important modifications and clarifications that will improve the lives of all Americans by reducing the presence of drugs in our society. I am very pleased that five of my recommendations to improve the bill are included in this legislation.

I commend Senator BIDEN, who has long been a leader in the fight against illegal drugs, and Chairman SPECTER, the lead sponsor of this legislation. The authorization for ONDCP expired 3 years ago, and it is long passed time for Congress to act. Illegal drug abuse, drug addiction, and drug-related violence continue to exact an enormous toll on our society. Nationwide, drug abuse kills 52,000 Americans each year, and more than 20,000 Americans will die as a direct consequence of illegal drug use this year alone. Drug abuse costs our society nearly $116 billion annually. It has strained the capacity of our criminal justice system and our medical facilities and brought violence and tragedy to families, schools, and communities throughout the country.

This bipartisan legislation will reauthorize ONDCP for 5 years and provide ONDCP with the necessary tools and resources to develop a national drug control policy and coordinate and oversee the implementation of that policy.

This legislation includes a number of reforms that provide clarification concerning the most significant objectives and duties of ONDCP. It allows Congress to be vigilant in our oversight by requiring the President to submit to Congress a yearly national drug control strategy, expanding ONDCP's reporting requirements to Congress on numerous areas of ONDCP responsibility; requiring ONDCP to give a full accounting of the budget; and requiring ONDCP to develop a new performance measurement system that includes 2-year and 5-year targets for each of the strategy's objectives.

In addition, this legislation improves essential information sharing by requiring that various Government agencies, including the Attorney General, the Department of Homeland Security, and the Departments of Agriculture and Defense, submit to ONDCP and Congress reports relating to their agencies' drug control efforts.

I want to take a moment and address several specific provisions. First, as a strong supporter of the National Guard, I am pleased that this legislation authorizes $30 million a year for the Chief of the National Guard to establish five National Guard Counterdrug Schools to train personnel from Federal agencies, State, and local law enforcement agencies, community-

based organizations, and other groups in drug interdiction and demand reduction activities.

I am pleased that this legislation will require greater diligence on methamphetamine. The bill calls for the creation of a National Methamphetamine Information Clearinghouse, an idea which I have long supported, including cosponsoring legislation to set up the clearinghouse. This toll-free number and Web-based source of information will promote sharing of ''best practices'' regarding law enforcement, prevention, treatment, environmental, social services, and other programs related to combating the scourge of methamphetamine.

I am pleased that this legislation embraces a comprehensive policy that reduces the demand, as well as supply, of drugs. It reduces the demand for drugs by ensuring that programs to expand access to drug treatment are adequately supported in the Federal drug control budget and by providing greater uniformity and accountability in assessing ONDCP's effectiveness in drug treatment programs. On the supply side, the bill takes steps to disrupt markets at home and abroad. It requires ONDCP to develop comprehensive strategies to address the severe threats posed by South American heroine and drug smuggling across the southwest border.

This legislation also includes a good provision by Senators LEVIN and HATCH that amends the Controlled Substances Act to raise the number of opioid addicted patients a physician may accept from 30 to 100. In the last 5 years, the number of heroin-related arrests and the number of people seeking treatment for heroin use in Vermont has more than doubled. This provision will expand treatment options for thousands of patients who have been denied access to critical addiction treatments in Vermont and across the country.

I am also pleased that the bill includes several of my recommended improvements. I continue to support the National Youth Anti-Drug Media Campaign, but I want to make sure that the campaign is run in a way that uses funds efficiently and gets out its anti-drug message effectively. I therefore recommended inclusion of comprehensive standards for evaluating what type of media campaigns and information are effective, as well as a prohibition on the expenditure of antidrug media campaign funds for political purposes.

The campaign will be better for these changes, as well as the legislation's additional step of creating an independent agency to conduct annual evaluations of effectiveness. The bill also adopted my recommendation to eliminate two unnecessary provisions which could also hinder international diplomacy and drug control efforts.

I continue to have concerns about the safety and predictability of mycoherbicides against drug crops. While this bill only calls for a scientific study on the use of mycoherbicides, I am pleased that the bill includes my recommendation to prohibit testing in any foreign countries. I believe this provision will prevent souring diplomatic relations between the United States and countries around the world.

I am disappointed that my recommendations to remedy a few weaknesses in the bill were not adopted. Among other issues, I am concerned by provisions that prohibit the expenditure of more than 5 percent of the Federal funds appropriated for High Intensity Drug Trafficking Area Programs for drug prevention programs and that prohibit the use of any Federal HIDTA funds to establish new or expand existing drug treatment programs. The State, local, and Federal law enforcement officials in the HIDTA Program should have the discretion to use the programs that work best in their areas.

I am also troubled that the Bush administration and the Republican Congress have not sufficiently addressed the international drug trade, particularly the rising instability in opium production in Afghanistan. Three months ago, the United Nations released a report concluding that opium cultivation is surging in the southern region of Afghanistan and warned that the southern region was verging on collapse. Just this past weekend, the Washington Post also reported that opium production in Afghanistan reached a historic high in 2006, despite ongoing eradication efforts. These reports are particularly troubling considering that this administration has increasingly described the drug trade as a problem that rivals the Taliban and threatens to derail the stability and reconstruction of Afghanistan.

While I applaud this bill's inclusion of a provision that requires the ONDCP to submit to Congress a comprehensive strategy that addresses the increased threat from Afghan heroin, I fear that this provision may not go far enough. Afghanistan provides more than 90 percent of the world's heroin. Without seeking accountability from the President, the State Department, and the Attorney General on the rise of Afghan heroin, we cannot sufficiently discharge our duty to address the international supply of heroin.

Nevertheless, I am confident that this legislation will strengthen ONDCP, its component programs, and our national comprehensive antidrug effort. This legislation balances the goals of drug enforcement and prevention, while providing Congress with additional oversight tools. I support its passage.

Mr. LEVIN. Mr. President, according to the Office of National Drug Control Policy, approximately 1 million people in the United States are addicted to heroin; more than 3 million individuals over the age of 12 have used heroin at least once; and an estimated 4.7 million people are dependent on or abusing other opiate drugs, including prescription painkillers according to a 2005 survey of the Substance Abuse and Mental Health Services Administration.

The Drug Addiction Treatment Act of 2000, DATA, which I authored along with Senators HATCH and BIDEN, makes a dramatic change in the way America fights heroin addiction. DATA permits, for the first time, FDA approved drug treatment medications to be prescribed and dispensed in an office-based setting under strict conditions by specially trained physicians. The medication in question is called buprenorphine—bup. It blocks the craving for heroin. This new law essentially brings the treatment of opiate dependence into the mainstream of medicine. It allows both primary care and addiction specialists to treat patients who want to get rid of their addiction, but are unable to because of distance or their unwillingness to seek medical treatment at centralized methadone clinics, where their appearance amounts to an announcement of their addiction.

This new law has brought tens of thousands of patients into treatment, who would never have sought treatment in methadone programs. Now in its fourth year, DATA has proved highly beneficial. The success of DATA in extending treatment has resulted in waiting lists for treatment with physicians who have signed up to treat addicts. Those physicians are currently limited to 30 patients.

The great success of buprenorphine has been borne out by firsthand accounts by physicians and addiction experts from across the country, as well as the director of the National Institute on Drug Abuse, Dr. Nora Volkow and the director of the Center for Substance Abuse Treatment, Dr. H. Westley Clark, who participated in an August 3, 2006 Senate Symposium on DATA, which I sponsored along with Senator ORRIN HATCH.

The legislation before us, S. 2560, which reauthorizes the Office of National Drug Control Policy, includes an important amendment to DATA that will more than triple the number of patients specially trained physicians may treat in their private offices. The across-the-board 30-patient limitation has resulted in denials of treatment and even deaths of patients who were not able to enter treatment because a physician had reached the 30-patient limit. For many such persons, their hope of treatment is dashed while they wait on a physician's waiting list.

In an effort to remedy this, the Senate Judiciary Committee's modification of DATA in section 1102 of S. 2560 addresses this problem by permitting physicians who have been certified to utilize buprenorphine in their office-based practice for at least one year, to notify the HHS Secretary of their intention to begin treating additional patients, in accordance with section 1102.

The bill with our amendment raises the number of patients who may be treated by an individual physician from 30 patients to 100 patients. This change—increasing the patient limit

from 30 to 100 per physician—is supported by the medical community at large as well as the addiction speciality associations, including: The American Medical Association, the American Osteopathic Association, The American Psychiatric Association, The American Psychological Association, The American Academy of Addiction Medicine, The American Society of Addiction Medicine, The Association of American Medical Colleges, and several large health providers such as Kaiser Permanente.

In addition to establishing a process through which trained physicians can dispense or prescribe buprenorphine, the Drug Addiction Treatment Act of 2000 required the Secretary of HHS to evaluate the impact of office-based buprenorphine treatment. In compliance with this requirement, the Secretary directed the Substance Abuse and Mental Health Services Administration—SAMHSA—to conduct a survey to determine (1) the availability of the office-based treatment, (2) the effectiveness of the office-based treatment, and (3) the potential adverse public health consequences.

The preliminary findings of the HHS evaluation were presented and discussed during the August 3 Senate Symposium which I have previously mentioned. The HHS–SAMHSA evaluation showed that buprenorphine treatment is clinically effective and well-accepted by patients; the program has increased the availability of medication-assisted treatment; adverse effects have been minimal; and that the 30-patient limit established in DATA, as well as cost reimbursement issues decrease potential access to treatment under the program. The experiences articulated by the health care professionals who participated in the August 3rd Senate Symposium are reflective of the findings of the HHS–SAMHSA evaluation, which were presented by CSAT Director Dr. Westley Clark and that were echoed by NIDA Director Dr. Nora Volkow, based on her own expertise and observation of buprenorphine office-based treatment.

It is tragic if the personal and community benefits of this new anti-addiction medication, combined with treatment in the private office of certified physicians are limited because of artificial limits on its use. The legislation before us brings us close to full utilization. I am pleased that the Senate has adopted this life-changing, lifesaving legislation as part of the ONDCP reauthorization bill, as well as the free standing bill, S. 4115, which I introduced along with Senators HATCH, BIDEN and COLLINS.

In closing, I would like to share with my colleagues in the Senate the names of the distinguished physicians, addiction experts and agency officials who participated in the August 3, 2006, Symposium and Press Conference Senator HATCH and I hosted on the success of the Drug Addiction Treatment Act of 2000, and the subsequent FDA approval of buprenorphine for the treatment of heroin addiction in 2002. Of particular note are Dr. Charles Schuster of Wayne State University, a past Director of NIDA who has conducted clinical trials with buprenorphine and who has been a great resource and guide on this issue from the very beginning and his advice and expertise continues today; and Dr. Herbert Kleeber, Professor of Psychiatry at Columbia University and one of the Nation's foremost experts on drug addiction and treatment, who provided invaluable assistance to me and to Senators HATCH and BIDEN in putting together this new system of office-based treatment utilizing buprenorphine. Dr. Nora Volkow's expertise and tutoring have led us all to a better understanding of the science of addiction. Dr. Volkow is the Director of the National Institute on Drug Abuse—NIDA—where buprenorphine was developed under a Cooperative Research and Development Agreement between NIDA and a private pharmaceutical company; Dr. H. Westley Clark, Director of the Center for Substance Abuse Treatment under the Substance Abuse and Mental Health Services Administration. Dr. Clark has contributed great understanding of buprenorphine's therapeutic effects in the treatment of heroin abuse and dependence, and in understanding that drug addiction is a public health problem.

Mr. President, I ask unanimous consent that the following brief remarks of two participants who experienced treatment with buprenorphine, Ms. Tess Walker and Mr. Odis Rivers, and the list of the August 3, 2006 DATA Symposium and Press Conference participants, be printed in the RECORD.

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

SYMPOSIUM

Convened by Senator Orrin Hatch and Senator Carl Levin

PRESENTERS

Dr. Nora Volkow—Director, National Institute on Drug Abuse.

H. Westley Clark, M.D., J.D., MPH—Director, Center for Substance Abuse Treatment/Substance Abuse and Mental Health Services Administration.

Charles R. Schuster, Ph.D.—Distinguished Professor of Psychiatry and Behavioral Neuroscience, Wayne State University School of Medicine.

Jim Finch, M.D.—Family Practice physician from Durham, North Carolina.

Thomas Kosten, M.D.—Baylor College of Medicine, Department of Psychiatry.

Dr. Herbert Kleeber—American Psychiatric Association's Council on Addiction Psychiatry, Professor of Psychiatry and Director, Division of Substance Abuse, Columbia University.

Elinore McCance-Katz, M.D., Ph.D.—Professor of Psychiatry and Medical Director, Virginia Health Practitioners' Intervention Program, Virginia Commonwealth University.

David Fiellin, M.D., ASAM—Yale University School of Medicine, Medical Director, SAMHSA/CSAT Physician Clinical Support System.

Michael Shore, M.D., F.A.P.A.—Psychiatry and Addiction Medicine, Cherry Hill, New Jersey.

Charles O'Brien, M.D., Ph.D.—University of Pennsylvania/VA Medical Center, Psychiatry.

Terry Horton, M.D.—Phoenix House Treatment Program, Medical Director Phoenix House Foundation.

Karen Sees, DO—Fellow, American Osteopathic Academy of Addiction Medicine, Co-director, first AOAAM sponsored training-of-the-trainers for Office Based Opioid Treatment trainers.

Margaret Kotz, DO—Case Western University, Addiction Psychiatry.

Michael Brooks, DO—President of the AOAAM and Director of Psychiatric Services, Brighton Hospital, Brighton, Michigan.

Tess Walker—College Student, Recovering from heroin addiction.

Odis Rivers—Korean Veteran, In Recovery.

MR. ODIS RIVERS, KOREAN VETERAN

Dr. Schuster: I would next like to introduce Mr. Odis Rivers. A while back at Wayne State University we were doing a trial of buprenorphine as a treatment medication for opiate addiction, and Mr. Rivers was one of the volunteer participants in that study.

He was successful in terms of stopping using drugs when he was on buprenorphine, and we were able to extend the period of time that he was on buprenorphine, and subsequently taper him off of it, and I'm proud to say that he still comes past my office regularly and he is still totally drug free. And he's going to briefly tell you about his life.

Mr. Rivers: Hi, how is everybody? You know, I'm going to get straight to the point. I am proud to be up here to talk about buprenorphine, because it has really made a change in my life. You know, being an addict is a terrible, terrible situation, but being clean from buprenorphine, it just changed my life like night and day. I can get along with people I couldn't get along with before, and it's just a miracle.

Like my sister, I had one sister, she's a Sheriff, I have another sister, she's a doctor in California, and due to my addiction, I could hardly get along with either one of them. But since my experience with buprenorphine I get along just fine with both of them, and all of my friends and everything, you know, as a matter of fact, I have a lot of new friends because I've changed so much. I don't take buprenorphine in any kind of way or anything and so life is just wonderful and grand, and I have to give that thanks to the medication buprenorphine. Because it just helped me so tremendously in my life. And so I would like to see everybody that needs an opportunity, get an opportunity to use this medication, because it does work, and I'm a living witness that it does.

I'd like to say thank you for listening to me. Thank you very much.

MS. TESS WALKER, COLLEGE STUDENT

My name is Tess Walker and I'm 24 years old, and I'm about to graduate from Berkeley School of Music. I grew up in Cambridge, Massachusetts and went to school there, and was sort of going to school and doing well and had an after-school job and graduated when I was 17, and when I was 18 I started using heroin. And it seems like a very big leap, but at the time, it didn't.

I was using heroin for three and a half years, and basically doing nothing but, it was pretty much a day in, day out thing. I was living with my mother. After awhile things were really bad.

I was trying to get clean, and going into detoxes, methadone detoxes for five days at a time and coming out and going out and going back in and coming out, and during this period of time, which was probably a

year and a half, two years into my using, my mother got in touch with a physician named Dr. Daniel Alfred in Boston. He was involved in the research with buprenorphine, and he basically convinced her that she shouldn't throw me out of the house—so thanks, Dr. Alfred—and about a treatment that he was working on, but it wasn't available yet.

And I continued sort of on the path that I was on until I had expended methadone detoxes ten times. And I want to focus when I'm talking to you on that, the last experience that I had with methadone detox.

I went in and took my first dose, and five days later I took my last dose, and on that day left and I went to New York to my friend's farm, because I knew that it was going to get bad eventually and I was at the end of my rope and I wanted it to end. When I got to New York things got really bad, and I wound up being in a situation where it was like—drugs, death.

I think about myself now and who I am now, and thinking about being in a situation in which that's a viable option at all is really scary.

I drove back to Boston at probably about 100 miles per hour and got back to the city and got my drugs and went back home and I was just completely at the end of my rope, my mother was probably more at the end of hers, and she called up Dr. Alfred—this was years after all of the process and everything and the methadone and nothing working and trying and trying and trying—and he basically told her that, buprenorphine had been approved, and that I could come in on that Monday.

We had so much hope at that point, and we went in and he explained the process to us, and it kind of seemed really unbelievable to me at the time. I went home with buprenorphine and started taking my dose and there was a moment where, I'm sorry, where sitting at my kitchen table in Boston when I felt normal for the first time in three and a half years. And I've been clean for almost three and a half years now, and it changed my life. It was—after going through years of trying and failing and trying and failing, to have something—a drug that did not feel like a drug and make me feel like a human being again, and to have people around you who are treating you that way, was amazing.

I went back into college after I was six months clean, I've been on the Dean's List ever since. I'm graduating in the spring, I've been recording music and playing music and all of my family is back in my life and it's an amazing thing. And I've learned a lot standing back here today and I think that it's a massively important thing for buprenorphine to be in any community, especially in communities where you wouldn't expect that this is a huge issue, because it is. And for me to go from a nice high school in Cambridge with amazing love and a huge support system to the places that I went to, I mean, it can happen to anyone. And this is working, it's really working. So I hope that I've given you something to think about and thank you so much for letting me come and speak here. Because this is a really major thing, and I think that everyone needs to be aware that there's an alternative to five days in methadone detox out there, and that it works. Thank you so much.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

HONORING SENATORIAL SERVICE

• Mr. DODD. Mr. President, I rise today unable to find the words I need to express just what it has been like to go to work every day with a real, live Greek philosopher.

Of course, I mean PAUL SARBANES—who is the longest-serving Senator in the history of the State of Maryland; who has been among the wisest members to sit in this body; who is serving out his last week here with us. I have come to the floor today to say goodbye; and as I do, I remember one of my favorite Greek stories—which, in a bit of a roundabout way, reminds me of PAUL.

When the Athenians set up the first democracy and declared that every citizen could go and vote in the Assembly, they ran into just one problem—no one wanted to go. It turned out that the Athenians were also the first to discover voter apathy: It turned out that most of the citizens would much rather spend time buying and selling in the Marketplace than arguing politics in the Assembly.

So the leaders came up with a plan. They hired the two burliest men they could find and gave them a long rope clipped in fresh red paint. And then the two burly men would stand on opposite sides of the market square and shout ''Everybody out.'' And after about a minute, they would each grab an end of the rope that was dripping with paint and walk down the square; and anybody who didn't get out of there in time had to go around for the rest of the day with his shirt ruined.

I said that story reminds me a bit of Senator SARBANES. Not because his clothing has been anything but impeccable and stain-free—but because it points out just how remarkable his 40-year career in public life has been. The truth is that people have been finding ways to avoid the responsibility of governing since governing was invented. So when we have the luck to find a man willing to give not just an afternoon's service to his country, but a whole life—and when he turns out to be a man of uncommon intelligence and humility—we know what a treasure we have stumbled on.

We can think back to those Athenians dawdling in the marketplace and ask ourselves: didn't they know? Didn't they know they were in ''Ancient Greece,'' for crying out loud? Didn't they know they were supposed to be in the cradle of democracy? Didn't they know we'd be talking about them a couple of millennia later on the floor of the U.S. Senate?

But of course, they had no idea, and we can't blame them—they had lives to live. Compared to the getting and spending, the errands and talk that go on in the market square, the work of governing can seem like a book of the driest prose. The print is tiny and the lines are closely spaced.

It takes an uncommon mind to appreciate the value, the necessity, of what's in that book—but PAUL SARBANES has had one all his life. He showed it when he won a Rhodes Scholarship and went on to graduate first in his class at Oxford. He showed it when he was elected to the Maryland House of Delegates back in 1966, and then through 3 terms in the House and 5 in the Senate, through a career one newspaper called ''electorally invincible.'' And he showed it as one of the most quietly influential members of this body, a listener in a town full of talkers, a living example of the maxim, ''It's amazing what you can accomplish when you don't care who gets the credit.''

But I can think of at least one accomplishment for which Senator SARBANES's credit is assured. In 2002, when he was chairman of the Banking Committee, a series of corporate scandals shocked the stock market, sapped trust in our economy, and cost shareholders and workers billions of dollars. But PAUL confronted the crisis of confidence and wrote legislation that helped restore accountability to accounting. Sarbanes-Oxley was greeted as the most fundamental reform of American business since the Great Depression; and I believe it will be PAUL's legacy. I was proud to help him; and I will be even prouder to sit in his chairman's seat on the Banking Committee. PAUL—your work will be mine, I promise.

Of course, Senator SARBANES will be leaving another legacy here in Washington—his son John, who was elected to represent his father's old House district in the 110th Congress. I've never met John Sarbanes, but if the son is anything like the father, 2006 will look a lot like 1970: We'll be able to walk over to the House side and find a bright young man of immigrant heritage at the start of his Washington career, brought up in the tradition of service and full of the quiet virtues.

I don't think politics has changed so much since 1970 that those virtues aren't still in high demand. And come to think of it, politics hasn't changed so much since the days of the rope in the marketplace—with at least one notable exception. We have gotten rid of the rope. In our country, no one forces you to care. No one forces you to vote. No one forces you to serve. If you do those things anyway, it's not a measure of compulsion, but of conviction. And if, like PAUL SARBANES, you had the talent to make a career for yourself anywhere in the world but chose to spend it here, then we owe you our thanks—for your company, for your wisdom, for 40 years well spent in the Assembly.

Goodbye, Senator SARBANES,—and my best wishes for you and your wife Christine for many years to come.•

Mr. President, today I pay tribute to my departing colleagues who have, for a time, lent their talents, their convictions, and their hard work to this distinguished body. I may have had my disagreements with them, but the end of a term is a time for seeing colleagues not simply as politicians, but as partners who have ''toiled, and wrought, and thought with me.'' Each,

in his own way, was distinctive; and each, in his own way, will be sorely missed.

RICK SANTORUM

I want to first recognize Senator RICK SANTORUM of Pennsylvania, who has been a colleague of mine in this body for 12 years. During that time he rose to No. 3 in the Republican leadership, as chairman of the Senate Republican Conference, and made a name for himself as a young and energetic conservative.

RICK SANTORUM is the son of an Italian immigrant who earned a law degree and an MBA and won election to the House of Representatives at the tender age of 32. After two terms in the House he won his first Senate election in 1994, as well as reelection in 2000. Senator SANTORUM quickly established himself as one of the faces of his party, a testament to his strong principles and his communications skill.

Throughout his legislative career, Senator SANTORUM has been especially strong on anti-poverty measures. He served as a floor manager for welfare reform in the mid-1990s. In the Senate, he worked for African debt relief and funding for the fight against AIDS, often collaborating closely with his colleagues across the aisle. His efforts moved Bono to declare him ''a defender of the most vulnerable.''

I was especially pleased to work with Senator SANTORUM on the Combating Autism Act. When nearly 1 in every 166 children born today will be diagnosed with this developmental disorder by the time they reach school age, government action is more necessary than ever. Senator SANTORUM recognized that, and he helped me work for a bill that, in the final version, would authorize $945 million for autism research, screening, education, and services—double the current level of funding. On poverty, AIDS, autism, and many similar issues, RICK SANTORUM has been a dependable ally.

Over his 12 years in the Senate, RICK SANTORUM dedicated himself to a philosophy he described as ''healthy families, freedom of faith, a vibrant civil society, a proper understanding of the individual, and a focused government to achieve noble purposes.''

Senator SANTORUM and I may not have always seen eye-to-eye, but no one ever questioned his commitment to principle. I wish him, his wife Karen, and their six children all the best.

MIKE DEWINE

I also want to say farewell to Senator MIKE DEWINE. Senator DEWINE, a former prosecutor, has had a distinguished career in Ohio politics. He represented his district for four terms in the House of Representatives, and he served as Ohio's Lieutenant Governor for 4 years, beginning in 1991. MIKE DEWINE was elected to the Senate as part of the famous Republican class of 1994 and served for a total of 12 years. I have had few more valuable partners on the other side of the aisle.

Senator DEWINE and I have been strong opponents of underage drinking, a social malady that, in the last year for which we have data, led directly to 3,500 deaths, 2 million injuries, and 1,200 babies born with fetal alcohol syndrome, not to mention $53 billion in social costs. The STOP Underage Drinking Act, which I cosponsored with Senator DEWINE, would fund a comprehensive Federal campaign of research, prevention grants, and a media messages aimed to keep children and young adults alcohol-free. I am proud to stand with Senator DEWINE on such a critically important issue.

And I am just as proud to have his support on a whole slew of health initiatives, especially for infants and children. Because States' variable screening standards leave many newborns at risk for treatable disorders, we have worked together to standardize screening across the Nation so that all newborns have an equal promise of health, no matter where they are born. Senator DEWINE and I have also worked together for safer pediatric medical devices. But above all, Senator DEWINE worked with me to secure passage of the Best Pharmaceuticals for Children Act. That legislation provides incentives for the drug industry that have dramatically increased the number of drugs tested and labeled for children; as a result, more than a hundred drug labels have been changed to incorporate new pediatric information.

It has been a pleasure to serve and work with Senator DEWINE. I have always admired his ability to put principle before party, and I am thankful for all of his help, and most importantly, for his friendship. I wish him and his wife Frances much happiness in the future.

JIM TALENT

I would also like to recognize Senator JIM TALENT. Senator TALENT has been a lifelong resident of St. Louis; and even when he was attending Washington University in his hometown, his outstanding intellect was on display as he was named the most outstanding undergraduate in political science. It was a sign of success to come. JIM TALENT was elected to the U.S. House in 1992 and served a total of 12 years in Congress, the last 4 representing Missouri in the Senate.

I was especially proud to work with Senator TALENT on legislation of the utmost moral importance: a bill that would establish new offices at the Department of Justice and FBI to investigate and prosecute Civil Rights-era murders. This legislation would help ensure that those who took the lives of civil rights workers, and have thus far escaped justice, never have another peaceful night of sleep. Senator TALENT said it eloquently: ''We want the murderers and their accomplices who are still living to know there's an entire section of the Department of Justice that is going after them. We need to unearth the truth and do justice because there can not be healing without the truth.''

Senator TALENT was also known for his work for renewable energy, his opposition to predatory lending, and his solid social conservatism. And though we didn't always agree, I am sure everyone who served with him has respected his intellect and his outspokenness. May he and his wife Brenda have many more years of happiness.

LINCOLN CHAFEE

Next, I would like to send my best wishes to Senator LINCOLN Chafee. Senator CHAFEE and I have a fair bit in common: we are both lifelong New Englanders, and we both had Senators for fathers. After completing his undergraduate studies at Brown University, and while many of his colleagues were busy studying law or political science, LINCOLN CHAFEE studied horseshoeing. I imagine he is the only modern Senator to have worked as a professional farrier for 7 years. And while Senator CHAFEE eventually took up the family business and went into politics, he has always retained the humility and good humor that so often come to those who spend time working with their hands.

Senator CHAFEE was a popular mayor of Warwick, RI, and on the death of his father, Senator John Chafee, was appointed to fill out the remainder of the term. He was elected in his own right in 2000, and has served a total of 7 years in the upper house, cementing a reputation as an independent thinker and one of his State's most popular politicians.

I especially enjoyed serving alongside Senator CHAFEE on the Foreign Relations Committee. He was a welcome travel partner. On trips to Latin America, it was always reassuring to have a familiar New England accent at my side. On a more serious note, I have come to respect Senator CHAFEE's courage and principle, especially on the matter of John Bolton's nomination as United Nations Ambassador. Senator CHAFEE spoke out in favor of competent diplomatic representation at the UN. Because of his efforts, we are closer to the day when our representative at the world body will work to win respect from the world, not alienation.

On that issue and many others, Senator CHAFEE was never afraid to put his beliefs ahead of party pressure. He has voted to support stem cell research and a responsible exit strategy in Iraq; and his strong environmental record, including opposition to oil drilling in the Alaska National Wildlife Reserve, has earned him the endorsement of prominent conservationist groups.

We will miss his independent mind and his true Yankee spirit. I wish all the best to Senator CHAFEE and his wife, Stephanie.

CONRAD BURNS

I would also like to bid farewell to outgoing Senator CONRAD BURNS of Montana. CONRAD BURNS is the longest serving Senator in the history of his State, and he has long been known for his plainspoken and blunt style. CONRAD BURNS served as a Marine in Japan and Korea, and back home he made a name for himself as a livestock

specialist, auctioneer, and radio agricultural reporter. He proved himself a canny businessman, as one radio program grew into a network of 31 radio stations and six television stations.

A passion for local politics led him to win a seat on the Yellowstone County Commission. When he first ran for the Senate in 1988, Mr. BURNS was still a relative political novice; but he was known throughout the State of Montana for his successful business ventures, and he won election over an incumbent. Senator BURNS was reelected in 1994 and 2000.

Over 18 years in this body, Senator BURNS built up a record as an influential committee member, sitting on Appropriations and chairing a Subcommittee on Communications, as well as another on the Interior, with jurisdiction over the entire National Parks Service. Senator BURNS has taken pride in securing resources for his State, as well as in opening up the promise of advanced telecommunications for all. He worked with Senator RON WYDEN of Oregon to pass the CAN SPAM Act, which combats unsolicited e-mail. Senator BURNS has also worked for Internet deregulation and broadband access in rural and areas, earning him praise as ''one of the fathers of the modern Internet.'' That is quite an achievement for a onetime cattle auctioneer.

Now Senator BURNS is returning to his home State of Montana, and I hope he and his wife Phyllis have many years of happiness there.

MARK DAYTON

I would also like to recognize Senator MARK DAYTON of Minnesota. Senator DAYTON's talents have long been apparent, whether graduating cum laude from Yale University, starting in goal for the college hockey team, or spending time as a teacher on the Lower East Side of New York City. Senator DAYTON has long been involved in public service and Minnesota politics, serving on Walter Mondale's Senate staff in the 1970s and working in the 1980s and 1990s for economic development in his home State. Senator DAYTON was elected state auditor in 1990, serving a 4-year term fighting the misuse and theft of public funds. In 2000, he once again entered State politics, defeating an incumbent to win a term in the Senate.

MARK DAYTON took many principled stands during his time in the Senate, from his opposition to the Iraq War resolution to his work to fully fund special education. Senator DAYTON was also known for his engagement with the needs of his Minnesota constituents. He won $3 million for a Minnesota National Guard program to provide soldiers with postcombat counseling and support, worked to hire 148 additional patrol agents to secure the United States-Canada border, and even donated his Senate salary to pay for bus trips to Canada so seniors could buy cheaper prescription drugs.

Senator DAYTON chose to retire after serving out his term, but he declared that ''everything I've worked for, and everything I believe in, depends upon this Senate seat remaining in the Democratic caucus in 2007.'' Senator DAYTON's wish came true when Amy Klobuchar won an election to fill his seat; and I trust she will continue in MARK DAYTON's tradition of capable and hard-working representation for the people of Minnesota. Senator DAYTON is returning to private life in his home state, and I wish him all the best.

GEORGE ALLEN

Next, I would like to bid farewell to Virginia's GEORGE ALLEN. As we all know, Senator ALLEN is the son of the great football coach, George H. Allen. As a boy and young man, Senator ALLEN lived all over America, wherever his father's career took the family. But in the end, Senator ALLEN fell in love with the State of Virginia, especially its wealth of history. ''I was going to go into a partnership with someone in Charlottesville in an old building built in 1814,'' he said, describing his first law practice. ''Mr. Jefferson played the fiddle there, allegedly . . . I lived in it while renovating. I started my law practice and then bought a log house out in the country, in the woods. Charlottesville is where I wanted to take my stand.''

In 1982, GEORGE ALLEN won election to the Virginia House of Delegates—and Thomas Jefferson's old seat. In 1991, he was elected to a term in the House of Representatives, and 2 years later, became Governor of Virginia, a post in which he distinguished himself as an energetic executive. As Governor, GEORGE ALLEN fought violent crime, reformed his State's welfare system, and signed the standards of learning education reform bill, which helped inspire No Child Left Behind. In 2000, he was elected to the Senate, where he served on committees including Commerce and Foreign Relations.

In the Senate, GEORGE ALLEN made a name for himself on technology issues, keeping the Internet free of taxation, securing nanotechnology funding, and providing high-tech grants to historically black colleges. It's also been a pleasure to work with Senator ALLEN for several years on our own legislation to enhance America's competitiveness in the field of aviation by investing in aeronautics research and a new generation of aerospace scientists. In addition to his technology interests, Senator ALLEN was also a strong advocate of balanced budgets.

GEORGE ALLEN is leaving the Senate, but we will remember him for his affable demeanor and love of history. He was fond of quoting Thomas Jefferson's 1801 Inaugural Address: ''The sum of good government is a wise and frugal government which shall restrain men from injuring one another but otherwise leave them free to regulate their own pursuits of industry.'' GEORGE ALLEN did his best to live and work by those principles, and as he returns to private life, I wish happiness to him, his wife Anne, and their three children.

BILL FRIST

Last but not least—the departing majority leader, BILL FRIST of Tennessee. His leadership position has only been the cap on a lifetime of accomplishment. BILL FRIST is a leading transplant surgeon, who has performed more than 150 heart or lung transplants, as well as a highly successful medical businessman. The same drive that fueled him in politics, medicine, and business also inspired him to earn his pilot's license and complete seven marathons. Senator FRIST will be remembered as a competent majority leader, not to mention as the first medical doctor elected to the Senate since 1928.

After pursuing his medical career for nearly two decades, BILL FRIST established himself in Tennessee politics and was elected to the Senate in 1994 and was reelected in 2000 with the highest vote total for any statewide election in his State's history. As the Senate's only medical doctor at the time, he attended to the victims of the 1998 Capitol shooting, and he also served as a respected spokesman on anthrax and bioterrorism following the terrorist attacks of 2001.

Besides leading the Senate since 2003, BILL FRIST found recognition for his outspoken positions on Medicare reform, judicial nominations, and social issues. He also worked to establish a nuanced position on stem cell research. Though we didn't always see eye-to-eye, we were able to work together on important legislation, including bills on obesity prevention and food allergies. And I think I can speak for all of my colleagues when I thank him for his hard work in running the Senate for the past 3 years—or, as a predecessor put it, ''herding cats.''

BILL FRIST is returning to his philanthropic work and his medical practice, where I am sure he will find his success undiminished and his skill undulled. I wish him, his wife Karyn, and their three sons many happy years.●

SENATORS SARBANES AND DAYTON

Mr. REID. Mr. President, the great Senator Daniel Webster once remarked that the Senate is a place:

> of equals of men of individual honor . . . and personal character.

He was right, and we can see what he was talking about in the fine men the Senate is losing to retirement at the end of this Congress: Senator FRIST, Senator SARBANES, Senator JEFFORDS, and Senator DAYTON.

On previous occasions, I have talked about how much I appreciated serving with Senators FRIST and JEFFORDS. Today, I would like to say a few more words about Senators SARBANES and DAYTON.

PAUL SARBANES is a man I have always admired. We share a similar background.

I grew up in a small Nevada town. My parents weren't well connected or highly educated. But as we see in my life—and Paul Sarbanes's life—in America your background does not matter.

PAUL is the son of Greek immigrants. His parents didn't have a formal education, but they worked hard. They owned a restaurant—the Mayflower Grill on Main Street in Salisbury, MD.

PAUL worked hard too, and as a result, he has lived the American dream. This son of Greek immigrants is the graduate of some of the world's leading educational institutions, and for the last 30 years, he has been a leading voice in the world's greatest deliberative body.

PAUL received an academic and athletic scholarship to Princeton University, from which he graduated in 1954. After graduation from Princeton, he received the Rhodes Scholarship, which sent him to Oxford, England, until 1957. When PAUL came back to the States, he went to Harvard to earn his Law Degree.

In 1970, PAUL won his first Federal election—to the U.S. House of Representatives. In 1976, he came to the Senate.

During the next 30 years, he made a tremendous mark on our country.

PAUL SARBANES has been an excellent Senator, but he has always excelled when the country needed him the most—during times of crisis.

During Watergate, he was a leading voice for reform in the House. During Iran-Contra, he led the fight for the truth in the Senate. And more recently, in the wake of the Enron accounting scandals, he was largely responsible for reforms which restored the people's confidence in corporate America.

During his 30 years in the Senate, PAUL SARBANES has cast over 11,000 votes. Not all of them were as monumental as his work on Watergate, Iran-Contra and Enron, but every one of them was cast with the people of Maryland, and the people of the United States in mind.

Mr. President, MARK DAYTON has served in the Senate just one-fifth of the time PAUL SARBANES served here. But he, too, has made his mark. He's been a fine public servant, and an even better friend.

Of course, Senator DAYTON's service has always been closely intertwined with that of our dear departed collegue Paul Wellstone. Paul was a legend in our country, but MARK has kept his legacy alive these last 4 years by fighting for the working people of Minnesota.

MARK was born in Minnesota in 1947. He graduated from Yale University in 1969, where he majored in psychology and played varsity hockey. MARK had many options coming out of college, but he chose to become a teacher at a public school on New York City's lower east side.

It was an unselfish choice, and it would not be the last time MARK chose a path in life that put the public's interest ahead of his own self-interest.

In 1957, after his years of teaching, MARK came to Washington, where he worked on the staff of then-Senator Walter Mondale. When Mondale was selected the running mate of Jimmy Carter in 1976, MARK was there to serve.

In 1990—following jobs in the Minnesota State government and the private sector—MARK ran for Minnesota State auditor and won. In 2000, he came to the Senate, where he has served ever since.

MARK is known here as a strong advocate for the people of Minnesota. He has used his Senate salary to send busloads of seniors to Canada for prescription drugs. He has used his power in the Senate to help low-income constituents get the oil they need to heat their homes. And he has created a ''Healthcare Help Line,'' which is available to Minnesotans who have problems with their health insurers.

Mr. President, MARK Dayton, like PAUL SARBANES, like JIM JEFFORDS, like BILL FRIST, will be missed.

The Senate—and our country—are better off because of their service.

MIKE DEWINE

• Mr. HATCH. Mr. President, as this session draws to a close, I must take this opportunity to make a few comments on the outstanding record left behind by our colleague from Ohio, Senator MIKE DEWINE.

I have worked closely with Senator DEWINE ever since he came to the Senate. I sit with him on three committees: the Select Committee on Intelligence; the Judiciary Committee, where he chaired the Antitrust Subcommittee; and on the Health, Education, Labor, and Pensions Committee, where he chairs the Retirement Security and Aging Subcommittee.

I consider MIKE to be a Senator's Senator—he is a man who truly represents his constituents, who studies the issues, works hard, and does his very, very best to do what is right. His departure from the Senate is a great loss to this body and a great loss to Ohio.

The DeWine legacy is considerable.

One of the major focuses of his work, which I admire greatly, is the protection of children. Senator DEWINE has sponsored numerous pieces of legislation aimed at protecting children and enabling prosecution of those who perpetrate acts against children. These include the Protecting Children Against Crime Act of 2003, which became law as part of the PROTECT Act, the National Child Protection Amendments Act of 2000, the Child Abuse Prevention and Enforcement Act of 1999, and the Protection Against Sexual Predators Act of 1998. It is significant to note that Senator DEWINE is a founding member and cochair of the Senate Caucus on Missing, Exploited and Runaway Children.

The Senator's work to protect children extends beyond legal issues. He is the author and true leader in the Senate of legislation to protect children from the horrors of tobacco abuse by giving the Food and Drug Administration the authority to regulate it. He has also taken a leadership role in efforts to stop underage teen drinking by sponsoring the Sober Truth on Preventing Underage Drinking Act. The STOP Act has a good chance of becoming law this year.

But the centerpiece of MIKE DEWINE's prochild agenda is his work to incentivize pharmaceutical company testing of drugs used on children. MIKE DEWINE showed this whole body the safety risks children face when they take prescription medications never studied in the pediatric population. I can just hear MIKE saying now, ''Children are not little adults.'' And he is right.

He worked across the aisle and across the Capitol to get the Pediatric Research Equity Act of 2003 enacted. This was no easy task. It took grit and determination. He fought big PhRMA. He did it for the kids. And he won. I am only sorry he will not be here next year as we work to reauthorize it.

In his years as a member of the Senate Judiciary Committee, Senator DEWINE emerged as a leader in the area of antitrust law and competition policy. Both as the chairman and the ranking Republican member of the Antitrust Subcommittee, MIKE has played an invaluable role in each significant legislative change to the antitrust laws enacted in the past decade.

In addition to his legislative achievements in antitrust law, Senator DEWINE has become known for the subcommittee's active oversight of the antitrust enforcement activities of the Department of Justice and Federal Trade Commission. During the subcommittee's consideration of numerous individual mergers, his thoughtful analysis and evenhanded approach earned him considerable respect in the antitrust community as a tough, but eminently fair, advocate of both consumer interests and strong competition.

Earlier this year at the American Antitrust Institute's annual conference, where he and Senator KOHL received an achievement award for their many contributions to antitrust law, Senator DEWINE commented that ''[i]t's always difficult to find that fine line between aggressive, healthy competition and destructive or anticompetitive behavior, but it's our job on the Antitrust Subcommittee to keep trying, and to promote the type of competition that helps everyone.''

From my perspective, Senator DEWINE not only tried but succeeded admirably in drawing this very difficult line in a careful and appropriately balanced way. His expertise, institutional knowledge, and thoughtful analysis will be sorely missed.

Also of note in discussing Senator DEWINE's work on the Judiciary Committee are his anticrime efforts. MIKE has been a real leader on issues such as the 1998 law, the Crime Identification Technology Act, which increased funding for State and local law enforcement by $1.25 billion. His work in anticrime

technology continued in 2004, when the Senate adopted his amendment to the intelligence reform bill that would upgrade the Federal Bureau of Investigation's computer networks. That bill was signed into law on December 17, 2004.

MIKE has either sponsored or cosponsored a number of bills to help law enforcement protect Ohio communities, including the local law enforcement block grant program, the Law Enforcement Officers Safety Act, the Rape Kits and DNA Evidence Backlog Elimination Act of 2003, and the Video Voyeurism Prevention Act of 2004.

MIKE DEWINE's work to protect Ohioans extended into the compelling field of mental illness treatment as well. In fact, Senator DEWINE is known throughout the country for his work related to the treatment of mental health in the criminal justice system, including bills such as the Mentally Ill Offender Treatment and Crime Reduction Act and America's Law Enforcement and Mental Health Project.

Another DeWine contribution is the Poison Control Center Enhancement and Awareness Act, a significant contribution to public health which established a national toll-free poison control hotline and provided substantial assistance to local poison control centers.

Finally and more recently, Senator DEWINE authored a bill to protect children's eyes by restricting their access to potentially damaging cosmetic contact lenses.

Our new leader, Senator MCCONNELL, said this of Senator DEWINE, and I could not have said it better:

> I have never observed a more skillful legislator than he during my time in the Senate . . . You know he is a formidable force who, when he has made up his mind about an issue, never lets go. Many bills that have cleared the Senate in the ten years the Senator from Ohio has been here have the fingerprints of Mike DeWine. He is truly an extraordinary legislator.

I echo those sentiments.

MIKE DEWINE has been an outstanding Member of our body, a good friend to me, and a superb representative for his constituents. He and his staff work hard and their work has yielded incredible benefits for the American people. It is with great pride that I commend his achievements to this body, and I thank MIKE for all he has done to make the U.S. Senate a more effective and accomplished body. I will miss him, as a legislator, as a colleague, and as a friend.

LINCOLN CHAFEE

Mr. President, I am grateful for the opportunity to take a few moments to recognize the service and devotion to the U.S. Senate by my colleague and friend, Senator LINCOLN CHAFEE of Rhode Island.

A true Rhode Islander, LINCOLN CHAFEE was born in Providence, attended a Warwick public school, and earned a degree from Brown University, where he captained the wrestling team. As an avid horse enthusiast, he attended the horseshoeing school at Montana State University and worked as a blacksmith at harness racetracks in the United States and Canada, but only a handful of years slipped by before he returned to his home in Rhode Island.

LINCOLN then entered politics in 1985 as a delegate to the Rhode Island Constitutional Convention. A year later he was elected to the first of two successive terms on the Warwick City Council. In November 1992, LINCOLN became the first Republican elected mayor of Warwick in 32 years—and, with his positive vision, he so won over the hearts and minds of voters that he was reelected for another three terms in a reliably Democratic city. He held the mayoral post until appointed by Governor Lincoln Almond in November 1999 to fill the unexpired Senate term of his late father, John Chafee. In November 2000, he was overwhelmingly elected to the U.S. Senate.

As I, LINCOLN has a great interest in policy that affects the health of our Nation's people, and I am proud to have had the honor of working with him on a number of initiatives that made Americans healthier.

I admire LINCOLN for taking a stand on stem cell research. He has supported important legislation and joined a bipartisan group of colleagues in calling on President Bush to expand the Federal policy on embryonic stem cell research. Senator CHAFEE and I share similar views on this issue: he is opposed to any cloning with the intention of creating a human life but strongly supports legislation that would allow stem cell researchers to use excess embryos which were created for in vitro fertilization purposes and would otherwise be discarded. I respect and appreciate his courage to stand up for his convictions in the face of such a controversial issue.

LINCOLN has been a champion for breast cancer research since his arrival in the Senate in 1999. I am pleased to be an original cosponsor of his Breast Cancer and Environmental Research Act, which would make Federal grants available for the development and operation of eight national centers that would conduct research on how environmental factors may contribute to the causes of breast cancer. In recognition of his outstanding leadership in this arena, LINCOLN has been honored by the National Breast Cancer Coalition and also presented with the Avon Foundation Pink Ribbon Crusader Award.

Senator CHAFEE has been a leader in the fight to reauthorize and maintain adequate funding for the State Children's Health Insurance Program—also called CHIP. I worked very closely with his father to write that law in 1997. I recognize that LINCOLN is also dedicated to the goal of this program, which is to provide health insurance to low-income, uninsured children, and I thank him for his diligent efforts. We have worked tirelessly to ensure that funding continues to make the program available for these children.

Senator LINCOLN CHAFEE is a great man, a loyal Rhode Islander, and a great American. I thank and commend him for all his selfless work. His contributions have made his State and the whole country significantly better than before his arrival in Washington. We will all miss his presence here in the U.S. Senate, but I doubt we have seen the last of LINCOLN CHAFEE in the way of public service. I wish him and his family health, happiness, and the best of luck in all future endeavors.

RICK SANTORUM

Mr. President, I rise today to pay tribute to my colleague and friend from Pennsylvania, Senator RICK SANTORUM, who will soon be ending a very distinguished and impressive career in the U.S. Congress.

In my 30 years of service in the U.S. Senate, I have seen a lot of Senators come and go. However, it is hard to think of anyone who has had more energy, more enthusiasm, and who, in such a short period of time, has had a greater impact on many important issues affecting our families and our society, than has the junior Senator from Pennsylvania.

After receiving advanced degrees in business and law, RICK was elected to the House of Representatives in 1990 at the age of 32. He served two terms in that body before running for the Senate, he distinguished himself as part of the so-called Gang of 7 that helped uncover the House banking scandal and called for reforms of the House.

The same year he was first elected to Congress, RICK was married to his wife Karen, and they started their family that now includes six children. As the father of six myself, I know firsthand the challenges and joys that come from having a large family. RICK has done such a marvelous job balancing home life with public life with its demanding schedule and its never-ending conflicts.

After winning election to the Senate in 1994, RICK SANTORUM immediately began exerting leadership on issues in several different legislative areas but notably in the areas of health, agriculture, and welfare reform. Upon winning reelection to his second term in the Senate, his GOP colleagues validated his natural leadership by choosing RICK to chair the Senate Republican Conference.

Although Senator SANTORUM is well known for his strong defense of many conservative positions and his articulate voice on many issues affecting the sanctity of the family, it would be wrong to characterize him as a strict partisan. I have seen many examples where RICK has reached across the aisle to his Democratic colleagues and found common ground on issues of importance to all Americans.

One notable example of this is on an issue that is also very important to me—promoting charitable initiatives. Several years ago, Senator SANTORUM

teamed up with another of our most distinguished and thoughtful colleagues, Senator JOE LIEBERMAN, to introduce the Charity, Aid, Recovery, and Empowerment, CARE, Act. The CARE Act was designed to address many problems faced by the charitable sector of our Nation and to help them to better achieve their goals of lifting up the impoverished among us and of helping all of us better assist our fellow man in times of need.

As an original cosponsor of the CARE Act, I saw up close the tireless dedication and unending efforts that RICK SANTORUM put into promoting this legislation, not just in the Senate but with the White House. While this very ambitious legislation has not entirely been enacted, RICK can take a great deal of justifiable pride in the fact that great strides have been made in achieving the goals of the CARE Act. Moreover, he can take great satisfaction in knowing that his colleagues in the Senate and the House, policymakers in the executive branch, those who serve so diligently in the charitable community, and indeed concerned Americans from all walks of life, are much more aware of the accomplishments and the needs of the charitable sector because of the efforts of Senator SANTORUM.

Mr. President, the junior Senator from Pennsylvania is going to be long remembered in this body, and he will be sorely missed. He will be remembered and missed for his intelligence, his articulate voice, his courage, his energy, and his leadership. I salute RICK as a fine public servant as he enters the next stage of his life, and I thank him for his dedication and for his hard work. I am sure I am joined by all of our colleagues as we wish RICK and his family the very best in the future.

JIM TALENT

Mr. President, I rise today to pay tribute to the accomplishments of Senator JIM TALENT from the great State of Missouri. I feel privileged to have worked with JIM on different pieces of legislation, and I greatly admire his dedication to his constituents and respect his many accomplishments during his time in public office.

JIM's official, political career started when he was only 28 years old, after he was elected to the Missouri House of Representatives. He went on to serve for 8 years in that position, and he worked diligently to pass meaningful legislation which benefited the people of Missouri.

In 1992, JIM was elected to the House of Representatives from Missouri's second district. JIM wasted no time in tackling important issues and introduced the Real Welfare Reform Act of 1994. Much of the ideas from this legislation were phased into the Personal Responsibility and Work Opportunity Act of 1996, which I joined JIM in voting for. This historic piece of bipartisan legislation has had a profound positive impact and dramatically changed the way that this country helps its neediest citizens. According to the Department of Health and Human Services, welfare caseloads in this country have declined 58 percent since the enactment of this legislation. These results show that, even as a new Senator, JIM had tremendous foresight in crafting meaningful ideas which addressed a serious problem in this country.

JIM also served on many important committees during his time in the House, including the Armed Services Committee, the Small Business Committee, and the Education and Workforce Committee. During his time on these committees, JIM continued to utilize his tremendous work ethic in reviewing and drafting important initiatives which benefited American citizens. In addition, JIM worked endlessly as an advocate for small business, which he recognized as the financial backbone of our country.

In November of 2002, JIM began the next phase of his service after being elected to serve as Senator for his State of Missouri. Being born and raised in Missouri, JIM had a great knowledge base of the State and thus the background to recognize important issues which affected his constituents and the State as a whole.

I can truthfully say there has been no Senator in the history of this body who has worked harder to represent the history of his State than JIM TALENT.

JIM served on four diverse Senate committees: Agriculture, Nutrition, and Forestry; Energy and Natural Resources; Aging; and the Armed Services Committee.

During this Congress, JIM and I worked together on the joint resolution which proposed an amendment to the Constitution authorizing Congress to prohibit the physical desecration of the flag of the United States. JIM and I were in complete agreement on this subject, and I greatly respected his steadfast support of this proposed legislation. During debate of this topic, JIM continually provided insightful commentary that showed his heartfelt support of a very important topic. JIM summed up his feelings with the following sentiment: ''The flag is the unifying symbol of our Republic. It represents that common history and heritage which holds America together notwithstanding religious, cultural, or political differences. Physical and public desecration of the flag degrades those values and coarsens America far more than any speech or political dissent possibly could.'' We were both sorry to see the amendment narrowly miss passage, but I will always admire and respect JIM's unwavering support on this important topic.

A final item I would like to draw attention to is the Combat Meth Act that JIM drafted along with Senator FEINSTEIN. Recognizing the disastrous effects that have been wrought on American neighborhoods and families due to this horrible drug, Senators TALENT and FEINSTEIN wrote this new law aimed at making the ingredients used to cook meth less available to law breakers. While we didn't always agree on the approach to this effort, we were united in efforts to stop the insidious damage inflicted by this drug. I applaud JIM's efforts in drafting an incredibly important law that we all hope will have a significant impact on decreasing the amount of toxic meth labs in our communities.

As JIM embarks on the next phase of his career, I wish him luck in all of his future endeavors. I also want to extend my congratulations and appreciation for JIM's legislative achievements during his time in Congress. I am confident that his character and attributes will continue to steer him toward a life of accomplishment and benefit to those around him.

JIM JEFFORDS

Mr. President, I would like to extend my best wishes to my good friend and colleague, Senator JIM JEFFORDS.

For the last 18 years, I have been privileged to serve with JIM here in the United States Senate. When he first came to the Senate in 1989, he was assigned to the Senate Labor and Human Resources Committee. At the time, I was the ranking minority member of that committee and worked closely with JIM. In fact, when JIM later became chairman of the committee, he changed the name to the Committee on Health, Education, Labor and Pensions, better known today as the Senate HELP Committee. He did that because he felt that the purpose of the committee was to help people. Later, he and I also served together as members of the Senate Finance Committee.

JIM has an undergraduate degree from Yale University and graduated from Harvard University Law School. He served in the United States Navy for 3 years and was in the Reserves until 1990 when he retired as a captain.

He started his career in politics in 1966 when he was elected to the Vermont State Senate. In 1968, he became the attorney general for the State of Vermont. In 1974, he was elected to the U.S. House of Representatives where he tells a very interesting story about the day that he was sworn in as a Member of the House. As JIM tells it, 1974 was not a good year to be a Republican candidate—for those who do not remember, it was the year that President Richard Nixon resigned due to the Watergate scandal. The 1974 freshman class had 92 new Members of which only 17 were Republicans—two of them were our Senate colleagues, CHUCK GRASSLEY and JIM JEFFORDS. At the time, CHUCK was on crutches and JIM was in a neck brace. As the two walked down the aisle, JIM heard one of the Democrat Members say, ''There are two we almost got.'' Well, all I can say is, thank goodness the Democrats didn't get Chuck and JIM. The two of them have been an integral part of both the House and the Senate.

Senator JEFFORDS has always been known for his self deprecating sense of humor. I will never forget his story

about being interviewed by a reporter with Congresswoman Millicent Fenwick, who, as many know, was a very elegant woman from New Jersey, on their first impressions of what it was like to live in Washington. Congresswoman Fenwick talked about her lovely view of the city from across the river. When asked what it was like for him to be in Washington, JIM replied that he lived in a Winnebago in the parking lot of a Holiday Inn and he had a view of the hotel dumpster. Quite honestly, JIM is probably one of the most humble and down to earth people I have met in the Senate.

JIM is someone who fought hard for increased education funding, especially for special needs children. He is also very passionate about environmental issues. But in my opinion, one of JIM's most significant achievements was the difference he made on health care issues. JIM was committed to providing a prescription drug benefit to Medicare beneficiaries and was actively involved in writing the Tripartisan Medicare prescription drug bill which was considered on the floor of the Senate in 2002. JIM, CHUCK GRASSLEY, former Senator John Breaux, Senator OLYMPIA SNOWE, and I all got together and wrote a bill that provided a drug benefit for Medicare beneficiaries. It was the foundation of the Medicare prescription drug benefit, Medicare Part D, which was included in the Medicare Modernization Act of 2003. JIM provided valuable input and did his best to look out for what was in the best interest of senior citizens and the disabled. So far, 38 million Medicare beneficiaries are enrolled in the Medicare Part D Program.

Before I close, I want to share an insightful story about JIM that is indicative of the way he has led his life. When JIM interviewed Paul Harrington to be the HELP Committee's Health Policy director, it was at his home in Shrewsbury, VT. Shrewsbury is a very rural town in a very rural State and that is best typified by the Brown Covered Bridge. JIM conducted the job interview in his garage where he had a large pile of bent nails on his work bench. While he discussed the possibility of Paul joining his staff, they each began straightening out the used nails. At the end of the conversation they had created quite a large pile of nails that were useful again. Paul shared this experience with many of his friends and colleagues when he left the Senate because he felt that the circumstances of the job interview were indicative of JIM's philosophy and his approach to problem solving. I couldn't agree more. There's a practical side to JIM's nature that seeks to adapt old solutions to solving new problems. Using the analogy of the nails, JIM has always been able to take up used ideas from the past and put them to good use in new circumstances by reshaping them to fit the new needs of today.

I want everyone to know that I consider JIM to be one of my dear friends in the Senate, and while I was disappointed when he decided to become an Independent, I respected his decision. And so did former Senate majority leader Bob Dole, who is a close friend of JIM's. In fact, on the first year anniversary of JIM's big decision, Bob sent JIM a pineapple upside down cake. He told JIM that he looked all over for a cake to send him and came to the conclusion that a pineapple upside down cake described JIM the best. While that may be true, let me say that JIM is a man who has the best of intentions and always does what he believes is in the best interest of his constituents.

While serving in the Senate, JIM has always been an independent force and that is one of the main reasons that I respect him so much. Policy always came before politics, something very rare in Washington these days. He has a great love for the institution. He is passionate about issues he cares about and it showed when he offered an amendment in committee or spoke on the Senate floor.

JIM has dedicated his life to public service and the great people of Vermont are very fortunate to have had him representing them in both the House of Representatives and the Senate. He is a great legislator and he will be missed by all of us. I wish JIM Jeffords all the best in the years ahead.

CONRAD BURNS

Mr. President, I want to pay special tribute to my good friend and colleague from Montana, Senator CONRAD Burns, known by his staff, Montanans, and myself as just CONRAD. It is hard for me to imagine a more down-to-earth Member of Congress than CONRAD. His straight-shooting analysis of the issues and his humorous outlook on life made life around the Senate more enjoyable.

Utahns in particular owe a debt of gratitude to Senator BURNS. As chairman of the Senate Appropriations Subcommittee on Interior and Related Agencies, Senator BURNS worked with our delegation to meet many of Utah's needs.

First and foremost, he oversaw a dramatic increase in funding for the Payments-in-Lieu-of-Taxes (PILT) Program, which provides funding for schools, roads, and public safety services in rural communities in Utah where the tax base is limited due to the predominance of tax-exempt Federal land.

Chairman BURNS also helped me to pass legislation which expedites research and development projects on Bureau of Land Management, BLM, land. Senator BURNS also helped provide funding for Sandy City, UT, to upgrade its drinking and storm water infrastructure. With this funding, Sandy City will now be able to prevent flooding which has threatened the homes of many citizens in the past.

Over the years, CONRAD has been extremely helpful to many Utah communities. He helped provide funding to protect the Range Creek/Rainbow Glass Ranch for conservation purposes, to improve drinking water for the citizens of Centerfield, Mayfield, Park City, and Eagle Mountain, UT, to provide for the Sand Hollow Recreation Area, and to increase the reach of the Bonneville Shoreline Trail.

CONRAD has also helped Utah and our country continue down the path of energy independence and accelerate Utah oil and gas production by helping to fund the Utah Oil and Gas Leasing Internet Pilot Program.

Allow me to share just one example of how Senator CONRAD Burns is, and always will be, a man of the people. The highway system around the Washington, DC area provides for express lanes for vehicles carrying passengers. A regular feature of the Washington commute is lines of passengers hoping to be picked up by drivers who are driving their way. Much of the population of the high occupancy vehicle express lanes is made up of single drivers who have picked up these passengers, thus allowing them to use the express lands. For years, my friend Senator BURNS would pick up these riders in his less than glamorous van. They would have great conversations together along the way, and in most cases, the passengers would not have the slightest idea that they had been picked up and were now chatting with a U.S. Senator. And knowing the junior senator from Montana, I am sure that's just the way he wanted it.

Senator CONRAD BURNS has been a great friend to the people of Utah and a great friend to me. I will miss his presence here in the Senate, and I wish him the greatest of success in his future endeavors.

GEORGE ALLEN

Mr. President, I rise today to honor the Senate career of my distinguished colleague from the State of Virginia, the Honorable GEORGE ALLEN. The contributions he has made to Congress and this country are significant, and we owe him a debt of gratitude for all that he has given.

GEORGE has spent most of his career in public service. A few years after earning his law degree, he served as a delegate in the Virginia Assembly before becoming a Congressman in 1991. He made a successful run for Governor of Virginia and presided over 4 years of strong economic growth and steady job creation. In 2001, he joined the U.S. Senate, and I have been honored to call him my colleague for the past 6 years.

GEORGE has been a tireless advocate for a smaller, more efficient Government throughout his career. He helped lead the way to enactment of the President's tax cut package in 2001 and 2003 and has been an articulate defender of the progrowth tax policies that we have pursued over the past 6 years, including the reduction in capital gains and dividend taxes, the repeal of the death tax, and the reduction in the tax burden of our Nation's small businesses, where so many of our jobs are created. These were lessons he learned well from his days as a Governor.

He has done more than just pay lip-service to the importance of keeping taxes low: He has fought the good fight as well. He introduced and worked hard to ensure the passage of the Internet Tax Nondiscrimination Act, legislation that prohibited taxes on Internet access or taxation from multiple jurisdictions on goods bought over the Internet.

Over the last few years, GEORGE has achieved an almost legendary status with the technology community in this country. In 2001, GEORGE was appointed to serve as chairman of the Senate High Tech Task Force where he advocated for policies to make America a leader in innovation from nanotechnology to broadband to the education of future engineers and scientists. So much of the technology agenda being advanced in this country today spawned from the efforts of GEORGE as the High Tech Task Force chairman. If you were to meet with the top executives of any technology company with a significant presence in the United States, they would tell you what a wonderful advocate GEORGE ALLEN has been for their company and their industry. I have heard it time and again from hundreds of executives.

GEORGE also has served our party well. His success as head of the National Republican Senatorial Committee during the 2004 election cycle is a result of the Senator's bedrock faith in his beliefs and his ability to articulate that which he holds true.

So many times, politicians come to Washington with strongly held convictions and a desire to do good and instead take the more expedient path to reelection and power. When it comes to GEORGE ALLEN's career, no one can say he ever abandoned his belief in the virtues of a small government and lower taxes. These are the very beliefs I hold true as well, and I was glad to have him on my side.

At its heart, politics is a battle over ideas. Our distinguished Senator from Virginia earned the respect of us all for the pitched battles he fought to advance the cause of freedom and economic growth for the United States and the world.

Personally, I have admired GEORGE ALLEN for a long time. In my opinion, his demeanor, his knowledge, and his drive are all exemplary and worthy of emulation. Every interaction I have had with GEORGE over the years has done nothing but bolster my original opinion of him. He reminds me more of Ronald Reagan than any national politician I have met. That is a high compliment for a great statesman. I would like to take this time to thank my friend, GEORGE ALLEN, and to wish him, Susan, and the rest of the ALLEN family the very best as he leaves this great institution to take on new challenges.●

MARK DAYTON

Mr. LEVIN. Mr. President, as Senator MARK DAYTON prepares to leave this body, I would like to share with my colleagues a few thoughts about his service. In September, I had the pleasure of speaking on Senator DAYTON's behalf at a dinner paying tribute to the retiring Senators, and I ask that my remarks from that event be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

On the night six years ago when Minnesota voters chose him as their 33rd Senator, Mark Dayton told the cheering crowd: ''No matter what your political party or personal philosophy, no matter who you voted for today or even whether you voted at all, I'll work for you. When, next January, I become Senator Dayton, please—call me Mark. Because I'm your public servant. I'll work for you.''

For the past six years, Mark has kept that pledge, because those words were not the rhetoric of a campaign; they were a reflection of Mark's deeply-held beliefs. Mark Dayton treats everyone—from the wealthiest to the least fortunate—with the same sense of fairness and compassion, and he carries himself with a humility to which we can all aspire. Mark's lack of guile has characterized his service here, where political calculating is an accepted reality.

When Mark came to the Senate, he brought with him a broad range of experience. In the private sector he had worked as a public school teacher in a challenging New York City school; as a counselor to runaway youth; as a chief financial officer for a nonprofit group; and as head of an investment group. In public life, he had served as a Senate aide to Walter Mondale; as head of Minnesota's Department of Energy and Economic Development; and as State Auditor, among many other capacities.

That path of service to Minnesota led to his own election to the Senate. Mark and I serve together on both the Senate Armed Services Committee and the Permanent Subcommittee on Investigations. As the ranking member on both committees, I have witnessed in Mark a Senator who is passionately dedicated to public service. Mark reads the long reports, he attends the dry meetings, he masters the difficult material, and he asks the tough questions with a disarming directness and quizzical curiosity.

''On the Permanent Subcommittee on Investigations, Mark has been a strong voice in our hearings examining abusive tax shelters and offshore tax havens. Mark has been a leader on prescription drug issues, and he even donates his Senate salary to help seniors buy prescription drugs they could not otherwise afford. And Mark has been a great battler on issues common to our two states, including fighting on behalf of our steel and mining industries and to strengthen our Northern Border.

As part of our work on the Armed Services Committee, Mark traveled with Chairman Warner and me and six other Senators to Iraq, where we saw firsthand Mark's deep dedication to the men and women of our Armed Forces. After allegations surfaced that our troops in Iraq had been given contaminated water by a contractor, it was Mark's insistence that led to an ongoing investigation into the contractor's actions. And Mark has been a true champion for our National Guard and Reserve forces, working forcefully to ease their difficult transition back to civilian life when their tours of duty finally end.

As Mark writes the next chapter in his own life, he can return home to the people of his beloved Minnesota knowing that he has served them honorably and well. Some of them will probably insist on calling him ''Senator.'' But, for most, this idealist with a good heart never stopped simply being ''Mark.''

We shall miss MARK DAYTON and wish him well as he leaves us.

LINCOLN CHAFEE

Mr. President, as this session of Congress comes to a close, I want to take a moment to pay tribute to my friend LINCOLN CHAFEE.

Following in the footsteps of his late father, John, Senator CHAFEE has been a voice of moderation and civility in the Senate. In a time of increasing partisanship, Senator CHAFEE has been a bridge between the parties and to an earlier era of a less divisive politics. He votes his conviction and his conscience, not just a party line.

Senator CHAFEE's legacy will be defined by his leadership on environmental protection and fiscal responsibility. On both, he has had a forward-looking approach, grounded in common sense, for which our grandchildren will be grateful.

Senator CHAFEE has been a true champion for conservation, fighting for clean air, clean water, and a healthier environment. He has been willing to stand up to the administration when he believes it is wrong, including opposing the administration's Energy bill, its weak regulations on mercury, and drilling in the Arctic National Wildlife Refuge. For the past several years, Senator CHAFEE has led an effort with Senator JEFFORDS and me to fully fund the EPA Brownfields program, which would accelerate the cleanup and redevelopment of brownfield sites, protecting human health, and creating jobs. Senator CHAFEE is a member of the Senate's Smart Growth Task Force, which promotes growth and development that protects the environment and preserves critical habitats.

LINCOLN CHAFEE has also been a strong voice for fiscal discipline. He has repeatedly opposed reckless tax cuts and supported pay-as-you-go budget rules to bring the budget back into balance. The bipartisan Concord Coalition has twice recognized him for his fiscal responsibility.

LINCOLN CHAFEE has also been an important voice on foreign affairs. He took a courageous stand in 2002 as the lone Republican to vote against the Iraq war authorization, and he has served well as the chairman of the Near Eastern and South Asian Affairs Subcommittee of the Foreign Relations Committee.

I want to close by noting that LINCOLN CHAFEE remains widely respected and admired in Rhode Island, as well as among his colleagues on both sides of the aisle in the Senate. His father would have been very proud of how well LINCOLN CHAFEE has served the people of Rhode Island.

I thank him for his service to our country and wish him and his wife Stephanie all the best.

JIM JEFFORDS

Mr. President, when this session of Congress comes to an end, Senator JIM

JEFFORDS will leave the Senate. He has been a thoughtful and independent voice here, and he will be greatly missed.

Senator JEFFORDS has been a true champion for the environment. He was instrumental in passing the 1990 Clean Air Act, and he chaired the Environment and Public Works Committee from 2001 to 2002. He has fought for policies that encourage renewable energy use and that reduce emissions of carbon and other pollutants.

Senator JEFFORDS is a strong believer in promoting economic development that also protects the environment and preserves the landscape. In the 1960s, when he served as a State senator and then attorney general of Vermont, JIM worked on the most comprehensive State-level growth management policy in the United States. JIM continued these efforts as a U.S. Senator, and I joined with JIM in 1999 to form the Senate's Smart Growth Task Force, a bipartisan, multiregional caucus.

With JIM's leadership, the task force's membership grew to more than 20 Senators who shared the goal of determining how the Federal Government can help States and localities address their own growth management issues. Out of this task force, a series of bipartisan legislative initiatives have emerged, including legislation to promote brownfields development, support urban and town centers, provide transportation funding and access, and conserve open space and historic structures.

Senator JEFFORDS has also been a strong leader on education, job training, and disability legislation and served as chairman of the Health, Education, Labor, and Pensions Committee from 1997 to June 2001. He has a particular passion for improving education for students with special needs and coauthored the Individuals with Disabilities Education Act. JIM JEFFORDS is also a strong advocate for fairness and has sponsored legislation to end discrimination based on sexual orientation and to strengthen penalties for hate crimes.

Senator JEFFORDS became a household name and earned a spot in Senate history in 2001 when he left the Republican Party, creating a Democratic majority in the Senate. That action stunned Washington. But for those of us who have been fortunate to know him over the years, we were not at all surprised that JIM JEFFORDS had followed his conscience and his deep commitment to the interests of the people of Vermont and did what he believed to be right.

I want to wish JIM and his wife Elizabeth well as they enter a new phase in their lives.

MIKE DEWINE

Mr. LEVIN. Mr. President, I would like to take a moment to pay tribute to our colleague from Ohio, Senator MIKE DEWINE. Senator DEWINE is a truly decent, thoughtful individual with a deep concern for children and a refreshing willingness to reach across the aisle. He has been a solid partner on several of the issues common to our two States and the region.

In particular, it has been a pleasure to work with Senator DEWINE on issues affecting the Great Lakes, which are critical for our States' economies and for our environment. Since 1999, he and I have served as cochairs of the Great Lakes Task Force and have shared a commitment to protecting and restoring these national treasures. We have fought to protect the lakes from invasive species, to improve water quality, to create a long-term restoration plan, and to expand public access to the lakes.

Senator DEWINE's service here has also been characterized by his commitment to children and children's health, and he has been willing to work in a bipartisan way to make progress. He has worked with Senators DODD and JACK REED to prevent teen suicides and with Senator CLINTON to ensure that drugs given to children are safe for them. He has sponsored a bill with Senator KENNEDY to allow the Food and Drug Administration to regulate tobacco. As the chair of the District of Columbia Appropriations Subcommittee, he has also worked to reform the child welfare system in DC.

In addition to his bipartisan approach, Senator DEWINE has also shown a willingness to take politically difficult positions when he believes they are the right thing to do. Last year, for example, he joined a bipartisan group of 14 senators who worked to forge a compromise on judicial nominations and to save the Senate from the so-called nuclear option. That step helped to diffuse a tense situation and to protect the Senate as an institution.

I have great respect for MIKE DEWINE's integrity, his commitment to his State, and his willingness to seek progress over partisanship. I wish him and his wife Fran well in their future endeavors.

BILL FRIST

Mr. MARTINEZ. Mr. President, today, I rise to acknowledge and honor the good work and service of my colleague from Tennessee, Senator BILL FRIST. As a Senator for the past dozen years, and majority leader for the past four, Senator FRIST has been a leader of strong resolve on behalf of his home State and our entire Nation. His work in the U.S. Senate will be remembered for a long time to come, and I personally owe Senator FRIST a debt of gratitude.

He has been an advocate of the offshore drilling agreement that would benefit not only the people of my home State of Florida, but millions of Americans living in the gulf coast region—this plan would reduce America's reliance on foreign sources of energy and is vital to our future. I applaud Senator FRIST for recognizing and acting so decisively on this important issue.

Senator FRIST has also been a dedicated leader on immigration reform and I thank him for taking on this divisive, yet necessary issue with such a keen understanding of what our Nation needs. I also know how passionate Senator FRIST is about national security and defense. We were able to travel to and around Iraq together, and while there, we had the opportunity to personally thank some of our troops for their courage and incredible sacrifice. I was appreciative to have that experience with someone who certainly knows the meaning of service.

On a personal note, Senator FRIST made sure that I would be able to pay my respects to Pope John Paul II—and I cannot say enough about how much that has meant to me and to my family. Thank you for that and for your relentless leadership. Thank you for your time and for your counsel. Thank you for your friendship.

Senator FRIST is a fine senator and a true gentleman. We will miss him a great deal here Washington. Yet, all of us know how well he will do as he returns to his long and distinguished career in medicine. The people of Tennessee are fortunate to have back their revered Dr. FRIST. I wish my best to Senator FRIST and his family always.

RICK SANTORUM

Mr. President, today, I commend Senator RICK SANTORUM for his dedication to public service and accomplishments as a legislator. Above all, I admire the Senator's commitment to the people of his home State, Pennsylvania, and to his family. Throughout his 12-year tenure in the U.S. Senate, he relentlessly fought to pass legislation benefiting the welfare of, not only his constituents, but Americans everywhere. In addition, Senator SANTORUM has been a great advocate in the effort to find a cure for the Global HIV/AIDS pandemic and a strong supporter of the war on terror. He has represented the American people well.

As a colleague, I would also like to thank Senator SANTORUM for his strong leadership as chairman of the Senate Republican Conference. During his time in Washington, RICK has always maintained the importance of family, a value that I admire and share. He has also provided valuable guidance to me in the past and will be missed. I wish my colleague from Pennsylvania, his wife, and children all the best in the future. Thank you for your service.

GEORGE ALLEN

Mr. President, today, I recognize the service of Senator GEORGE ALLEN. The citizens of Commonwealth of Virginia and the American people are losing a great patriot in the U.S. Senate. Senator ALLEN will be leaving the Senate after 6 years of service to his home State constituents and to this country.

He has been an important member of the Republican Party and the Senate, always striving to better America's defense and homeland security. He has worked to ensure good-paying jobs for

the people of Virginia, and to guarantee that every person in Virginia receives a quality education. It is disappointing that a strong leader like Senator ALLEN is leaving the Senate; he will be missed. Senator ALLEN was one of the people who helped convince me to run for the United States Senate, and without his support and his guidance, I might not be here today.

I wish my colleague from Virginia and his family all the best, and thank them for the service that they have given to our country. Thank you, Senator ALLEN.

RICK SANTORUM

Mr. ENZI. Mr. President, when I look back on the years I was fortunate enough to have served in the Senate with RICK SANTORUM, I think I will most remember him for his strong and passionate belief in the principles he fought for on the floor, the unwavering support he always gave his friends, and the powerful way he expressed himself on the issues that came before the Senate.

Whenever there was a problem ahead, it was always good to know RICK was in your corner. In fact, RICK was one of my first supporters when I was running for the U.S. Senate. Everyone who runs for the Senate for the first time has a great need for funds. I was no exception. RICK gave me a check that I later noticed was not signed. I needed the help and I would gladly have walked halfway across the District of Columbia to get his signature to make the document official, but when he learned that I needed his endorsement on the check he had so generously helped me obtain, he dropped everything he was doing and came to where I was to sign the check for me.

In the years since my election, RICK has shown time and time again that he is a thoughtful, genuine person on whom I could rely. He has a great mind for politics and his heart is with the people of Pennsylvania whom he has represented so well. I have often relied on him for the way he would quietly offer me his good advice, support me when we took up issues that were big concerns of the people of my State, mentor me on how to get things done around here, advise me on procedure, and help me to advance the causes that were common to the people of our States. The people of his home State could not have had a more active and effective advocate through the years, and he will be very hard to replace.

As any observer would note, RICK's career has been nothing short of amazing. At every step in his political life, critics would tell him his vision was an impossible dream. In response, RICK would take his case to the people, and time after time he would prove the naysayers wrong. That is because RICK knew the value of hard work and he also knew the first law of politics—it is not where you start, it is where you finish—and RICK made a habit of finishing first.

When RICK ran for a seat in the U.S. House of Representatives, he knew it was going to be a rough campaign because he was battling a seven-term incumbent who had a lot more money than he did. So, RICK knocked on 25,000 doors and put together a grassroots effort that included people from many different backgrounds who wanted to work with RICK on a wide range of issues. In the end, when the election was over and the votes were counted, RICK had won. It was clearly RICK's personal touch and his enthusiasm for the job that had been strong enough to overcome every obstacle—even a shortage of financial resources.

It wasn't long after that RICK was elected to the Senate after another difficult campaign battle. Again, the critics said it couldn't be done. Once again, RICK showed them he could do it.

As soon as he arrived in the Senate, he continued to fight for the principles he believed in, regardless of what others predicted the outcome would be. He fought for the tough causes without regard for the outcome because he couldn't be silent when the rights of the unborn were denied or a cherished principle was at stake. It was a commitment borne of his deep and abiding faith. In fact, I can't think of anyone who is a stronger man of faith than RICK is. His faith is a great part of who he is, and it forms the basis of his character.

I heard a story about the last campaign about RICK and a trip he and his wife were making so RICK could appear on ''Meet the Press.'' It was near the end of what had been a long and difficult campaign and anyone else would have been exhausted. Not RICK. He was fighting for a cause that he believed in, and he was, once again, full of that remarkable energy he called upon for all of his political campaigns.

As they headed down the road toward Washington, RICK and his wife talked about how hard the campaign was and how it had affected them and their family. As they thought about the battle that was still before them, they began to talk about RICK's opponent and the toll the battle was undoubtedly taking on him and his family as well. Without hesitation, as they drove to Washington for the televised debate, they took the time to pray for his opponent and his family in the hope that God would bless them and give them all the strength they would need to complete the campaign. Then they would leave the matter to the voters to decide. That is how strong a part of his life RICK's faith is.

In the years to come, I think RICK will often come to mind, standing with us on the Senate floor, taking on a cause that has driven him to act. RICK is known as a scrapper, but he is much more than that. He is a warrior, the kind you want on your side when the going gets tough. He is also a brilliant tactician, and if there is anyone who can develop and implement a winning strategy on the floor or in the field, that individual is RICK SANTORUM.

RICK has been a winner over the years because he knows the value of a message—and how to effectively advocate and present it. He is a great persuader as well, and he has been a valuable part of many efforts to pass legislation. He is someone who likes to get things done, and that ability has been recognized here in Washington and back home in Pennsylvania by members of both parties. When it comes to a difficult bill, RICK has the conviction, courage, and persistence to work through our difficult process and get the job done. His defense of life on the floor has made a difference and it will continue to do so.

RICK knows that one person doing the right thing is a majority. He knows that has cost him in the past, but he will be the first to say that it has been worth it, and people will see that in the long run it is all about standing up for what you believe.

I have always believed that life is a great adventure and God has placed us where he needs us, when he needs us to be there. I know that God has special plans for RICK. We haven't heard the last from him. There is another battle, a greater cause for which he is needed, and I am looking forward to seeing where God will see fit to place him in the months to come.

RICK SANTORUM has been a great friend during the time I have had a chance to come to know him. His expression of his faith and all he has shared with us at our Prayer Breakfasts will stay with me because they were a powerful and memorable affirmation of his belief in God. I hope he continues to weigh in on the issues that come before the Senate. We can always benefit from the views and advice of someone who says what he means and means what he says.

JIM TALENT

Mr. President, soon the last remaining items of business on the legislative calendar for the current session of Congress will be completed and the current session will be brought to a close. When it does, several of our colleagues will be returning home and ending their service in the Senate. We will miss them, and we will especially miss the good ideas and creative energy they brought to their duties in the U.S. Senate.

JIM TALENT is one of those individuals we will miss because of his can-do spirit and his determination to make a difference. He cares a great deal about our country, and he came to the Congress determined to make this a better place for us all to live—especially our children and our children's children. That is why he has always been so focused on the future of our Nation and the need to solve the problems that face us before they overwhelm us.

I first met JIM when he was the chairman of the House of Representatives Small Business Committee. Coming from a small business background myself, I was determined to do everything I could to eliminate the redtape that too often serves to discourage instead of encourage the growth of our

small businesses throughout the country.

At the time, JIM was working on a number of issues in his committee that I was working on with the Workplace Safety and Training Subcommittee of the Health, Education, Labor, and Pensions Committee. Together we began to focus on some OSHA issues and other matters affecting the workplace that needed our attention. We came up with a plan to work them incrementally, and by taking them up piece by piece, bit by bit, we were able to get some things done that might have otherwise been put off for another day. Over a couple of years, we were able to pass into law some of the first changes in the history of OSHA. Each step was a small victory for the workers of America. Taken together, the results gave us both hope that we would collaborate on bigger and bigger things in the future.

Back then, JIM had a decision to make. He was very popular back home and he probably could have stayed in the House for quite a long time, but he decided he wanted to run for statewide office. That call eventually led him to run for the Senate. It was a difficult battle, but JIM emerged with a wellearned victory.

I was delighted by his decision to run for the Senate and even more enthused by his victory. It proved what I had always thought about JIM, that he is a hard worker and he is always there to fight for what he believes in.

During his service in the Senate, JIM has been a champion for the people of his State and an expert on health plans for small businesses. When he was in the House he had served on the conference committee for the Patients Bill of Rights. He got the health plan legislation we wanted in the report, but the report, was never voted on. Now that he was in the Senate, he was working on a number of issues but none as hard or as focused as he was on passing the small business health plan into law that he had helped shape and draft.

In the end, we were able to get 56 votes in the Senate for our plan, but it takes 60 to force a matter to a vote. That meant we were just four votes short of the total we needed to pass this legislation and address the issue of health care for small businesses and people all across the country.

I know we will miss JIM's participation when we take up this issue next year, but I expect he will find a way to keep our feet to the fire and remind us that the people of this Nation are expecting us to get something done to help address their health care needs. I look forward to hearing from him with his suggestions and thoughtful comments about the bill that emerges from committee next year—how to improve it and, more importantly, how to pass it.

In the years to come, I know I will miss JIM and his creative ideas and enthusiasm for getting things done. JIM's greatest asset has always been his ability to listen to all sides of an argument and create ways around the obstacles that were preventing us from taking action. He is a leader, an innovator, and most of all, a friend to all who have come to know him.

Thanks, JIM, for your dedication, your persistence, your courage, and the many capabilities you brought to your work on the Senate. You will be missed around here. Good luck in whatever you choose to do in the days to come. You will always have our support and our appreciation for your determination to make this country's health care system work as it should.

MIKE DEWINE

As each congressional session draws to a close, we work as hard as we can to try to tie up all the loose ends and finish as much of the pending legislation as we possibly can. As we do, we also take a moment to say goodbye to some of our colleagues who won't be with us during the next Congress to share with us their insights, wisdom and creativity.

As the chairman of the Senate Committee on Health, Education, Labor and Pensions, I know I will miss MIKE DEWINE when the committee meets to begin its schedule of activities next year. MIKE has always been a particularly hard-working member of the committee and I know my colleagues on the committee and I will miss his perspective and his tireless commitment and his dedication to the issues affecting children and families.

Working with MIKE has been a pleasure. We have a great deal in common—beginning with our mutual enjoyment of the old-fashioned ice cream social back home. It is a tradition for both of our families and our political lives because it is a great way to get everyone together to talk about current events while enjoying everyone's favorite dessert.

No one ever said that politics was an easy career to follow and, true to form, MIKE has had a number of hurdles placed before him that took some doing for him to overcome.

He began his career of public service as a county prosecutor. He took a tough stand against crime and people noticed. Then, he was elected to the Ohio Senate. That led to a run for a seat in the Congress. He faced a tough primary fight, but wound up at the top of a field of six candidates. Then, when the general election was held, he was elected to serve the people of his district in the House of Representatives.

In the years to follow, MIKE had some more tough battles. He didn't always win, but he never quit. That spirit of dedication and commitment of his helped him to win a seat in the Senate, representing the people of Ohio he had been fighting for over the years. His election gave MIKE a new forum from which to promote his principles, and he soon proved himself to be a champion for children and family values. As bill after bill came to the Senate floor for our consideration, MIKE always gave it a close look to see if there was something that needed to be added to increase the protections available to our Nation's children.

MIKE understands full well that our children are our most important resource. If we don't help our Nation's families do a good job of raising their children, nothing else we do, no matter how well we do it, will matter much in the long run.

Some people might be surprised to learn how well MIKE has used his time to work with members on both sides of the aisle. To MIKE, it was just common sense. You never know how long you will be a member of the Senate, he would say, so it makes sense to use your time wisely.

As the chairman of the Senate HELP Committee I can attest to the fact that he has used his time wisely. He has been a great addition to the committee because he is an expert on children's issues and issues affecting older Americans. I have watched him carefully work on a number of bills dealing with a wide variety of topics. He always comes to our meetings, well prepared, fully focused, and committed to making a difference for the people of Ohio and the rest of the Nation.

MIKE is very much a people person, and he and his wife Fran have made regular trips to Haiti to work with the poorest of the poor. I have often heard it said that God must love the poor because he made so many of them. Fortunately, God also made people like MIKE DEWINE to plead their case for them in Washington and work with them around the world in an effort to make their lives better.

The ice cream social I mentioned earlier has become an annual tradition and Fran and the friends she recruits are now famous for their hospitality as they put on what must be the world's biggest pie and ice cream social.

That is just part of the full schedule MIKE and his family maintain every year here, in Ohio and around the world taking on the causes he and Fran hold dear. If you want to know what kind of a year MIKE has had, take a look at his Christmas card. If you do, you will see an amazing collage of pictures of his family and all that has taken place in their lives over the past 12 months. It serves to emphasize his great belief in the importance of family and family activities. It is a value Diana and I and so many of our colleagues share.

In the years to come, whenever I think of MIKE DEWINE, I know I will think of those Christmas cards, which I hope to be still receiving, and of the smiles and happiness reflected on each face in the pictures on that card. They tell me that MIKE and Fran DEWINE have learned one of life's most important lessons. Fame and fortune are all too often fleeting and evasive things in life. In the end, and every day, the most important part of our lives has to do with the strength of our faith, the bonds that tie our families together,

and the friendships we develop along the way that help us to fully appreciate and enjoy all that life has to offer.

MIKE DEWINE is truly blessed to have a family which has shown themselves to be role models on all three of those special values. I know I will miss him, but, I also know I won't forget him and Fran.

CONRAD BURNS

Mr. President, the 109th Congress will soon be drawing to a close. As it does, we will be casting our final votes on the issues we will take up this year, and saying goodbye to several of our colleagues who will not be with us for the start of the 110th session of Congress. I know I will miss them all for the creativity, imagination and firm resolve they have brought to the consideration of the issues we have worked so hard to address for the past 2 years.

One of our colleagues I know I will miss in particular is CONRAD BURNS. Throughout my service in the Senate he has been a remarkable friend, and the kind of person you would want on your side if a battle on the Senate floor was about to take place. For 18 years he has been a remarkable Senator and a strong and effective representative of the people of Montana. It just won't be the same around here without him.

CONRAD BURNS is a true westerner—through and through—and very proud of his western roots. He has always been strongly committed and absolutely loyal to the United States and to his home State of Montana. He showed his commitment to each at an early age. First, his love of his country showed itself when he decided to leave home and join the Marines. Then, when his tour of service was completed, he returned to Montana and began a career that was going so well his employer wanted to transfer him to another State where he thought CONRAD would be more effective. That is when CONRAD's love for his home State of Montana showed itself and he quit a promising career rather than leave the State he loved so well.

Instead, CONRAD set up the Northern Ag Network, which grew from 4 radio stations to 29 radio stations and 6 television stations. Then, as things were going so well with that project, he began looking for a new challenge. He found it when he ran for Yellowstone County commissioner and won. It was the start of a great political career for him and the more the people of Montana got to know CONRAD BURNS, the more they liked him.

CONRAD then decided to run for the Senate and ever since he came to Washington, CONRAD has compiled quite a remarkable record of service. He has made great decisions for our country as he has watched out for the best interests of the people of Montana. He has made a difference on the local, State and national level. Here in Washington, he has championed some amazing projects and issues and there is a lot of legislation that bears his mark for his having worked on it or supported it through the years.

As we have watched CONRAD roll up his sleeves and get to work on any of a number of issues, he has always impressed us with his understanding of complex issues and their short-term and long-term implications for our society such as the Internet and the development of modern technologies. In fact, I don't think anyone knows more about broadband and communication issues than he does. He is probably the greatest expert in the Senate on those matters and I know I will continue to seek his advice and counsel about them when these or related issues come to the floor in the months to come.

That is an impressive start, but it is not all you will find when you examine CONRAD's record of service. CONRAD has also been a hero to small businesses across the country. He understands their importance and he is fully aware that our Nation's small businesses are the backbone of every State's economy and our national economy as well.

People around the country have come to know CONRAD as he exercised his strong and effective leadership on the Appropriations Committee. He was always very careful with the people's money to ensure it was effectively spent.

For my part, I will always remember CONRAD as one of my greatest mentors in the Senate. Thanks to him, I learned a great deal about the hearings process and how it works. I learned the importance of putting a hearing together that would generate good ideas to solve difficult problems. That enabled us to address the concerns of the ranchers of Wyoming, Montana and the West and take a closer look at the destruction caused by the fires in our States. As we examined those issues during our hearings in Montana, I got a chance to see how he handled the gavel and exercised his leadership as chairman. That experience helped me to plan and hold my own hearings and ensure a maximum amount of participation and discussion.

CONRAD has also been a good friend over the years we have served together in the Senate. We have fished and golfed together. We have worked together on issues of concern to Wyoming, Montana and the West and we have voted together. We have gone to quite a few sporting events together usually to watch the Wyoming and Montana teams play each other. I seem to recall that Wyoming usually got the better of those encounters. I think CONRAD may recall those games differently, but I am pretty sure the Wyoming teams always finished ahead of the others.

Our families have enjoyed each other as well. Our wives are best friends in the western sense—not the Washington, DC sense. Our kids grew up together and they have remained close—even through those times when they were miles apart.

Most important to me, CONRAD has been my friend through thick and thin—the good and bad—the wins and losses—and the highs and lows of political life. Time changes so many things in our lives, but one thing it never changes is a friendship. Thankfully, those only grow deeper and stronger with time.

As we say goodbye to CONRAD BURNS, I know I will still be seeing him, hearing from him and spending time with him now and again. Change is temporary, friendships are permanent, and I know my family and I are looking forward to continuing to share our lives with CONRAD and his family. We can't ever let change ''change'' that.

BILL FRIST

Ms. SNOWE. Mr. President, I rise today to honor Senator BILL FRIST, whose sense of public service harkens back to ancient Athens when every citizen, in order to be called an Athenian, served in a public capacity for the good of the state. And it is more than fitting that this Senator, this son of Tennessee, comes from the only place in the United States with a full-scale replica of the Parthenon, for BILL FIRST—like the Athenians of old—sees himself first as a citizen above all else.

Senator BILL FRIST and I arrived in the U.S. Senate in the same class in 1994. And only 9 years later, he was chosen Senate majority leader—a rapid ascent by anyone's count. In the time that Senator FRIST has served his country in the position of leader, he has worked ceaselessly to translate ideals and principles into tangible improvements in the daily lives of the American people. For me, it has been a tremendous privilege over the years to work closely with him on many issues and serve with him on the Senate Budget Committee and the Senate Committees on Commerce, Small Business, and Finance.

Senator FRIST's allegiance to serving others has been nothing short of exemplary. He went into medicine because he cared about people. His profound dedication to public service—to the American people and the people of Tennessee—grew out of an earlier devotion to thousands of men and women whose dilemmas and struggles Dr. FRIST came to understand firsthand. No wonder he takes such great pride in being known as a ''citizen legislator''—and with good reason.

As he prepares to leave this Chamber, we recall that when the leader spoke about America's uninsured or the rising cost of health care or about the dangers posed to our communities by the threat of bioterrorism, his insights are rooted, not in theory, but in years of up-close and personal contact with the people who sent him to Washington in the first place. We also remember that Senator FRIST was the first practicing physician to occupy a U.S. Senate seat since 1928—in fact the sign on his office door didn't say ''majority leader''—it fittingly read, ''Dr. BILL FRIST, M.D.''

He has held his oath of office with distinction, just as he has kept to the

2000-year-old Hippocratic precept ''to do no harm,'' and in fact, he has gone well beyond that tenet, as he has done and will continue to do a world of good. We will miss his perspective and leadership and wish him and Karyn all the best as they pursue this next phase of their life and service together.

LINCOLN CHAFEE

Mr. President, I rise today to pay tribute to my great friend, Senator LINCOLN CHAFEE, a public servant who exemplifies the idea that superior governance depends on people of good will working for the common good—together. He epitomizes the New England pragmatism in government that sees not weakness but strength in reaching across the aisle to build consensus and make the system work for those it was formed to serve.

When I consider Senator CHAFEE's tenure, I cannot help but think how he has so successfully forged his own pathway and legacy of exceptional service in the U.S. Senate, while honoring the formidable contributions of his extraordinary father, John Chafee. Senator CHAFEE has brought level-headed leadership on myriad issues critical to our progress as a people, always with vigilant and careful attention to his beloved Ocean State of Rhode Island.

He has been a stalwart colleague and friend in our mutual cause to revitalize and advance the political center, in our concerted effort to answer the challenges facing our Nation by producing not rancor but results, not acrimony but accord. His loss not only diminishes the Senate but is also a loss for the country because we need more voices seeking to craft compromise and consensus to forge solutions, not fewer.

LINC CHAFEE was not only a political neighbor of mine in the center of the political spectrum—where most Americans consider themselves—but he has been a next-door neighbor in my hallway in the Russell Senate Building, a corridor also appropriately occupied by my good friend Senator MIKE DEWINE, who also epitomized the finest ideals of public service. So I will profoundly miss seeing them not only in the Senate but also simply walking down the hall outside my office. They were a constant reminder of what is best and most noble about public office.

LINC and I worked hand-in-glove on issues of fiscal restraint and accountability by calling for and advocating the implementation of the pay-as-you-go approach to the Federal budget. And I believe it is instructive that he is rightly considered a champion of the environment, even as he championed economic growth. But that is LINC—for him, issues that may seem mutually exclusive to those with intractable dogmas could coexist naturally in his vision of a world not so easily or appropriately cast in hews of black and white. Indeed, Senator CHAFEE's fight to strengthen air and water quality standards continues to resonate, a battle he has waged with innovation and resolve by combining business development with environmental advocacy.

Unflagging in his dedication to the precepts of personal responsibility and freedom, fiscal accountability, and serving the public interest, LINCOLN CHAFEE has, with honor and distinction, brought intelligence, vigor, and courage to the U.S. Senate from debates about foreign policy and homeland security to marshaling health care efforts to confront breast cancer and long-term care.

Whether serving as captain of his university wrestling team, working as a blacksmith at harness race tracks, or serving the highest ideals of public service, LINCOLN CHAFEE has demonstrated an independence, resiliency, and strength of purpose that has made him a credit to this institution and an example for his country.

I wish Senator CHAFEE, his wife Stephanie, and their children all the best for the future.

JIM JEFFORDS

Mr. President, I rise to express my enormous gratitude and deep appreciation for my good friend and colleague, Senator JIM JEFFORDS. President John Adams, who served as the first President of this body, once exclaimed. ''If we do not lay out ourselves in the service of mankind whom should we serve?'' The answer given through the years by Senator JIM JEFFORDS has been one marked by the eloquence of his actions.

True Yankee independence and integrity are two of the hallmarks distinguishing Senator JIM JEFFORDS. Our legislative service together dates back to the 97th Congress and our participation together on the house Aging Committee, ironically at much younger ages than we are today. We have also served together on the Senate Finance Committee. And I will forever fondly remember the monthly moderates lunches we attended together, just as I will cherish the lunch we shared in the final days of his distinguished tenure in the Senate.

Indeed, so many achievements distinguish this public servant and usher him into a prestigious pantheon of officeholders, whose common denominator is uncommon commitment to addressing tough issues that truly affect the daily life of the people whom they represent.

Educated at Yale University and Harvard Law School, this son of a former chief justice of the Vermont Supreme Court could have pursued any number of pathways in his life, but it testifies to his strength of character and abundance of integrity that he chose to use his depth of learning, prodigious skill, and expertise on behalf of others with the goal of service—a journey that began with his active duty in the U.S. Navy in 1956 and that continued throughout his 32 years in the Congress. From his days in the U.S. House in the mid-1970s—where he also served with my husband Jock McKernan—to the present, Senator JEFFORDS made a priority to champion education and the environment and by doing so became one of the best advocates these issues have ever had.

In 1975, Senator JEFFORDS, as the ranking member on the subcommittee on select education, coauthored what would later be known as the Individuals with Disabilities Education Act, which has provided equal access to education for millions of students with disabilities. Since its enactment, Senator JEFFORDS has continued to fight for full Federal funding for the law. He has fought to reduce industrial pollution and acid rain, and as a member of the Senate Environment and Public Works Committee he ensured the passage of the 1990 Clean Air Act. More recently, Senator JEFFORDS has introduced legislation that would clean up polluting powerplants and create incentives for investments in clean, renewable power.

In 2001, during the tax-cut debate, as we were working to ensure a fair but a fiscally-responsible compromise, Senator JEFFORDS and I combined to advocate for significant relief for the working poor. In 2003, during intense negotiations, we joined forces to ensure prescription drug benefits for Medicare. And I could not have been more pleased to work with him in authoring the so-called Snowe-Jeffords provision to the historic Bipartisan Campaign Reform Act. I couldn't be more proud that our arguments were not only persuasive in the Senate but ultimately before the U.S. Supreme Court after more than 3 hours of oral arguments, as the act—including our provision—was upheld.

In the true spirit of statecraft, JIM JEFFORDS has ennobled not only the art of public affairs but the public affairs component of art. Then-Congressman Jeffords cofounded the Congressional Arts Caucus and has consistently fought for financial support of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute for Museum and Library Services. Like my State's own Margaret Chase Smith, Senator JEFFORDS has been a public servant of deep and abiding conscience, buttressed by a profound courage and unwavering love for his State and his country. I wish him all the best.

JIM TALENT

Mr. President, I rise to pay tribute to Senator JIM TALENT, my colleague and friend whose capacity for being a catalyst on issues that he holds dear is truly remarkable—and will be missed in the U.S. Congress.

In his first term in the U.S. Senate from Missouri, otherwise known as the Show-Me State, Senator JIM TALENT has shown—not just me—but his colleagues and his constituents that he is a person who cares about health care, small business, economic growth, and defense. Whether during his 8 years in the U.S. House or his 4 years in the U.S. Senate, JIM TALENT has demonstrated the fortitude and will necessary to meet challenging issues with national implications.

In the U.S. House, as a freshman congressman, he introduced the Real Welfare Reform Act of 1994, which became the basis for landmark, bipartisan welfare reform legislation. Never one to turn from a challenge, then-Congressman Talent also managed to get association health plans legislation passed out of the U.S. House, not once but twice. And he built on that success by working on that same issue in the U.S. Senate—indeed, Senator TALENT was an essential proponent of this important effort to allow small businesses to pool their resources to lower skyrocketing health insurance costs.

I saw firsthand how the same indefatigable energy that was indicative of his commitment in the House was very much on display in the Senate as he worked tirelessly with our leadership, Labor Secretary Chao, the National Federation of Independent Business, and so many others on this critical issue. As we go forward to identify a path forward on this vital matter, Senator TALENT's acumen and will to move this issue will be missed in our chamber.

I wish JIM TALENT and his entire family all the best for what I am certain will be a successful next chapter in his life.

FAREWELL TO SENATOR MIKE DEWINE

Mr. President, I rise today to express my gratitude to Senator MIKE DEWINE, whose desire to do good has remained his abiding purpose and lifelong contribution to the people of Ohio, the U.S. Senate, and his country. The moniker of ''bodyguard of the poor''—which he has been dubbed by many in his State—speaks volumes about Senator DEWINE's tireless dedication to enriching and helping others and about his earnest efforts to defend the defenseless and protect those in need.

With a career in public service spanning more than 30 years, Senator MIKE DEWINE has more than earned his reputation as hard-working, honest, compassionate, and results-oriented. I first got to know MIKE when he entered the House of Representatives the same year as my husband Jock. I am proud to say we served together in both the U.S. House and Senate. In the 99th and 101st Congresses, we both served on the House Committee on Foreign Affairs. And in the U.S. Senate, we were colleagues on the Select Committee on Intelligence, where issues of national security and safety have been more paramount then ever. America is most fortunate to have had his thoughtful, considered approach on that committee and on so many other issues. Jock and I have treasured our longstanding friendship with MIKE and Fran DEWINE, and we have enormous respect for MIKE's passion and depth of commitment.

Indeed, he is a serious and deliberative legislative craftsman who sought to effectively represent his State and reach across the aisle in the true spirit of the institution. At no point in time was this more evident than during last year's debate over judicial nominations when MIKE—a dedicated member of the Senate Judiciary Committee—joined with me and a dozen of our colleagues to form the Gang of 14. His courage and leadership helped broker a compromise that preserved the principles and traditions of this great institution. His loss diminishes the Senate at a time when we need more like MIKE DEWINE—leaders committed to solutions over soundbites. I will deeply miss seeing MIKE in the Senate—for he was always a reminder of the finest ideals of public service.

Indeed, MIKE DEWINE has represented well the principles and pride of America's heartland. As the son of parents who ran a small agricultural business, he learned the value of diligence and perseverance working in the fields and in the mill.

He has exemplified that unwavering commitment throughout his career in public service, whether as a prosecutor, U.S. Representative, Governor, or U.S. Senator and whether advocating for children, promoting humanitarian relief, aiding law enforcement, protecting our natural resources, spurring job growth, increasing national security through intelligence improvements, or working to secure balanced budgets. And he has led many of these efforts through his active and thorough committee work on Appropriations, Judiciary—Health, Education, Labor and Pensions—and Intelligence.

Above all else, I believe MIKE DEWINE's essential sense of humanity, and the personal compass that guided him in all he did in the Senate, was exemplified by his final minutes on the Senate floor—which he devoted to speaking of the soldiers of Ohio who had fallen in service to our Nation in Iraq. That Senator DEWINE sought assurance he would have this opportunity to honor the troops before the end of the session is a testament to the compassionate heart of an exceptional man.

For all of his dedicated service to the people of Ohio and to this country, undoubtedly, MIKE DEWINE's most cherished achievement is his marriage of 39 years to his wife Fran, their eight children, and nine grandchildren. I wish them—and MIKE DEWINE—all the best.

RICK SANTORUM

Mr. President, today I honor a principled legislator, a passionate advocate, and stalwart son of Pennsylvania, Senator RICK SANTORUM, whose vitality as a leader in both the House and Senate was exceeded only by his exceptional dedication and extraordinary civic contribution.

During his 16 years in both the House and the Senate, RICK SANTORUM marshaled his experience and skills in business and law to answer effectively and historically a clarion call to public service. And the bedrock hallmarks that have been the constant catalysts driving him are his remarkable passion and enormous resolve.

In the Senate, an institution known rightfully and constitutionally for deliberation, RICK's energy has been refreshing and welcomed. Whether on the Senate Armed Services or Finance Committees on which we both served, Senator SANTORUM invariably infused policy debates with a fresh, informed, and vibrant voice on a range of critical issues, including national security, health care, economic development, and combating AIDS. Indeed, RICK has been passionate in aggressively fighting the global pandemic of HIV/AIDS—a scourge that brings tragedy to millions of men, women, and children across the globe. Throughout his tenure in the Senate, RICK worked without regard to political ideology or philosophy on this matter that truly rises above partisanship because he recognizes that compassion and humanism are ideals too large and important to be constrained by political labels.

Finally, I well recall our legislative service together in the House where RICK was a vital champion for change and an indispensable force behind an agenda for reform. He unquestionably engendered a transformative sensibility that helped catapult Republicans into the majority.

Senator SANTORUM has dedicated his life to service to others, and I have no doubt that he will continue to do so in the future. Characterizing those achievements is his steadfast integrity and allegiance to deeply held beliefs. But for all of his accomplishments and the titles that accompany them, those that bring him the greatest satisfaction, that he treasures above all, are that of husband and father. RICK SANTORUM has served his country and the people of Pennsylvania well, and I wish him, his wife Karen, and their children all the best.

Mr. BUNNING. Mr. President, I would like to pay tribute to the Republican Members of the Senate who will not be returning in the 110th Congress. Senators GEORGE ALLEN; CONRAD BURNS; LINCOLN CHAFEE; MIKE DEWINE; Dr. BILL FRIST; RICK SANTORUM; and JIM TALENT have served their constituents with honor and distinction during their tenure here in the U.S. Senate. All care very deeply for this great Nation and I hope they will have continued success in their future endeavors.

Senator CONRAD BURNS and I have had a great working and personal relationship over the last 8 years. He and his wife Phyllis have become dear friends of my wife Mary and me. I have enjoyed our time spent together both personally and professionally. CONRAD and I watched a baseball game with our grandsons a couple of years ago in Montana. CONRAD and Phyllis also joined Mary and me at the Kentucky Derby. I wish CONRAD and his family all the best as they start a new chapter in their lives.

Senator RICK SANTORUM is a principled conservative who is not shy to tell you where he stands. He has served the Commonwealth of Pennsylvania tirelessly for the last 16 years. RICK has always been honest and upfront, and

his passion will be missed. RICK and his wife Karen have six wonderful children who all should be proud of how their dad represented Pennsylvania in the U.S. Congress.

Majority leader BILL FRIST has run the Senate through difficult and trying times and he has done it well. Senator MIKE DEWINE, my neighbor to the north, has represented the Buckeye State with great distinction and has committed over 30 years of his life to public service. Senator GEORGE ALLEN represented the Commonwealth of Virginia in the U.S. Senate for 6 years, and he worked closely with me to make America safer by helping usher through important legislation to arm cargo pilots. Senator JIM TALENT has had a great career in Congress and wrote the blueprint to the welfare reform bill of 1996. And Senator LINCOLN CHAFEE has continued the proud legacy set forth by his father and my friend, Senator John Chafee.

Mr. President, I would like to again commend all of our departing Republican Senators. I am proud of what they accomplished here in the U.S. Senate. They will all be missed, and I wish all of them the very best.

GEORGE ALLEN

Mrs. HUTCHINSON. Mr. President, Senator ALLEN has spent many years working for Virginia.

He came to the Senate in 2000 after a strong record of accomplishments as his State's Governor.

As Virginia's Senator, he has worked diligently to protect our freedoms, preserve conservative values, and help America remain the land of opportunity.

He was a strong supporter of the tax reforms of 2001 and 2003 that have resulted in the economic upswing our economy is currently enjoying.

His work on the Internet Tax Nondiscrimination Act has helped keep access to the Internet tax free.

He also worked to increase military benefits, including legislation to increase the death benefits for families of fallen troops from $12,000 to $100,000.

I have also worked with Senator ALLEN on the PACE Act. Senator ALLEN understands that we must provide our children with the education necessary for the jobs of tomorrow. His work with the National Nanotechnology Initiative will also help our country compete globally as other countries continue to emerge. Senator ALLEN understands that America must remain home to the best and brightest.

I will miss working with him in this Chamber, and I will miss his friendship and support on the issues that matter most to America.

JIM TALENT

Mr. President, JIM TALENT has a long and honorable history of service to the people of Missouri.

In the House of Representatives, he introduced the bill that laid the foundation for historic welfare reforms.

In 1997, he became the youngest chairman in the House when he was named Chairman of the House Small Business Committee. Under his leadership, the committee passed many crucial reforms for small business owners, including tax relief and health insurance provisions.

When JIM joined the Senate in 2000, he continued serving his State while emerging as a powerful force for the good of his State and the Nation.

His work on the Energy Committee has shown great foresight and has galvanized our fight for energy independence.

I am proud to have served with JIM these past 6 years.

I expect great things from his continued efforts on behalf of the Midwest.

MARK DAYTON

Mr. President, I wish Senator DAYTON well as he departs from the Senate.

During his 6 years serving the citizens of Minnesota as their Senator, I got to know Senator DAYTON by working together with him on the Committee on Rules and Administration. I have seen first hand Senator DAYTON's tireless efforts to protect the interests of his State.

During his political career, Senator DAYTON has held many leadership roles for Minnesota, including commissioner of the Minnesota Department of Energy and Economic Development, State auditor, and, most recently, U.S. Senator.

As the eldest of 4 children, he grew up knowing what it meant to set a good example. I have no doubt that Senator DAYTON will continue to serve as a shining example for his two sons.

I know that Senator DAYTON's love for public service—and for Minnesota—will remain strong in the future, and I wish him well.

MIKE DEWINE

Mr. President, MIKE DEWINE has spent more than three decades in service to his State and the Nation.

Senator DEWINE has maintained a reputation of integrity throughout his service as a State senator, Lieutenant Governor, four-term Congressman, and U.S. Senator. He has built a record of service on making our Nation and the world a better place for future generations.

A father of eight and grandfather of nine, Senator DEWINE is a devoted family man.

He is a champion of children's causes, always focusing on protecting their welfare and safety.

Senator DEWINE has often reached across party lines to vote with his heart for issues in which he believes.

His hard work and devotion will be missed by the people of Ohio, whom I know are grateful for his years of service.

LINCOLN CHAFEE

Mr. President, it is no coincidence that Senator LINCOLN CHAFEE's home State has an 11-foot-tall statue called the Independent Man standing atop the State House in Providence, RI. In fact, Senator CHAFEE has referred to this statue as his inspiration, as it represents Rhode Island's founding principles of political and religious freedom.

Senator CHAFEE has done an admirable job following in the footsteps of his father, Senator JOHN CHAFEE.

During his time in the Senate, Senator CHAFEE has been committed to environmental issues as a champion for improved air and water quality.

Senator CHAFEE has remained steadfast in his beliefs and a powerful voice for Rhode Island.

RICK SANTORUM

Mr. President, Senator RICK SANTORUM has a distinguished career serving the people of Pennsylvania.

Everyone knows he is a hard worker who is defined by his determination, commitment to a core set of values, and unyielding optimism.

His strong leadership in the Senate led Senator SANTORUM to be elected chairman of the Senate Republican Conference in 2001.

I have had the opportunity to work on a number of projects with Senator SANTORUM as the vice chairman of the Senate Republican Conference. He joined with me in supporting and organizing numerous leadership summits, which gave us opportunities to reach new constituencies. These summits have been outstanding, and their success was due in large part to our cooperation and Senator SANTORUM's leadership.

Throughout his tenure in the Senate, he has committed himself to helping American families.

He believes profoundly in the dignity of all human life and has consistently fought for measures that protect the most vulnerable among us. He has supported initiatives to strengthen and protect Social Security, provide access to affordable health care, and stop the HIV/AIDS epidemic.

Senator SANTORUM's passion and commitment to his work is an admirable quality that will be missed. It has been an honor to serve with him in the Senate.

JIM JEFFORDS

Mr. President, today we say goodbye to Senator JIM JEFFORDS after 18 years in the Senate, serving the State of Vermont.

Throughout his years in the Senate, Senator JEFFORDS has remained steadfast in his convictions and beliefs.

As a proud citizen of the State of Vermont, Senator JEFFORDS has made enormous efforts to ensure the interests of his State were represented in the U.S. Congress.

This is the legacy Senator JEFFORDS has earned.

As a staunch proponent of environmental issues, Senator JEFFORDS rose to leadership as chairman of the Environment and Public Works Committee in 2001, and he currently serves as the committee's ranking member.

Senator JEFFORDS leaves the Senate with my respect.

CONRAD BURNS

Mr. President, Senator CONRAD BURNS has had a long and distinguished career in the Senate as Montana's longest serving Republican Senator.

Since 1988, Senator BURNS has represented his constituents with honor in the Senate. He has made sure that Montana's unique, rural economy is sustained through his support of balanced trade, high-tech investments, and small business.

Since serving as chairman of the Communications Subcommittee in 1997, he has continually fought for the rollout of broadband in rural areas and pushed for new Internet and mobile phone technologies to help Montanans participate in our global economy.

Senator BURNS' love for the outdoors has made him a steward of our country's natural resources. As chairman of the Senate's Interior Appropriations Subcommittee, I have watched him work tirelessly to protect and provide for our National parks and forests. Our natural resources are being protected thanks to the work of Senator BURNS. I know he is looking forward to returning to Montana and the great outdoors.

He has been an ardent supporter of making Government more fiscally responsible and lowering our taxes, and he was often an ally on issues.

His leadership and strong conviction to do what is right will be sorely missed.

PAUL SARBANES

Mr. President, Senator SARBANES, the son of Greek immigrants, embodies the very heart of the American dream.

Senator SARBANES' parents, who never received a college education, instilled in him the belief that no matter where you go and what you see, you should always stand by your principles and never forget your roots.

He became a Rhodes Scholar.

Senator SARBANES served the people of Baltimore with distinction and honor in the Maryland Legislature before coming to Washington to represent them on a national level.

After a period of service in the House of Representatives, he was elected to the Senate in 1976. Since then, he has held numerous positions within the Senate.

Most recently, he served as the ranking member of the Senate Banking, Housing and Urban Affairs Committee and as a senior member of the Foreign Relations, Budget, and Joint Economic Committees.

Today we bid him farewell after five terms in the U.S. Senate, which makes him the longest tenured Senator in Maryland's storied history.

PAUL is a good friend, and I will miss him.

BILL FRIST

Mr. President, I would like to conclude with Dr. BILL FRIST, who has dedicated his life to helping people.

Though many of us have come to know Dr. FRIST best in his current role as our leader, his contributions to America exceed elected office.

Dr. FRIST first came to Washington in 1972 as an intern for Tennessee Congressman Joe Evins. Congressman Evins told the young intern that should he ever want to serve in Congress, he should first excel in a profession other than politics and then bring that experience back to Washington.

Dr. FRIST did just that.

During a stellar 20-year career in medicine, Dr. FRIST performed over 150 heart and lung transplant procedures, including the first lung transplant and the first pediatric heart transplant in Tennessee and the first successful combined heart-lung transplant in the Southeast.

He always hoped to one day serve America at a broad policy level, where he could advance medicine and improve the quality of life of the Nation.

Dr. FRIST returned to Washington in 1994, becoming the first practicing physician elected to the Senate since 1928. As a U.S. Senator, BILL FRIST has been one of the leading voices on health issues in America today.

He moved quickly up the leadership ranks, becoming deputy whip in 1999, chairman of the NRSC in 2000, and finally majority leader in 2002.

In the Senate, Dr. FRIST has worked tirelessly to strengthen Medicare, provide seniors with better access to prescription drugs, reduce health care disparities among races, and make health care more affordable and accessible.

He has also been one of America's strongest advocates for increasing funding for global HIV/AIDS. He sponsored landmark legislation to provide $15 billion to combat global HIV/AIDS in African and Caribbean nations hardest hit by the disease. This law will literally save millions of lives and stands as one of the greatest public health accomplishments in modern history.

Many of us also remember DR. FRIST utilizing his medical skills in 1998, when a gunman shot and killed two U.S. Capitol Police officers in the capitol. The gunman was also shot and seriously wounded during the incident. Dr. FRIST came to the aid of Officer Jacob Chestnut, who later died of his wounds, as well as the gunman, who survived because of Dr. FRIST's actions.

After the event, Dr. FRIST told Capitol reporters:

At the time, I did not know he was the alleged gunman, and in truth, as a physician, you try to focus on resuscitation.

People have said ''If you knew that, would things have changed?'' And the answer is, ''No.''

''As a physician, you're trained to focus, and that's what you do year after year. You're not a judge; you're not a jury. You're a physician.''

Dr. FRIST never stopped being a physician. Throughout his 12 years in the Senate, he always had the Nation's health in mind. He was always a champion of medicine, and his class and integrity is unquestioned.

The Senate will truly miss his leadership, and we will miss all of our departing friends.

APPAREL IMPORTS

Mrs. FEINSTEIN. Mr. President, I rise today to discuss the assurances my friend and colleague from Oregon and I have received from U.S. Trade Representative, USTR, Susan Schwab and Assistant Secretary of Commerce David Spooner about the import monitoring program on Vietnamese textiles and apparel. In response to concerns raised by Senator DOLE and Senator GRAHAM about the impact of Permanent Normal Trade Relations, PNTR, for Vietnam, Ambassador Schwab and Secretary of Commerce Carlos Gutierrez wrote a letter stating their intention to monitor U.S. textile and apparel imports from Vietnam and self-initiate antidumping investigations if the normal elements of an antidumping case can be demonstrated. The Commerce Department will conduct a review every 6 months, and the program will last until the end of this administration. I ask the Senator from Oregon if he is aware of the concerns that have been raised about this program.

Mr. SMITH. I am aware of the concerns, and I want to thank the senior Senator from California for her leadership on this issue. The apparel industry is a very important segment of Oregon's economy, and my constituents back home are watching this issue very closely. There is a great deal at stake here for Oregon companies such as Nike, Inc., and Columbia Sportswear that source apparel from Vietnam. These companies provide thousands of well-paying jobs to workers in my State and infuse billions of dollars into Oregon's economy. I have heard from them and other U.S. retailers about the impact the proposed monitoring program will have on their businesses as unilateral actions such as this can have a significant chilling effect on companies' sourcing strategies.

Unfortunately, the administration did not give the apparel and retail industry due consideration in its decision to monitor textile and apparel products from Vietnam. I am disappointed that the administration chose to use our trade remedy laws as a tool in the legislative process and not consult with other Members of Congress or the retail industry before agreeing to create a new monitoring process. I share the concerns of my constituents that this program will burden and discriminate against trade in textiles and apparel from Vietnam.

I was pleased that the senior Senator from California agreed to send a letter with me to USTR and Commerce asking for assurances that the program would be implemented in a manner fully consistent with U.S. law and our obligations in the World Trade Organization, WTO, and that no new precedent would be set; the program would not establish any additional burdens for importers and exporters of Vietnamese textiles and apparel; and U.S. textile and apparel importers and retailers will have the opportunity to review and comment on how the program is developed.

Mrs. FEINSTEIN. I agree with the Senator from Oregon's description of our concerns and the assurances we are seeking from the administration. This matter was first brought to my attention by key retail constituents in my State including companies like Gap, Inc., Liz Claiborne, and Limited Brands. Retailers have expressed their concern that the import monitoring program would create too much unpredictability and force companies to modify their sourcing strategies and accept the risk of and potential additional cost of antidumping investigations and antidumping duties. They share the concern expressed by the Senator from Oregon that the retail industry was not consulted before the administration committed to setting up the program. I was happy to join the Senator from Oregon on the letter to USTR and Commerce, and I had hoped that we would receive a response before a vote on PNTR on the Senate floor. Is it the Senator's understanding that we will not receive a response to our concerns before the vote?

Mr. SMITH. It is my understanding that lawyers from USTR and Commerce have advised Ambassador Schwab and Secretary Gutierrez that because a notice has been placed in the Federal Register announcing the creation of the import monitoring program and soliciting public comment, they cannot provide a substantive written response to our letter. Nevertheless, Ambassador Schwab and Assistant Secretary of Commerce Spooner graciously agreed to meet with the Senator from California and me to provide us with more information about the import monitoring program and how it will be implemented.

Mrs. FEINSTEIN. The Senator from Oregon is correct. We had a robust and substantive discussion. Ambassador Schwab and Assistant Secretary Spooner assured us that the import monitoring process will be fully consistent with U.S. law and applicable WTO rules. No new precedent would be set. In addition, they also agreed that the import monitoring process should not harm U.S.-Vietnam textile and apparel trade, and they assured us that no additional reporting requirements or other burdens would be placed on importers of textiles and apparel from Vietnam. This means that it is their intention that monitoring will be based upon information already collected in the normal customs entry process or otherwise available to the Government. Finally, they assured us that the views of our constituents and all Members of Congress would be taken into account as the process is developed. Is that the Senator's understanding?

Mr. SMITH. Mr. President, the Senator from California is correct. Specifically, USTR and Commerce told us that it is their intention that any investigation would only cover those textile and apparel products imported from Vietnam which are like or identical to a product also produced in the United States. This also means that, consistent with U.S. law, the domestic producer will have to request monitoring and supply information about their employment levels and production. This makes sense to me because why would the U.S. Government monitor a product from Vietnam that is not produced in the United States or that the U.S. domestic industry is not interested in being monitored in the first place? It is also my understanding that according to U.S. law, any finding of critical circumstance, which would trigger preliminary antidumping duties, would only be made during the course of an investigation and not in advance of an investigation.

Mrs. FEINSTEIN. Mr. President, I appreciate the Senator's commitment and hard work on this issue. With the assurances from Ambassador Schwab and Assistant Secretary Spooner, I will support legislation granting permanent normal trade relations status to Vietnam. Would the Senator from Oregon agree that we will continue to follow this process closely to ensure that USTR and Commerce live up to their commitments and implement this program in a manner that is fully consistent with U.S. law and our WTO obligations?

Mr. SMITH. Mr. President, I agree with the senior Senator from California, and I would like to thank her for standing with me on this important matter. I too will support PNTR for Vietnam. Both of us are committed to a strong and mutually beneficial United States-Vietnam trade relationship. Both of us understand how important the vibrant and growing Vietnam market is to our constituents. I look forward to working with the senior Senator from California to provide effective oversight of the monitoring program and ensure that the voice of retailers across the country are heard in the discussion of U.S. trade policy. I trust Ambassador Schwab when she told us that she intends to have this monitoring process work in the way we discussed in our meeting. As the senior Senator from California knows, we have many difficult trade initiatives that we will consider next year. I, for one, will measure my willingness to work with the administration on these upcoming initiatives, in part, based on the good faith of the administration in implementing this monitoring process in a fair and normal way.

THE DIETARY SUPPLEMENT AND NONPRESCRIPTION DRUG CONSUMER PROTECTION ACT

Mr. ENZI. Mr. President, today Congress acted in the interest of the public health by passing the Dietary Supplement and Nonprescription Drug Consumer Protection Act. I am extremely pleased that the House has now passed this bill and sent it to the White House for the President's signature. This legislation would require manufacturers of dietary supplements and all manufacturers of over-the-counter drugs to report serious adverse events to FDA.

The Dietary Supplement Health and Education Act of 1994, DSHEA ensures that a broad array of dietary supplements are available to American consumers. DSHEA protects consumer choice and access to dietary supplements that are safe and properly labeled.

This bill will preserve the safety and availability of dietary supplements that benefit so many Americans. Although many dietary supplement manufacturers already give FDA reports they may receive regarding adverse events associated with their products, they are not required to do so. This legislation would add that requirement, while keeping safe supplements available to consumers.

This proposal adds a new reporting requirement for dietary supplements and all manufacturers of over-the-counter, OTC, drugs to report serious adverse events to FDA. This is an entirely new requirement for supplements. Some OTC drug manufacturers are already required to report serious adverse events.

The reporting would be limited to serious adverse events. We are talking about the kind of information FDA really needs—reports of death, a life-threatening experience, hospitalization, a persistent or significant disability or incapacity, or a congenital anomaly or birth defect.

To ensure that unscrupulous competitors cannot damage legitimate businesses, the bill makes it a prohibited act to make a deliberately false adverse event report to a manufacturer or to the FDA.

The bill also sets a 15-day time limit for manufacturers to turn over reports of serious adverse events they receive. They must keep the reports for 6 years, and FDA is allowed to inspect the manufacturer's records of adverse event reports.

This new Federal requirement would replace any potential state requirements. However, States would still work with FDA on safety issues.

And safety is what this bill is all about. You need good data to make good decisions. Most dietary supplements are safe and should be available to consumers. But just in case one isn't, FDA needs to have accurate, current information to decide when to act and what to do. This bill will help the agency get that information.

This bill is the result of a tremendous amount of work across party lines. I want to thank my colleagues Senators HATCH and HARKIN here on the committee, and Senator DURBIN, for getting this bill started. I would also like to express my deep appreciation and thanks to the ranking member, Senator KENNEDY, for his hard work during this process. We have produced a fair bill, and I am so pleased my colleagues on both sides of the Capitol have lent it their support.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD).

THE RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT

• Mr. DODD. Mr. President, I rise today to recognize the Senate's unanimous passage of the Ryan White HIV/AIDS Treatment Modernization Act earlier this week. It has been 25 years since the first AIDS diagnosis in the United States. At present, approximately 40,000 Americans are newly infected with this disease each year, and more than half of those diagnoses are in people under age 25. This is a disease that has taken its toll on millions of individuals and families, but as a result of combined Federal, State and local efforts to support individuals living with this disease as well as advances in treatment options, many Americans living with HIV/AIDS continue to have thriving, productive lives.

Since 1990, when the Ryan White CARE Act was first authorized, we have made incredible strides in treating and caring for individuals in the United States affected by HIV/AIDS. The number of new infections each year has dropped from more than 100,000 in 1990 to approximately 40,000 today. Mother-to-child transmission has dropped from 2,000 to fewer than 200 cases annually. Life expectancy for those with the disease has increased by almost 20 years. In fact, more people are now living with AIDS in the United States than at any other time in the epidemic.

The Ryan White CARE Act is at least partially responsible for these successes. But there is much more work to be done. It is estimated that more than a quarter of those infected with HIV do not know it, and many who do know it still do not have access to needed care and services. And HIV/AIDS disproportionately affects the poor and minorities. African Americans account for up to 54 percent of new HIV infections and Latinos account for 19 percent of new infections, though they account for only approximately 12 percent and 13 percent of the U.S. population, respectively. Hispanic and African-American women account for 82 percent of new infections among females in the United States.

For many years I have been particularly concerned about the impact this disease has on children and families. Last year, Senator BOND and I introduced legislation to reauthorize and strengthen title IV of the Ryan White CARE Act. For those who are unfamiliar with title IV, it provides grants for coordinated care, services, and research for women, infants, children, and youth. The programs and services funded by title IV have kept families alive and together. For example, title IV projects have led the way toward reducing mother-to-child transmission from more than 2,000 babies born HIV-positive each year to fewer than 200. In my home State of Connecticut, a total of 213 babies have been born to HIV-positive mothers since 2002. Of that total, only one baby has been confirmed as HIV-positive.

The bill passed earlier this week by the Senate contains many significant improvements to title IV that were part of the legislation Senator BOND and I introduced. I believe those changes will improve the treatment and services for women, families, and youth provided under the Ryan White CARE Act. However, I am deeply disappointed in the authorization level for title IV contained in the bill. All other titles of this bill authorize increases in funding except title IV, which is flat funded. I pushed hard to secure a comparable increase for title IV, and although I am disappointed with the final outcome, I realize this is an authorization bill, not an appropriations bill, and I will work to secure increased funding for this critical title.

Unfortunately, it appears that the 109th Congress will come to a close without the House and Senate having passed a Labor-HHS-Education appropriations bill for fiscal year 2007. It is a failure on the part of the leaders in the House and Senate that we did not debate this bill and have an opportunity to increase funding for the Ryan White CARE Act. As we look to the next Congress, I urge my colleagues and the whole advocacy community to join me in fighting for providing adequate funding for this program.

I believe that the bill passed unanimously in the Senate is a fair compromise which stabilizes funding for cities and States and urban and rural areas for the next 3 years. Without this legislation, 17 States—including Connecticut—and the District of Columbia stand to lose millions of dollars next year. This legislation is now before the House of Representatives. It is my hope that the house will act quickly to pass this legislation so that these States and the District do not experience a disruption in critical care and treatment services for people living with HIV/AIDS.

In closing, I want to commend the hard work of the members and their staff in both Chambers who developed this bipartisan, bicameral compromise bill over the past 2 years. In particular, I would like to recognize Connie Garner with Senator KENNEDY and Shana Christrup with Senator ENZI who worked tirelessly to incorporate the priorities of many offices. I would also like to thank the many public health advocacy organizations who contributed to the development of this legislation.•

TRADE RELATIONS TO VIETNAM

Mr. CHAMBLISS. Mr. President, in relation to the extension of permanent trade relations to Vietnam that the Senate is in the process of considering this evening, there is a finding in the bill that I want to call to the Senate's attention. The finding notes that, ''Vietnam has taken cooperative steps with the United States under the United States Joint POW/MIA Accounting Command, formerly the Joint Task Force-Full Accounting, established in 1992 by President George H. W. Bush to provide the fullest possible accounting of MIA and POW cases.''

I serve as the cochairman of the U.S./Russia Joint Commission on POW/MIAs, and also have several close friends who have family members who are POW/MIAs and continue to search for their family members and for information that will bring them closure regarding their fate.

I think we can all agree that Vietnam has in fact taken cooperative steps along the lines of POW/MIA accounting with the United States. However, I think we can also all agree that Vietnam needs to take additional steps in this area. Specifically, I believe there are additional steps that Vietnam can take in providing the United States access to archives regarding POW/MIA cases in Laos and Cambodia. Cases of US service members lost in Laos and Cambodia are particularly difficult to resolve due to the difficulty of access to both archival information and the actual locations where service members are presumably missing. This is a specific area in which I hope that Vietnam can provide additional information and assistance to help the United States obtain the fullest possible accounting of POW/MIAs from the Vietnam war.

I want it to be clear that there is more work to be done on this issue and that we need to continue to conduct research, site visits and work closely with Vietnam, as well as their neighbors on this issue until we have accounted for every one of our POW/MIAs in Vietnam as well as other countries.

COMBATING AUTISM ACT, S. 843

Mr. ENZI. Mr. President, yesterday, Congress confirmed its obligation to the thousands of individuals living with and families affected by autism by passing the Combating Autism Act of 2006, S. 843. I am extremely pleased that the Senate passed this bill and sent it to the White House for the President's signature.

This anticipated law has a long history. Senators SANTORUM and DODD worked diligently with me, Senator KENNEDY, and our staffs for the past 2 years to develop this crucial piece of legislation to assist individuals living with autism and other developmental disabilities and their families. This legislation focuses on expanding autism research and coordination of that research at the National Institutes of Health, NIH, and increasing awareness of autism and its manifestation through the Centers of Disease Control and Prevention, CDC. In addition, the bill integrates the country's various

health, education, and disability programs serving children and families affected by autism. Finally, the bill provides a greater voice to the community of people affected by this disorder.

No one knows the cause of autism or exactly how many children are affected by autism and autism spectrum disorders; however, some studies suggest the numbers could be as high as 1 out of every 166 American children. But there are many things we do know about autism.

We know that early intervention is critical to helping children with autism reach their full potential. The earlier the intervention, the greater the chance a child has to grow and learn how to live with the disorder. Given the importance of early intervention, this bill will expand the necessary research to study the possible causes of autism especially at the critical early childhood development stages.

Also, we need greater understanding about the various forms of autism so that we can improve our ability to provide the right kinds of intervention and support. Finally, we need to provide better integration of the health, education, and disability programs already available to meet the anticipated and increasing demand for these interventions, supports, and services in the future.

The Combating Autism Act is an important step to address these needs and to find solutions that will improve the lives of children and families whose daily lives have been disrupted by autism.

I would like to close by adding my congratulations to the people who have had a key role in drafting and passing this key piece of health care legislation. First, I would like to thank my colleagues and their staff both in the Senate and in the House for their hard work in passing this critical legislation. I want to thank all the members of the Senate Committee on Health, Education, Labor, and Pensions, especially my friend and ranking member, Senator KENNEDY, for his hard work and determination to seeing this bill become law. In addition, I would like thank and our colleagues in the House, Chairman BARTON and Representatives BONO and DEGETTE.

This bill is the result of a tremendous amount of work across party lines. I want to thank the original bill cosponsors, Senators SANTORUM and DODD, for introducing this legislation and for working with me to fine-tune it. They are to be commended for taking the lead on this issue and for the tremendous effort they put into making sure that some day we have a solution to autism.

Of course, in providing thanks to the Members, I would be remiss if I did not mention the staff. I would like to specifically acknowledge Randy Pate and Ryan Long, with Chairman BARTON's office; Caya Lewis with Senator KENNEDY's office; Jen Vesey with Senator SANTORUM; Jim Fenton, Ben Berwick, Tamar Magarik, and Elizabeth Hoffman with Senator DODD; and Elizabeth Hall with Majority Leader FRIST.

Finally, I would like to give thanks to my staff, both past and present—Shana Christrup, Steve Northrup, Aaron Bishop, Brittany Moore, Tec Chapman, and Martina Bebin, all on my health and disability outreach teams, for their diligence and determination as we worked together to craft this important and essential bill. I also would like to thank Katherine McGuire, who as my staff director has provided the leadership and guidance to ensure that this bill made it into law.

This process involved many dedicated staffers and many late nights. Staff were crucial in helping us reach the final compromise.

I also want to thank the various groups and individuals who work on behalf of children and families affected by autism and other developmental disabilities. There are so many people, primarily parents of children who have autism or an autism spectrum disorder, who have worked for years to see this day come to fruition that I cannot thank each one of them individually, but they should know that I greatly appreciate their tireless efforts, determination, unlimited patience, and commitment to seeing this bill was passed on behalf of their children and all people living with autism, autism spectrum disorder, or other developmental disabilities.

This is a comprehensive piece of legislation that will take the next steps toward providing greater research so that we can provide children with autism early intervention to enable them to grow and reach their full potential. I am proud that we are taking this step to pass the Combating Autism Act.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I am extremely grateful that my Senate colleagues considered and passed the Combating Autism Act yesterday, following the House's passage yesterday afternoon. The Combating Autism Act promotes early detection, early evidence-based interventions, research, and services for individuals with autism. It also reauthorizes the epidemiologic surveillance programs at the Centers for Disease Control and Prevention. This legislation is absolutely vital for the hundreds of thousands of families across America who struggle each and every day with autism, and I commend my Senate colleagues for passing it today so that the President can sign it into law before the end of the year.

Autism has a profound effect on children and their families. It affects a child's ability to communicate and to form relationships with others. Some children with autism are relatively high functioning, while others suffer from serious language delays, motor problems, and rigid behaviors. Because autism is a spectrum disorder, symptoms range from mild to extremely severe. Many children with autism will require lifelong care.

Mr. President, health care for individuals with autism over their lifetimes costs approximately $35 billion per year. By 2015, the annual cost of care could reach an estimated $300 billion, but this figure can be cut in half with early diagnosis, services, and intervention. I believe strongly that to reduce the economic burden for individuals with autism and to ensure that children have a chance to achieve their highest potential and live productive and independent lives as adults, we must support aggressive efforts to understand what causes autism and to improve early screening, diagnosis, and services for individuals and their families who live with autism every day.

As my colleagues are well aware, the prevalence of autism in the United States is 10 times greater now than a decade ago. It is estimated that about 1 in 166 children born today will be diagnosed with autism by the time they reach school age, up from one in 10,000 in 1987. In my own State of Connecticut, autism diagnoses have increased eleven-fold since 1993. We simply must provide answers to all those affected by this devastating condition, and the Combating Autism Act is a critical first step.

There are many theories as to why autism diagnoses have increased. Some have suggested that it is simply a reflection of better diagnostic tools and measures. Other theories focus on genetic or environmental factors. But the fact is that when it comes to autism, we do not know what causes it, we do not know exactly how to diagnose it, and we still do not know how best to intervene.

What we do know is that growing numbers of children and their families suffer from and cope with this disorder, and we simply must do more to bring hope to all who are in its grip. This is why the Combating Autism Act is so important. By expanding the Federal response to autism and other developmental disabilities through the Combating Autism Act, we will see improved research on autism, including its causes, and families across America will get the services they so urgently need.

Mr. President, I commend my colleagues in the Senate and the House for acting on this important legislation. Although the Combating Autism Act has undergone some modification since the Senate first passed it in August of this year, and it is by no means a perfect bill, it provides an essential starting point in what I hope will be an ongoing legislative effort to provide hope and answers to the families across America who live and cope with autism every day. I am hopeful that the President will sign it into law before the end of the year. In my view, we must not lose the momentum that has brought us here today. Those children and their

families living with autism deserve our support now, and they deserve answers.

I'd like to conclude by thanking my colleagues, Senator SANTORUM, Chairman ENZI, ranking member Senator KENNEDY, and their staffs, as well as Chairman BARTON and ranking member Representative DINGELL and their staffs, for their extraordinary hard work on this bill. I also wish to offer my sincere thanks and appreciation to all of the individuals who are personally affected by autism and the many advocacy groups who represent them for their continued dedication and passionate commitment to this legislation.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

CONCENTRATED ANIMAL FEEDING OPERATIONS

● Mr. JEFFORDS. There are many issues on which we have made progress during my tenure as both chair and ranking member of the EPW Committee, and many issues on which we need to take steps forward. I want to thank Senator BOXER for her consistent leadership on environmental issues over the years, and I know she will do a phenomenal job leading the EPW Committee. There is an issue of great importance to many small Vermont farmers that we have not addressed this year, and that is the issue of concentrated animal feeding operations and CERCLA. I have written to Senator BOXER and provided her with some language reflecting the ideas I described in my statement, asking her to consider this approach as she holds hearings and moves forward on this issue in the 110th Congress.

Mrs. BOXER. I have received the Senator's letter, and he has my assurances that these ideas will be considered as the EPW Committee looks at this issue during the next Congress.

Mr. JEFFORDS. I thank the Senator.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

SMALL FARM SUSTAINABILITY: ANIMAL FEEDING OPERATIONS AND CERCLA

● Mr. JEFFORDS. Mr. President, I rise today to speak about two issues that are of great importance to Vermonters—sustainable agriculture and environmental protections. Over the years, I have fought for education dollars when it seemed none were available. I have fought to protect the environment when its champions were few. But my greatest priority has been to find ways to ensure that Vermont agriculture, the lifeblood of our economy and our culture, remains sustainable and competitive into the future.

I have worked successfully in both the House and the Senate to help assure dairy farmers of a fair and stable price for their milk, through the dairy compact and MILC Program. I have worked hard to provide strong Federal support for conservation programs, helping farmers to be good stewards of the land, while never comprising my commitment to environmental protection. I have supported the cider and cheese industries in the face of increasing Federal regulation and have promoted tax policy that allows for the intergenerational transfer of farms.

Today, I stand before you somewhat perplexed. For several months now, two of the issues where I have dedicated the majority of my time in public service—the environment and agriculture—have been seemingly at odds with one another.

In some States, lawsuits have been brought against large agricultural operations under the Comprehensive Environmental Response, Compensation and Liability Act, CERCLA. I have been contacted by a number of Vermont farmers very concerned about whether CERCLA applies to them and about what it would mean to be sued under this law.

In response to this concern, proposals have been made that would unnecessarily adopt expansive exemptions from the Superfund statute for major pollution streams stemming from very large agricultural operations. I cannot support these proposals that would eliminate one of the tools of last resort for communities with waters contaminated by large-scale animal feeding operations.

I have watched with regret as the face of American agriculture in some regions has changed from one of the individual family, working hard to extract their living from their land, to one of the corporate executive, leading massive agribusiness operations. With this type of consolidation, we have lost in many places, though not in Vermont, the reality of the hard-working family farming using sustainable practices. In many parts of the Nation, we see massive animal feeding operations, often controlled by corporate interests located outside the State, contributing significantly to local water quality problems. Allowing these large operations to simply walk away from the damage that they can cause to our local communities allows them to cut costs, tipping the economic scales in their favor when compared with smaller farms that have less environmental impacts. I wish to do everything in my power to ensure that this scenario never becomes the norm in Vermont.

Vermonters have a long tradition of strong feelings about water quality. In 1972, when the Clean Water Act was adopted by Congress, our Nation was faced with a water pollution crisis. Toxic materials were routinely dumped into pristine water bodies by industrial polluters. It was standard practice in municipalities to have underground pipes deliver raw sewage from homes directly into rivers and streams without any intervening treatment. Citizens demanded action to solve our environmental problems. In 1970, I was the state attorney general of Vermont. My office worked to create Vermont Act 252, which enacted the toughest water pollution laws in the country at the time. I had the honor of testifying before this Committee during Senator Muskie's chairmanship during the first phases of the debate on the 1972 Clean Water Act. Some of the concepts in Act 252 are today part of Federal water pollution laws. One of my fondest memories from this period is of the slogan, ''Jeffords Won't Let Them Do it in the Lake,'' which came about as we successfully fought off efforts by International Paper to dump untreated waste into Lake Champlain.

Despite progress on wastewater treatment and point sources of pollution like International Paper, by the mid-1980s, it was clear that without action on other water quality issues such as toxics like mercury and nonpoint source pollution from urban and agricultural sources, we would not be able to meet our clean water goals. In 1987, our own Senator Stafford of Vermont worked with champions like Senator John Chafee, Senator Mitchell, and Senator Bentsen to write the 1987 Clean Water Act amendments, overcoming the third Presidential veto in the act's history. Many of the key pieces of the 1987 amendments, in particular, nonpoint source pollution, continue to resonate in our clean water debate today.

Despite our progress on these issues, there is much to be done. According to the EPA, the overwhelming majority of the population of the United States—218 million people—live within 10 miles of a polluted river, lake or coastal water. Almost 40 percent of these waters are not safe for fishing, swimming, boating, drinking water or other needs. The EPA estimates that nonpoint sources of pollution are responsible for 50 percent of our water quality problems.

I discuss this history because it is relevant. I understand the impacts of nonpoint sources of pollution on water quality. I also understand the importance of small-scale farming to my home State of Vermont, and I do not believe that CERCLA is well suited, or was ever intended, to apply to the normal operations on Vermont-scale farms.

I am here today with my colleague from California, Senator Barbara Boxer, who will be taking over the helm of the Senate Environment and Public Works Committee. I know that the committee will be in good hands.

I have written to Senator BOXER and asked her to consider an alternative approach that I have put together on this issue of animal manure and CERCLA during the Committee's deliberations on this issue in the 110th Congress. This proposal takes steps to equalize the playing field between

smaller, Vermont-scale farms and large-scale agriculture. It would clarify that the normal application of fertilizer as described in the CERCLA statute includes the use of animal manure as fertilizer. I wrote to the EPA earlier this year asking them to take regulatory action for that purpose and they refused.

The proposal does not change the existing provision in CERCLA, which provides that Federal permitholders, when they are in compliance with their permit, are not subject to CERCLA litigation. Existing law ensures that larger animal feeding operations that will be required to hold Clean Water Act permits and are more likely to have significant waste streams should be protected from CERCLA litigation as long as they are in compliance with the terms of their permit. My legislation takes steps to provide similar assurances to smaller, Vermont-scale farms that are generally not required to hold Clean Water Act permits. It provides that an independent, third-party certification that a farm has applied fertilizer to land in a manner that is in compliance with its nutrient management plan would serve as evidence for an affirmative defense in the unlikely event that a CERCLA lawsuit would be filed against a small, Vermont-scale farm. I offer this extra assurance, even though there is no record of farms of this scale having been sued under CERCLA, and even though such a lawsuit is an unlikely event given the amount of material being handled at these small facilities and the structure of CERCLA, which is designed to address major waste streams. Federal Officials and Environmental advocates understand, I think, that resorting to a Superfund lawsuit to gain compliance from a small farm would be like using a sledge hammer to open a walnut.

Some have asked me: What does that actually get you? The independent third-party certification offered as evidence during the course of any civil or administrative proceeding would support the fact that the facility properly used or applied animal manure to land in compliance with its nutrient management plan. This presumption of fact could only be overcome by contradictory evidence. I believe that the establishment of this affirmative defense will protect Vermont small-scale farmers from CERCLA litigation.

Mr. President, I will not be here in the next Congress to help my colleagues find a way forward on this issue. I offer this idea as a starting point in the debate after much discussion with Vermonters, farmers, environmentalists, and legal and policy experts. We are all seeking the silver bullet that will help to maintain the American tradition of the small, family farm and allow us to make forward progress on the persistent problem of nonpoint source pollution. This idea is my vision of how we can overcome this latest hurdle in our efforts to effectively deal with nonpoint source pollution and hopefully bridge the gap between two of my passions—sustainable, Vermont-scale agriculture, and environmental progress.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

IRAN CONFERENCE RESOLUTION

● Mr. LAUTENBERG. Mr. President, next week the Iranian Government and its President, Mahmud Ahmadi-Nejad, will convene a 2-day conference in Tehran on the Holocaust.

The Iranians say their conference will bring together the vast array of ''opinions'' on the Holocaust. Allegedly more than 60 so-called scholars from 30 countries will participate.

I can only imagine the hatred that will be on display.

It is no secret that President Ahmadi-Nejad has a long history of distortion of the truth and hatred for the Jewish people. It is also shocking that he has called for the destruction of the sovereign, democratic State of Israel.

But what is so revolting is how casually he tries to alter history and the memory of those who perished at the hands of the Nazis.

To make matters worse, Iran is holding this conference on International Human Rights Day

Last year at an Islamic conference in Saudi Arabia, the Iranian President told reporters that the Holocaust had been used as a tool of propaganda, stating that the scale of the Holocaust had been exaggerated. He also sent a 3,000-word letter to German Chancellor, Angela Merkel, outlining his arguments.

Now, the Iranians are trying to assure the world that this conference will be free of anti-Semitism and that it will explore views of ''both sides.'' Both sides? It is clear that denial is one of the sides.

The Holocaust is an undeniable fact of history, and the upcoming conference will serve only to perpetuate intolerance. Eleven million people in total, including six million Jews, were viciously murdered in Nazi death camps. No one living in the rational world denies this fact.

The Iranian President has a clear track record of poisonous hatred. He has stated that ''Israel must be wiped off the map.'' He also said ''Anybody who recognizes Israel will burn in the fire of the Islamic nations' fury.''

Mr. President, I am pleased that the Senate is poised to take up and adopt a resolution that I have drafted—along with Senators BIDEN and CLINTON—that condemns the Iranians and this sham conference. It is important that the Senate go on record condemning this hate and intolerance.●

HOLD ON THE NOMINATION OF LEON R. SEQUEIRA

Mr. SALAZAR. Mr. President, I rise to share my serious concern about the implementation of the Energy Employees Occupational Illness Compensation Program Act, EEOICPA. Because of the gravity of my concerns, I have placed a hold on a nomination currently pending before this body—the nomination of Leon R. Sequeira to be Assistant Secretary for Policy at the Department of Labor.

I harbor no ill will toward Mr. Sequeira. But I am furious with the foot-dragging, the obstruction, and the neglect that have characterized the administration's approach toward American citizens who took real risks for our country during the cold war, who are suffering now, and who need and deserve help.

It is my understanding that Mr. Sequeira's role will be to advise the Department of Labor Secretary Elaine Chao on policy development and program implementation. It is my hope that I can work through my numerous concerns with the Department of Labor and the Department of Health and Human Services.

The EEOICPA Program is supposed to compensate the thousands of cold war veterans who worked for our country's nuclear weapons programs. Together, these Federal agencies are responsible for administering the EEOICPA Program. Both agencies also play significant roles in the special exposure cohort SEC petition process.

As Congressman JOHN HOSTETTLER pointed out earlier this week, the SEC petition process was designed to provide a mechanism for workers to be given relief from government that ''frequently misled them about the hazards they were facing and failed to properly monitor their exposure.'' Among the workers who face just such a situation were the Americans who worked at Rocky Flats in my State of Colorado.

Many of these individuals, who knowingly risked their own safety to protect our democracy, have suffered from painful and debilitating diseases, including cancer, and many have died as a result of their brave service. Like Department of Labor Secretary Elaine Chao, I would hope that their Government could provide some measure of justice to these patriots. She has stated that, ''My concern is that we take care of men and women who were harmed as a result of loyal service to their country. It is my hope that this program will repay them in some small way for all they've lost.''

Unfortunately, this program is repaying them with bureaucratic delays and a deck stacked against them. I believe our Government is failing to fulfill the promise and intent of the EEOICPA Program.

In Colorado, many people who worked at Rocky Flats were exposed to beryllium, radiation, and other hazards that have led to cancer and death. They filed a special exposure cohort petition over 17 months ago to receive compensation. Their petition has been delayed and obstructed at various levels and by several agencies. We have

been waiting for the administration to take action to ensure that the composition of the Advisory Board on Radiation and Worker Health is adjusted so that it will more fairly examine workers' claims, but the administration has failed to act. Sadly, I fear that, to a great extent, these actions are the result of conscious decisions by certain agency officials.

Since the Department of Labor's mission is to foster and promote the welfare of American workers, I hoped to work with the Department to ensure that the quiet heroes of the Rocky Flats petition were compensated. However, I have struggled to find common ground, and for some of these workers, time is running out. Moreover, hearings held by the House Judiciary Committee have left me with serious questions regarding their efforts to undermine the Rocky Flats and other SEC petitions in the name of cost containment and other shameful actions.

I hope to discuss these questions with Mr. Sequeira and other administration officials and to get some firm commitments about cleaning up this process, moving forward fairly, and getting the Rocky Flats petition approved. Until then, I cannot in good faith allow this nomination to proceed.

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2006

Mr. DORGAN, Mr. President, earlier today I spoke on the Senate floor about the need to pass the Indian Health Care Improvement Reauthorization bill. My colleagues, Senator MCCAIN and Senator ENZI, have worked long and hard over the past several weeks to address the many objections that have been raised by the Department of Justice and the Department of Health and Human Services.

Those negotiations have brought clarity to the positions of the administration and have helped to define how legislation can best address the health crisis in Indian country. In an effort to memorialize those discussions, I am joining Senators MCCAIN and ENZI in cosponsoring the Indian Health Care Improvement Act Amendments of 2006. The bill being introduced tonight reflects, to a significant extent, the bill that the Senate Committee on Indian Affairs approved in October 2005. It also reflects the many hours of negotiations and meetings with the administration, the Indian Affairs Committee, the Finance Committee, and the Health, Education, Labor and Pensions Committee. In spite of the dedication of all those involved, however, the bill reflects progress but not perfection.

I have talked to the tribal leaders who are advocates for Indian health care improvements about this bill. They, too, are pleased that we have made some progress. But they, too, feel there have been too many compromises and we must begin with a fresh view of how to improve the health care of American Indians and Alaska Natives.

When the 110th Congress convenes in January, I intend to work with Indian Country and my colleagues in the Senate and in the House to produce a bill that will put solutions for Indian people front and center. We have spent far too much time these past 8 years focusing on legalistic issues rather than on human needs. I thank Senator MCCAIN and Senator ENZI for their leadership in bringing us to this important juncture and I look forward to working with them over the next 2 years to reauthorize the Indian Health Care Improvement Act.

INTERNAL REVENUE SERVICE PRIVATE DEBT COLLECTION PROGRAM

Mr. BAUCUS. The American Jobs Creation Act of 2004 authorized the IRS to hire private debt collection agencies to collect delinquent taxes. An IRS pilot program was initiated this year, and the IRS expects to expand the program in early 2007.

It is important that the program be administered by the IRS in a fair and responsible manner. Senator NELSON has proposed legislation, already unanimously passed by the Senate, which would ensure 10 percent of the employees assigned to the IRS contract by the private agencies are persons with disabilities. This will not affect the ability of the private contractors to collect delinquent taxes, but it will greatly affect the ability of persons with disabilities to find gainful employment that will promote their independence and well-being.

I commend Senator NELSON for his commitment to improve the quality of life for persons with disabilities. I pledge to work with both of my good friends, Senator NELSON and Senator GRASSLEY, in the next session of Congress to support his efforts.

Mr. NELSON of Nebraska. I thank my good friend, Senator BAUCUS.

As my colleague knows, this legislation passed the Senate unanimously in November 2005 but unfortunately failed to be included in a conference report. It will create meaningful employment for persons with disabilities and disabled veterans in the field of third-party debt collection.

Especially with the large numbers of returning disabled veterans, employment opportunities are urgently needed. Generally, the employment opportunities for persons with disabilities are not great—1 in 10 Americans has a disability and the rate of unemployment is 70 to 80 percent. These private debt collection jobs are essentially highly paid call center jobs with annual incomes averaging $40,000 and often come with good health benefits and 401(k) plans.

This legislation is necessary since in letters and conversations with the Department of Treasury and Internal Revenue Service they have stated that under existing GSA rules, they cannot set a specific number of awards aside for contractors employing significant numbers of persons with disabilities. My understanding is the GSA currently allows a preference for a business that is owned by a disabled veteran, but it does not also allow a preference for a business that employs several persons with disabilities. This is an oversight which needs to be corrected.

This legislation is supported by the Disabled American Veterans, the American Legion, the American Legion Auxiliary, the American Association of People With Disabilities, the Veterans of Foreign Wars, and the Paralyzed Veterans of America.

Mr. BAUCUS. I support Senator NELSON's efforts to create opportunities that will employ persons with disabilities and am hopeful that these efforts can be in place before the IRS issues the next Request for Quotes in March 2007. I look forward to working with my colleagues and with the relevant agencies on this important matter.

Mr. NELSON of Nebraska. I thank my colleague and good friend from Montana for his commitment to such an important effort.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 62, 63, 407, 670, 783, 900, 901, 904, 1000, 1001, 1002, 1003, 1004, 1005 through 1008, 1010, 1011, 1012, 1013, 1014, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, and all nominations on the Secretary's desk.

I further ask consent that the following committees be discharged from further consideration of listed nominations and the Senate proceed to their consideration en bloc:

Judiciary Committee, Rachel Paulose PN1905; Homeland Security and Governmental Affairs, Paul Schneider PN2127; Foreign Relations, Dianne Moss PN1846, foreign service promotion lists PN 2097, PN 2130, and PN 2085.

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

Mr. FRIST. Mr. President, I ask continued unanimous consent for the Commerce Committee, Steven Chealander PN2062; Charles Dorkey III, PN2112; Rear Admiral Coogan PN 2086; Raymond Slagle PN 2093; NOAA promotion list, PN2094, Gregg Versaw, PN2131; Coast Guard promotion list 2154; Coast Guard officer list, PN2185; Agriculture Committee, Mark Keenum, PN2110 and PN 2109; Leland Strom, PN1864; the following nominations from the HELP Committee with PN numbers as designated: PN2126, PN2095, PN2096, PN2084, PN2165, PN2166, PN1762, PN1921, PN1732, PN2119, PN2120, PN2121, PN2122, PN2123, PN 2124,

PN1904, which is then to be referred to the Homeland Security and Governmental Affairs Committee; further, that the Homeland Security Committee then immediately be discharged from further consideration of PN1904. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

MORRIS K. UDALL SCHOLORSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

D. Michael Rappoport, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2008. (Reappointment)

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Michael Butler, of Tennessee, to be a Member of the board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2008.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

A.J. Eggenberger, of Montana, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2008. (Reappointment)

ENVIRONMENTAL PROTECTION AGENCY

Molly A. O'Neill, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, vice Kimberly Terese Nelson.

NATIONAL MEDIATION BOARD

Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2008. (Reappointment)

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Stephen M. Prescott, of Oklahoma, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring April 15, 2011.

Anne Jeannette Udall, of North Carolina, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation four a term expiring October 6, 2010. (Reappointment)

DEPARTMENT OF COMMERCE

John M. R. Kneuer, of New Jersey, to be Assistant Secretary of Commerce for Communications and Information.

UNITED STATES POSTAL SERVICE

James H. Bilbray, of Nevada, to be a Governor of the United States Postal Service for a term expiring December 8, 2015. (Reappointment)

Thurgood Marshall, Jr., of Virginia, to be a Governor of the United States Postal Service for a term expiring December 8, 2011.

POSTAL RATE COMMISSION

Dan Gregory Blair, of the District of Columbia, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2012.

THE JUDICIARY

Margaret A. Ryan, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

Scott Wallace Stucky, of Maryland, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12, 12203:

To be brigadier general

Col. Thomas G. Sellars, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Donald C. Leins, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., Section 12203:

To be major general

BRIGADIER GENERAL ROBERT T. BRAY, 0000
BRIGADIER GENERAL RAYMOND W. CARPENTER,
BRIGADIER GENERAL HUNTINGTON B. DOWNER, JR., 0000
BRIGADIER GENERAL JAMES W. NUTTALL, 0000
BRIGADIER GENERAL DARREN G. OWENS, 0000
BRIGADIER GENERAL JAMES I. PYLANT, 0000
BRIGADIER GENERAL STEVEN D. SAUNDERS, 0000
BRIGADIER GENERAL RANDAL E. THOMAS, 0000
BRIGADIER GENERAL PATRICK D. WILSON, 0000

To be brigadier general

COLONEL ROMA J. AMUNDSON, 0000
COLONEL VIRGINIA G. BARHAM, 0000
COLONEL ROLAND L. CANDEE, 0000
COLONEL ALLEN M. HARRELL, 0000
COLONEL JAMES A. HOYER, 0000
COLONEL STEVEN P. HUBER, 0000
COLONEL RONALD W. HUFF, 0000
COLONEL DAVID F. IRWIN, 0000
COLONEL SCOTT W. JOHNSON, 0000
COLONEL THEODORE D. JOHNSON, 0000
COLONEL JEFFERY D. KINARD, 0000
COLONEL SCOTT D. LEGWOLD, 0000
COLONEL WALTER E. LIPPINCOTT, 0000
COLONEL WILLIAM M. MALOAN, 0000
COLONEL RANDALL R. MARCHI, 0000
COLONEL CRUZ M. MEDINA, 0000
COLONEL RICHARD S. MILLER, 0000
COLONEL STUART C. PIKE, 0000
COLONEL DANNY K. SPEIGNER, 0000
COLONEL STANLEY M. STRICKLEN, 0000
COLONEL MARGARET S. WASHBURN, 0000
COLONEL TONY N. WINGO, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. ROBERT F. WILLARD, 0000

SMALL BUSINESS ADMINISTRATION

Jovita Carranza, of Illinois, to be Deputy Administrator of the Small Business Administration.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Diane Humetewa, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring August 25, 2012.

Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2012.

DEPARTMENT OF THE TREASURY

Paul Cherecwich, Jr., of Utah, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2010.

Deorah L. Wince-Smith, of Virginia, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2010.

SOCIAL SECURITY ADMINISTRATION

Jeffrey Robert Brown, of Illinois, to be a Member of Social Security Advisory Board for a term expiring September 30, 2008.

Mark J. Warshawshy, of Maryland, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2012.

Dana K. Bilyeu, of Nevada, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2010.

DEPARTMENT OF THE TREASURY

Phillip L. Swagel, of Maryland, to be an Assistant Secretary of the Treasury.

Michele A. Davis, of Virginia, to be an Assistant Secretary of the Treasury.

Anthony W. Ryan, of Massachusetts, to be an Assistant Secretary of the Treasury.

Robert F. Hoyt, of Maryland, to be General Counsel for the Department of the Treasury.

Eric Solomon, of New Jersey, to be an Assistant Secretary of the Treasury.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN2133 AIR FORCE nomination of Jeffrey C. Carstens, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2134 AIR FORCE nomination of Stephen R. Geringer, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2135 AIR FORCE nomination of Paul M. Roberts, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2155 AIR FORCE nominations (21) beginning NEVANNA I. KOICHEFF, and ending PERLITA K. TAM, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2186 AIR FORCE nominations (4) beginning JERZY J. CHACHAJ, and ending GREG GORDON, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2006.

PN2187 AIR FORCE nominations (2) beginning NORMAN B. DIMOND, and ending MARK A. DEATON, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2006.

IN THE ARMY

PN2136 ARMY nomination of Willie G. Barnes, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2138 ARMY nomination of Daniel P. McLemore, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2139 ARMY nominations (2) beginning JOSEF R. SMITH, and ending MICHAEL D. TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2140 ARMY nominations (2) beginning ROBERT M. BLACKMON, and ending BRADLEY M. VOORHEES, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2141 ARMY nominations (2) beginning NICHOLAS C. BAKRIS, and ending ANDREW D. MAGNET, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2142 ARMY nominations (3) beginning DAVID E. GREEN, and ending MARTIN L. LADWIG, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2143 ARMY nominations (3) beginning Moon H. Lee, and ending PHILLIP C. ZINNI, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2144 ARMY nominations (7) beginning TERRELL W. BLANCHARD, and ending ROBERT L. VOGELSANG III, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2145 ARMY nomination of Victoria L. Smith, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2146 ARMY nomination of Ira S. Derrick, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2147 ARMY nomination of Joseph W. Brown, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2148 ARMY nomination of Rebecca L. Blankenship, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2149 ARMY nomination of Mark M. Kuba, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2150 ARMY nomination of Craig H. Rhyne Jr., which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2151 ARMY nominations (5) beginning LORRAINE T. BREEN, and ending THOMAS G. SUTLIVE, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2156 ARMY nominations (125) beginning DEBRA L. COHEN, and ending KYLE J. ZABLOCKI, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2157 ARMY nominations (17) beginning NORMAN F. ALLEN, and ending DARIA P. WOLLSCHLAEGER, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2158–1 ARMY nominations (632) beginning MICHAEL R. ABERLE, and ending MARC L. ZUFFA, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2159 ARMY nominations (31) beginning ROBIN B. ALLEN, and ending ARTHUR D. WELLMAN, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2160 ARMY nominations (37) beginning JOHN G. ALVAREZ, and ending TRACY O. WYATT, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2161 ARMY nominations (18) beginning JEFFREY S. ASHLEY, and ending THOMAS G. WINTHROP, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2188 ARMY nomination of Shelly M. Taylor, which was received by the Senate and appeared in the Congressional Record of November 15, 2006.

PN2189 ARMY nominations (2) beginning OMAR L. HAMADA, and ending SETH W. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2006.

IN THE NAVY

PN2152 NAVY nominations (6) beginning KIMBERLY S. EVANS, and ending JOHN E. LEE III, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2153 NAVY nomination of David J. Allen, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2162 NAVY nominations (6) beginning HARRY T. WHELAN, and ending WILLIAM G. RHEA III, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2190 NAVY nominations (54) beginning KEITH T. ADKINS, and ending DORSEY WISOTSKI, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2006.

NOMINATION REFERENCE AND REPORT

Rachel K. Paulose, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

Paul A. Schneider, of Maryland, to be Under Secretary for Management, Department of Homeland Security.

Dianne I. Moss, of Colorado, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2007.

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated. For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

James A. Jimenez, of Florida
Nathaniel Sekou Turner, of Maryland

The following-named Members of the Foreign Service to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated: Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Thomas J. Brennan, of Missouri
Laura A. Gimenez, of California
Jane Kitson, of Maryland
Eric P. Olson, of Colorado

DEPARTMENT OF STATE

Jeffrey D. Adler, of Massachusetts
Katherine Arcieri, of New Jersey
Mark Ernest Azua, of Illinois
Kristin Helene Bahnsen, of the District of Columbia
Sherri Baker, of Virginia
Brian T. Bedell, of Wisconsin
Shannon D. Behaj, of Delaware
Lynette M. Behnke, of the District of Columbia
Daniel M. Bell III, of Virginia
Stephen Black, of New York
Caren A. Brown, of Arizona
Joel Todd Bullock, of Alabama
Daniel N. Callister, of Virginia
Angela Caulfield, of Virginia
Andrew Hun Choi, of Virginia
John Michael Coyle, of Virginia
Jonathan Joel Crawford, of Virginia
Patrick Everett Crunkleton, of Virginia
Jonathan M. Cullen, of Virginia
Valeri A Davies, of Virginia
Kimberly J. Deichert, of Ohio
Ainsley Yohann deSilva, of Virginia
Pradnya Pradhan Deshpande, of Virginia
Hester Kerksiek Dredge, of Texas
Eric Eilskov, of Texas
Aaron Feit, of Michigan
Emily S. Fertik, of Massachusetts
Patrick J. Fischer, of Pennsylvania
Ann Clementi Flynn, of California
Jillian Frumkin, of Virginia
Jane K. Gamble, of Washington
Leah George, of New York
Peter H. Gillette, of Virginia
Steven F. Grabowski, of Virginia
Kristi L. Gruizenga, of Michigan
Carrie A. Gryskiewicz, of Minnesota
Michael D. Guinan, of Virginia
Reva Gupta, of Maryland
Caroline Adair Hamilton, of Texas
Kenneth C. Han, of Virginia
Elizabeth E. Hanny, of Virginia
Alexander Hawkes, of California
Lynda J. Hinds, of California
Elizabeth M. Hoffman, of New York
John Thomas Ice, of Kentucky
Kenneth Wayne Jackman II, of the District of Columbia
Jennifer Marie Jaskel, of Virginia
Jennifer A. Jones, of California
Blaine Kaltman, of Florida
Daniel Seth Katz, of Washington
Julie L. Kelly, of Virginia
Brian E. Kennedy, of the District of Columbia
William E. Kirby, of Virginia
Karen E. Kirchgasser, of the District of Columbia
Shawn A. Kobb, of Virginia
Elizabeth A. Kolojek, of Ohio
Steven W. Koop, of Virginia
Diana L. Kramer, of the District of Columbia
Simon Kim Lee, of Virginia
Marion D. Leveskas, of Ohio
King San Lien, of Massachusetts
Alma London, of Virginia
Edward V. Marshall, of Virginia
Amir Masliyah, of California
Kimberly L. McClain, of Texas
Susan N. McFee, of New Jersey
McKenzie A. Milanowski, of Pennsylvania
Carolyn A. Mills, of Virginia
Vincent R. Moore, of South Carolina
Matthew J. Morrill, of Virginia
Adam D. Murray, of Michigan
Menaka M. Nayyar, of New York
Jaimee Macanas Neel, of Nevada
Mariana L. Neisuler, of Virginia
Richard C. Nicholson, of Florida
Aaron Adrian Nuutinen, of Texas
Angela Jane Palazzolo, of Virginia
Katrisa Bohne Peffley, of Minnesota
Kimberly G. Phelan, of California
Anthony V. Pirnot, of Pennsylvania
Jennifer L. Proulx, of Virginia
Steven M. Riches, of Tennessee
Dale M. Richter, of Virginia
Rene A. Rivera-Santiago, of Virginia
Silvana Del Valle Rodriguez, of the District of Columbia
Michael James Scharding, of the District of Columbia
Sarah Goldfeder Schmidt, of Maine
Erik J. Schnotala, of Illinois
Susan T. Serna, of Texas
Amit S. Sheth, of Virginia
Craig C. Shipley, of Virginia
Spencer Carryn Shipman, of Maryland
Scott M. Simpson, of Texas
Katherine Parks Skarsten, of Colorado
Virginia Lee Stern, of Illinois
Rachel M. Strein, of Virginia
Jennifer Skousen Sudweeks, of Virginia
Barbara R. Szczepaniak, of Florida
Marc Taranto, of Virginia
Jaime L. Teahen, of Virginia
Hamish B. Teasdale, of Virginia
James Tira, of New York
Danielle Marie Traylor, of the District of Columbia
Matthew E. Wall, of Alabama
Daniel Karl Walter, of Virginia
Mary Walz, of Washington
David Earl Williams, of North Carolina
Susan A. Wilson, of Virginia
Howell J. Winters, of Virginia
Mireille L. Zieseniss, of the District of Columbia

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated. For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Laurie Jeanne Meininger, of California

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Marshall C. Derks, of Virginia

The following-named Members of the Foreign Service to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated: Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Heather Byrnes, of Alaska

DEPARTMENT OF STATE

Patrick M. Agents, of Virginia
James D. Applegate, of Michigan
Maha Angelina Armush, of Texas
Chuka Nnonso Asike, of Maryland
Jayshree Balasubramanian, of North Carolina
Jason J. Beck, of Utah
Richard Cleveland Blackwood, of Virginia
Patrick A. Bogue, of Virginia
Stephanie Elizabeth Boscaino, of Virginia
Jeffrey D. Bowan, of Washington
Thomas Scott Brown, of Washington
Christienne Carroll, of California
Jeffrey John Cary, of the District of Columbia
Michael G. Cathey, of California
James A. Catto, of South Carolina
Perry Yang Chen, of Virginia
Gabrielle Ann Collins, of the District of Columbia
William Evan Couch, of Alabama
Cornelius C. Cremin, of California
Chris Curran, of North Carolina
Roberto Custodio, of Florida
T.A. Dadisman III, of Virginia
Amy Elizabeth Dahm, of Texas
Gregory D'Alesandro, of Maryland
Mark S. Davies, of New Mexico
Joye L. Davis-Kirchner, of Missouri
Anne B. Debevoise, of California
Jaffar A. Diab, of Massachusetts
Christopher R. Dilworth, of Virginia
Diana P. Dragon, of Virginia
Theresa L. Dunn, of Virginia
Jason D. Evans, of Hawaii
David Fabrycky, of Virginia
Richard P. Feldman, of the District of Columbia
Richard A. Fisher, of Virginia
Kathleen Fox, of California
Elaine C. Glasenapp, of Virginia
Corey M. Gonzalez, of the District of Columbia
Veronika Grayless, of Virginia
George H. Green, of Virginia
Paula Greenlee, of Virginia
Grant S. Guthrie, of California
Andrew S. Hamrick, of Georgia
Carolyn F. Handy, of Virginia
Alison C. Hannah, of Massachusetts
Adam J. Hantman, of Maryland
Sara Ruth Harriger, of Alaska
Natalie A. Henry, of Virginia
Ralan Lucas Hill, of California
Alice Ladene Holder, of California
Barbara A. Holston, of Virginia
James W. Holtsnider, of Colorado
Aaron D. Honn, of Texas
Ludovic Hood, of the District of Columbia
Erika Lorel Hosking, of Virginia
Elizabeth J. Howard, of Maryland
William P. Humnicky, of California
Brett T. Hunt, of Arizona
Stephanie J. Hutchison, of Massachusetts
Samuel Hyon, of Maryland
Larry M. Jackson, of Virginia
John Clark Jacobs, of Texas
Amanda Schrader Jacobsen, of Washington
Charles L. Jarrett III, of Tennessee
Kim H. Jordan, of California
Hormazd J. Kanga, of Kentucky
Audra A. Keagle, of Virginia
Tammy Crittenden Kenyatta, of Virginia
Amy D. Kuehl, of Virginia
D. Kristian Kvols, of Florida
Denise D. Lamoureux, of Virginia
Lawrence Paul Lane, of California
Lola A. Lecerf, of Virginia
Irma M. Lopez, of Virginia
Diana Lynch, of Maryland
Felicia D. Lynch, of Florida
Darrin William Stuart MacKinnon, of Virginia
Brent Aaron Maier, of Texas
Meredith Maneri, of New Jersey
Mika McBride, of Texas
Margaret M. McLaughlin, of the District of Columbia
Matthew C. McNeil, of Ohio
Joel Mendez, of Alabama
Joshua J. Miller, of Virginia
Karen N. Mims, of Pennsylvania
Judith H. Monson, of New York
Kelly E. Murnane, of Virginia
Roshni Mona Nirody, of New Jersey
Leslie Silvia Nunez, of Florida
Daniel Onstad, of the District of Columbia
Juan Carlos Ospina, of Florida
Ronald D. Owles, of Florida
Nick Parikh, of Washington
Rebecca Suzanne Phelps, of Michigan
Laura Eloise Pyeatt, of Tennessee
Neveen N. Ramirez, of New Jersey
Benjamin Nelson Reames, of Texas
Justin Elbert Reynolds, of Iowa
David J. Roehn, of Virginia
George G. Sarmiento, of Texas
Julia Reid Schiff, of Ohio
Ashley M. Scholl, of Ohio
Melissa Schubert, of Missouri
Vera B. Searles, of Maryland
Annie M. Simpkins, of Florida
Adam L. Smith, of Utah
Heidi E. Smith, of Michigan
Marc Alan Snider, of Illinois
Peter Ricardo Solano, of Minnesota
Adrienne Beck Taylor, of Virginia
Eric L. Thornton, of the District of Columbia
Hunter Treseder, of California
William Fay von Zagorski, of Virginia
Lillian Catherine Wahl-Tuco, of New Hampshire
Chanin T. Webb, of Virginia
William Stephen Wells, of the District of Columbia
Gary W. Westfall, of Florida
Matthew Wright, of Texas
Chadwick Jackson Wykle, of West Virginia
Hansang Yi, of California
Sovandara Yin, of Oregon
Madelina M. Young, of New York
Melissa S. Zadnik, of Pennsylvania

The following-named Career Members of the Senior Foreign Service of the Department of State for promotion in the Senior Foreign Service to the classes indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Career Minister.

William R. Brownfield, of Texas
Katherine H. Canavan, of California
Christopher Robert Hill, of Rhode Island
Cameron R. Hume, of Connecticut
George McDade Staples, of Kentucky

Career Members of the Senior Foreign Service of the United States of America, Class of Minister Counselor:

Elizabeth Jamieson Agnew, of Virginia
Edward M. Alford, of Virginia
Peter K. Augustine, of Texas
Clyde Bishop, of Pennsylvania
Michele Thoren Bond, of New Jersey
Gayleatha Beatrice Brown, of the District of Columbia
David M. Buss, of Texas
Martha Larzelere Campbell, of New Hampshire
Judith Ann Chammas, of Virginia
Thomas More Countryman, of Washington
Barbara Cecelia Cummings, of Illinois
Elizabeth Link Dibble, of Virginia
Rosemary Anne DiCarlo, of the District of Columbia
Larry Miles Dinger, of Virginia
Janice J. Fedak, of Pennsylvania
Gerald Michael Feierstein, of Virginia
Jeffrey David Feltman, of California
Alberto M. Fernandez, of Virginia
Judith G. Garber, of California
Robert F. Godec, Jr., of Virginia
Llewellyn H. Hedgbeth, of California
James Thomas Heg, of Washington
Paul Wayne Jones, of New York
Sandra Lynn Kaiser, of Washington
Hans George Klemm, of Indiana
Thomas Charles Krajeski, of Virginia
Charlene Rae Lamb, of Florida
An Thanh Le, of the District of Columbia
Jeffrey David Levine, of California
Patrick Joseph Linehan, of Connecticut
Mary Bland Marshall, of Virginia
Terence Patrick McCulley, of Oregon
Kevin Cort Milas, of California
Patrick S. Moon, of Maryland
James Robert Moore, of Florida
Dan W. Mozena, of Maryland
Adrienne S. O'Neal, of Maryland
Phyllis Marie Powers, of Texas
Christopher R. Riche, of Virginia
Thomas Bolling Robertson, of Virginia
Josie Shumake, of Mississippi
Madelyn Elizabeth Spirnak, of the District of Columbia
Steven C. Taylor, of Alaska
Linda Thomas-Greenfield, of Louisiana
Thomas Joseph Tiernan, of Illinois
Mark A. Tokola, of Washington
Paul A. Trivelli, of Connecticut

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular officers and Secretaries in the Diplomatic Service, as indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Cynthia Helen Akuetteh, of Maryland
Raymond R. Baca, of Florida
Christopher J. Beede, of Virginia
Jennifer V. Bonner, of Virginia
Michael J. Boyle, of Wyoming
Roberto Gonzales Brady, of California
Ann Kathleen Breiter, of California
Peter Meier Brennan, of Oregon
Fletcher Martin Burton, of Tennessee
Duane Clemens Butcher, Jr., of California
Lawrence N. Corwin, of Texas
Christopher Richard Davis, of Virginia
Kimberly J. DeBlauw, of Missouri
D. Purnell Deily, of Virginia
Marc Langley Desjardins, of Virginia
Evelyn Aleene Early, of Texas
Joseph Adam Ereli, of the District of Columbia
John D. Feeley, of New York
Zandra I. Flemister, of Maryland
Paul A. Folmsbee, of Texas
Alfred F. Fonteneau, of Texas
Thomas R. Genton, of New Jersey
Tatiana Catherine GfoellerVolkoff, of the District of Columbia
David R. Gilmour, of Texas
Brian L. Goldbeck, of Nevada
Douglas C. Greene, of Virginia
Douglas M. Griffiths, of Texas
Kenneth E. Gross, Jr., of Virginia
Sheila S. Gwaltney, of California
Richard Dale Haynes, of Virginia
Christopher J. Hoh, of Pennsylvania
Martin P. Hohe, of Florida
Mary Virginia Jeffers, of Maryland
Sylvia Dolores Johnson, of South Carolina
Mark Raymond Kennon, of Virginia
James Alcorn Knight, of New York

Leonard James Korycki, of Washington
Barbara Anne Leaf, of Virginia
Michelle Rabayda Logsdon, of Florida
Sharon E. Ludan, of Virginia
Robert Sanford Luke, of Florida
Deborah Ruth Malac, of Virginia
Theodore Albert Mann, of New York
Dundas C. McCullough, of Virginia
Raymond Gerard McGrath, of Virginia
Kenneth Alan Messner, of Oregon
Anthony C. Newton, of Virginia
Harry John O'Hara, of Texas
John Olson, of California
Andrew W. Oltyan, of Texas
Andrew A. Passen, of Pennsylvania
Mark A. Pekala, of the District of Columbia
Michael P. Pelletier, of Maine
Marjorie R. Phillips, of Virginia
Geoffrey R. Pyatt, of California
Pamela G. Quanrud, of Virginia
Eric Seth Rubin, of New York
Daniel H. Rubinstein, of California
Robert Joel Silverman, of California
Robin Angela Smith, of the District of Columbia
Michael A. Spangler, of Maryland
Andrew Walter Steinfeld, of New Jersey
Karl Stoltz, of Virginia
Mark Charles Storella, of New Hampshire
Paul Randall Sutphin, of Virginia
Mary Thompson-Jones, of Virginia
Michael Embach Thurston, of Washington
William Weinstein, of California
Robert Earl Whitehead, of California
Rebecca Ruth Winchester, of Virginia
Dean B. Wooden, of the District of Columbia
Steven Edward Zate, of Florida

Career Members of the Senior Foreign Service, Class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Wayne B. Ashberry, of Virginia
Cynthia Anne Borys, of Maryland
Dan Blane Christenson, of Washington
Eduardo R. Gaarder, of Virginia
Jerry Duane Helmick, of Florida
Kenneth J. Hoeft, of Michigan
Raymond W. Horning, of Missouri
Todd M. Keil, of Wisconsin
Stephen J. Klein, of Virginia
Brian R. Majewski, of Virginia
Georges F. McCormick, of California
Earl R. Miller, of Virginia
Peter J. Molberg, of Missouri
Edgar P. Moreno, of Florida
James C. Norton, of Michigan
Thomas J. Quinzio, of Virginia
Douglas P. Quiram, of California
Nancy C. Rolph-O'Donnell, of Virginia
Larry Dean Salmon, of Missouri
Anne M. Saloom, of Virginia
Gentry O. Smith, of Virginia
Stephen F. Smith, of Virginia
William J. Swift, of Wisconsin
John L. Whitney, of Tennessee
David M. Yeutter, of California

Steven R. Chealander, of Texas, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2007.

Charles E. Dorkey III, of New York, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

The following named officer for appointment as the Director of the Coast Guard Reserve pursuant to Title 14, U.S.C., section 53 in the grade indicated:

To be rear admiral (lower half)

Rear Adm. (select) Cynthia A. Coogan, 0000

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the National Oceanic and Atmospheric Administration.

To be captain

Raymond C. Slagle

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the National Oceanic and Atmospheric Administration:

To be ensign

Caryn M. Arnold
Matthew T. Burton
James T. Falkner
Mark K. Frydrych
Justin T. Keesee
Jennifer L. King
Benjamin M. Lacour
Chad M. Meckley
Megan A. Nadeau
Carl G. Rhodes
Christopher S. Skapin
Joshua J. Slater
Timothy M. Smith
Ryan C. Wattam
Marc E. Weekley
Phoebe A. Woodworth

The following named individual for appointment as a permanent commissioned regular officer in the United States Coast Guard in the grade indicated under Title 14, U.S.C., section 211:

To be lieutenant

Greg E. Versaw, 0000

The following named officers for appointment to the grade indicated in the United States Coast Guard under Title 14, U.S.C., Section 271:

To be lieutenant commander

Ricardo M. Alonso, 0000
Dirk N. Ames, 0000
Thomas B. Bailey, 0000
Agustus J. Bannan, 0000
Matthew P. Barker, 0000
Che J. Barnes, 0000
Ian A. Bastek, 0000
Michael W. Batchelder, 0000
Michael E. Bennett, 0000
Adam G. Bentley, 0000
Kenneth E. Blair, 0000
Amy L. Bloyd, 0000
Jed R. Boba, 0000
Kenneth J. Boda, 0000
Scott G. Borgerson, 0000
Camilla B. Bosanquet, 0000
Donald C. Boyer, 0000
David L. Bradley, 0000
Randy L. Bradley, 0000
Nelson J. Brandt, 0000
Matthew T. Brown, 0000
James W. Bunn, 0000
Joann F. Burdian, 0000
Karen S. Cagle, 0000
Richard F. Calvert, 0000
Andrew T. Campen, 0000
Michael J. Capelli, 0000
Willie L. Carmichael, 0000
Scott S. Casad, 0000
Rene X. Casarez, 0000
Christopher R. Cederholm, 0000
John R. Cole, 0000
Teali G. Coley, 0000
Robert C. Compher, 0000
Daniel A. Connolly, 0000
Chad W. Cooper, 0000
Nathan E. Coulter, 0000
Gregory L. Crettol, 0000
Cornelius E. Cummings, 0000
Shawn E. Decker, 0000
Michael E. Delury, 0000
John T. Dewey, 0000
Steven J. Dohman, 0000
Jeffrey T. Dolan, 0000
Keith M. Donohue, 0000
Eric D. Drey, 0000
Jerome E. Dubay, 0000
Brent N. Durbin, 0000
Reino G. Ecklord, 0000
Arthur J. Edwards, 0000
Damon C. Edwards, 0000
Jeffrey Eldridge, 0000
Rahshaan Engrum, 0000
Janet D. Espinoyoung, 0000
Matthew R. Farnen, 0000
Francesann B. Fazio, 0000
Sarah K. Felger, 0000
Christine Fern, 0000
Kevin B. Ferrie, 0000
Jason B. Flennoy, 0000
Ted R. Fowles, 0000
Joseph Franklin, 0000
Michael E. Frawley, 0000
Christopher R. Friese, 0000
Glenn J. Galman, 0000
Pamela P. Garcia, 0000
Robert G. Gardali, 0000
Christofer L. German, 0000
Tanya L. Giles, 0000
Petre S. Gilliam, 0000
Errol M. Glenn, 0000
Michael J. Goldschmidt, 0000
David V. Gomez, 0000
Richard Gonzalez, 0000
Michael D. Good, 0000
Hans C. Govertsen, 0000
Robert T. Griffin, 0000
Charles M. Guerrero, 0000
Fay J. Guerrero, 0000
Tim A. Gunter, 0000
Robert E. Hart, 0000
Heath A. Hartley, 0000
James F. Hedrick, 0000
Jonathan N. Hellberg, 0000
John Hennigan, 0000
Scott C. Herman, 0000
Michael L. Herring, 0000
Anna W. Hickey, 0000
Darren A. Hopper, 0000
Christy L. Howard, 0000
Christopher M. Huberty, 0000
Joel A. Huggins, 0000
Christopher J. Hulser, 0000
Tangela F. Hummons, 0000
Austin R. Ives, 0000
David M. Johnston, 0000
Daniel C. Jones, 0000
Peter B. Jones, 0000
Jonathan P. Jorgensen, 0000
Warren D. Judge, 0000
Kerry G. Karwan, 0000
Sean R. Katz, 0000
Jared E. King, 0000
Lonnie T. Kishiyama, 0000
Bradley J. Klimek, 0000
Brian G. Knapp, 0000
Michael S. Krause, 0000
Charles F. Kuebler, 0000
Kurt R. Kupersmith, 0000
Ken Kusano, 0000
Paul E. Lafond, 0000
Andrew A. Lawrence, 0000
Erin M. Ledford, 0000
Christian A. Lee, 0000
Brian J. Lefebvre, 0000
Jacqueline M. Leverich, 0000
Andrew H. Light, 0000
Lexia M. Littlejohn, 0000
Chad A. Long, 0000
Kevin P. Lynn, 0000
Simon A. Maple, 0000
Eric D. Masson, 0000
Joseph S. Masterson, 0000
Heather A. McCafferty, 0000
John F. McCarthy, 0000
Rudy S. McGwin, 0000
Emily S. Mcintyre, 0000
Christopher A. McMunn, 0000
Elizabeth A. McNamara, 0000
Michael J. Mcneil, 0000
Randy F. Meador, 0000
Jose E. Medina, 0000
Dwayne L. Meekins, 0000
Matthew W. Merriman, 0000
Andrew D. Meverden, 0000
Timothy G. Meyers, 0000
Todd S. Mikolop, 0000
Kenneth V. Mills, 0000
Richard W. Minnich, 0000
Marcus A. Mitchell, 0000
Kirk W. Montgomery, 0000

Donald P. Montoro, 0000
Alan H. Moore, 0000
Ellis H. Moose, 0000
Anne M. Morrissey, 0000
Kenneth T. Nagie, 0000
John A. Natale, 0000
David R. Neel, 0000
Kenneth E. Nelson, 0000
Craig D. Neubecker, 0000
Douglas D. Norstrom, 0000
David J. Obermeier, 0000
Sean J. Obrien, 0000
Timothy K. Obrien, 0000
Rebecca E. Ore, 0000
Anthony K. Palmer, 0000
Luis C. Parrales, 0000
Timothy A. Pasek, 0000
Scott W. Peabody, 0000
Luke A. Perciak, 0000
Patrick F. Peschka, 0000
Justin D. Peters, 0000
Sandra J. Peterson, 0000
Douglas C. Petrusa, 0000
Harper L. Phillips, 0000
Tracy O. Phillips, 0000
Scott S. Phy, 0000
Frank A. Pierce, 0000
Keith J. Pierre, 0000
Shannon M. Pitts, 0000
Edward H. Pomer, 0000
Jeffrey M. Potensky, 0000
Alisa L. Praskovich, 0000
Paul T. Priebe, 0000
Steven E. Ramassini, 0000
Joshua T. Ramey, 0000
Jacob J. Ramos, 0000
Jason H. Ramsdell, 0000
Travis J. Rasmussen, 0000
Eric A. Reeter, 0000
James P. Reid, 0000
Sean P. Roche, 0000
Rodrigo G. Rojas, 0000
Christopher A. Rose, 0000
Constance F. Ruckstuhl, 0000
Matthew A. Rudick, 0000
Belinda C. Savage, 0000
David J. Schell, 0000
Clint B. Schlegel, 0000
Gregory J. Schultz, 0000
Anita M. Scott, 0000
Holly L. Shaffner, 0000
David M. Sherry, 0000
Daniel J. Silvestro, 0000
Jennifer L. Sinclair, 0000
Loring A. Small, 0000
Derek L. Smith, 0000
Eric A. Smith, 0000
Shad S. Soldano, 0000
James W. Spitler, 0000
Douglas K. Stark, 0000
John M. Stone, 0000
Benjamin F. Strickland, 0000
Dennis R. Svatos, 0000
Vasilios Tasikas, 0000
Romualdus M. TenBerge Jr, 0000
Bradley K. Terrill, 0000
James P. Thompson, 0000
Solomon C. Thompson, 0000
Russell R. Torgerson, 0000
Andre P. Towner, 0000
Terry A. Trexler, 0000
Christopher A. Tribolet, 0000
Clinton A. Trocchio, 0000
Michael A. Turdo, 0000
Bryan J. Ullmer, 0000
Tina J. Urban, 0000
James A. Valentine, 0000
Daniel W. Vanbuskirk, 0000
Eva J. Vancamp, 0000
Steven P. Walsh, 0000
Wilborne E. Watson, 0000
Tyson S. Weinert, 0000
Brenda M. White, 0000
Diana J. Wickman, 0000
Molly A. Wike, 0000
Nathaniel R. Williams, 0000
Solomon J. Williams, 0000
Tarik L. Williams, 0000
Kevin M. Wilson, 0000
John W. Winter, 0000
Andrew J. Wright, 0000

The following named officers for appointment to the grade indicated in the United States Coast Guard Reserve under title 10, U.S.C., section 12203(a):

To be captain

Andrea L. Contratto, 0000
Stephen B. Nye, 0000

Mark Everett Keenum, of Mississippi, to be a Member of the Board of Directors of the Commodity Credit Corporation, vice J. B. Penn.

Mark Everett Keenum, of Mississippi, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

Leland A. Strom, of Illinois, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, for a term expiring October 13, 2012.

Terry L. Cline, of Oklahoma, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

The following candidates for personnel action in the regular component of the Public Health Service subject to qualifications therefore as provided by law and regulations:

To be assistant surgeon

Christopher J. Bengson
Samuel A. McArthur
Chayanin Musikasinthorn

The following candidate for personnel action in the regular component of the Public Health Service subject to qualifications therefore as provided by law and regulations: 1. For appointment:

To be assistant surgeon

Leah Hill

Dana Gioia, of California, to be Chairperson of the National Endowment for the Arts for a term of four years. (Reappointment)

Elizabeth Dougherty, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2007, vice Edward J. Fitzmaurice, Jr., term expired.

Elizabeth Dougherty, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2010. (Reappointment)

Blanca E. Enriquez, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term expiring January 30, 2009. (Reappointment)

Sara Alicia Tucker, of California, to be Under Secretary of Education, vice Edward R. McPherson, resigned.

John Peyton, of Florida, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2011, vice Patrick Lloyd McCrory, term expired.

William Francis Price, Jr., of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2012.

Robert Bretley Lott, of Louisiana, to be a Member of the National Council on the Arts for a term expiring September 3, 2012, vice Teresa Lozano Long, term expired.

Charlotte P. Kessler, of Ohio, to be a Member of the National Council on the Arts for a term expiring September 3, 2012, vice Katharine DeWitt, term expired.

Joan Israelite, of Missouri, to be a Member of the National Council on the Arts for a term expiring September 3, 2012, vice Don v. Cogman, term expired.

Benjamin Donenberg, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2012, vice Maribeth McGinely, term expired.

Foreststorn Hamilton, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2012, vice Mary Costa, term expired.

Gerald Walpin, of New York, to be Inspector General, Corporation for National and Community Service, vice J. Russell George.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORGANZA TO THE GULF

Ms. LANDRIEU. Mr. President, I know it is very late and everybody is working hard to finish up. We have accomplished a great deal today. But I wanted to come to the floor while the majority leader was here to explain that there is one small but important project called Morganza to the Gulf that the House of Representatives sent over to us about 2 hours ago. It is a scaled-back version, but the reason I am going to stay here until we are able to work this out is because this has been approved by the subcommittee chair on the Republican side, the chair on the Republican side, the subcommittee chair on the Democratic side, and the chair on the Democratic side. This project, Mr. Majority leader, is the only project in the entire WRDA bill—in the entire bill that I am aware of—that was authorized in the last WRDA bill, but because of a technical error, it was left out. It was authorized, not in this WRDA bill—well it is, but in two, the last and this one. So it is because WRDA, of course, collapsed—and it is a very important bill; I have literally billions of dollars of other projects in the WRDA bill—that I am not asking to move forward because it would not be fair for me to ask to move mine forward because no one else is getting theirs. But this project has been signed off by Chairman INHOFE, by Senator BOND, and Senator BOXER because they recognize it is unique among projects.

I now understand it is being held up. I just wanted to speak publicly. I wish to stay for a little while to see what we can work out and see if we can get this to the House, the Morganza to the Gulf has already been scaled back, and try to get it done before we leave.

I yield the floor.

Mr. FRIST. Mr. President, in response to my colleague, through the Chair, there are a number of pieces of legislation we are continuing to look at tonight. I know this is one about which discussions are ongoing. We will actually be looking at that with many others.

I have to say we do have scores and scores of pieces of legislation that are similar that have come forward—not exactly, they have not gone through two authorization projects—that have to be considered as well.

ADDITIONAL STATEMENTS

WINNETT SCHOOL BLUE RIBBON AWARD

• Mr. BAUCUS. Mr. President, I am honored to speak to you today about a school in my home State of Montana—the Winnett School. The Department of Education recently selected the Winnett School as 1 of only 200 schools across the country to receive a Blue Ribbon. Winnett School, with just 95 students, is a wonderful example of how dedication and effort can lead to success in education.

To the students, teachers, parents, and administrators at Winnett, I congratulate you on receiving this award. Being named a Blue Ribbon School is one of the highest recognitions in our country. With 120,000 schools nationwide, less than one-tenth of 1 percent of all the schools are honored. Your school is a model of success.

America today faces a world more intensely competitive than ever in our history. The coming decades will be a race for economic leadership. If we are to succeed in a global economy, we must make education our focus. Nothing is more important than providing every Montanan with a solid education and the tools needed to succeed in life.

Winnett School should be an example to schools all over the country of what we can do if we make a real commitment to education. The students at Winnett have set the standard for excellence that we must encourage and expect at all schools.

I have always said that our Montana schools are the best in the country. And this week, the Department of Education has formally recognized you as such.

Winnett School has succeeded because of the investment that teachers, students, parents and administrators make in the importance of a high-quality education. I applaud the teachers for their dedication to making sure that every student can succeed. Your energy is impressive and should be an example of what we can do with the support and commitment from the entire community.

Your teachers go above and beyond their curriculum requirements. Each Monday the teachers meet at 8 a.m. to talk about whether any student in the whole school is at risk of falling behind. If a student is struggling, the staff together prepares a plan for the student and enlists the parents' help and cooperation. This dedication to the entire student community is evident in your students' commitment to education and achievement in school. The school dropout rate is zero and has been for some time. The last student who dropped out of school was over 10 years ago. That is way below the national dropout rate.

Not only do Winnett School students stay in school, but they excel in a rigorous curriculum. All students take 4 years of math, science, English, history, and government. Their test scores demonstrate a commitment to achievement—92 percent of sophomores scored advanced or proficient in reading and 90 percent rated advanced or proficient in math.

Students at Winnett School—you deserve this award. With your excellent education, you have no boundaries to what you can accomplish. You are the leaders of tomorrow.

Once again, congratulations on your Blue Ribbon Award.•

CONGRATULATING MR. BRANDON WEBB

• Mr. BUNNING. Mr. President, I wish to congratulate Mr. Brandon Webb of Ashland, KY. Mr. Webb was recently awarded the 2006 National League Cy Young Award.

Mr. Webb graduated from Paul G. Blazer High School in Ashland, KY, and went on to play baseball for the University of Kentucky. He began his Major League career with the Arizona Diamondbacks in 2003 and has since become known for his devastating sinker. This season, Mr. Webb went 16–8 with a 3.10 ERA and pitched in the 2006 Major League All-Star Game.

Introduced in 1956 to honor the late Hall of Fame pitcher Cy Young, the Cy Young Award honors annually the best pitcher in each league in Major League Baseball. The prestigious award is voted on by members of the Baseball Writers Association of America.

As a former Major League pitcher, I understand the strength and commitment it takes to reach such a high level of accomplishment. To be singled out among so many great pitchers is truly an honor.

I congratulate Mr. Webb on this achievement. He is an inspiration to the citizens of Kentucky and to aspiring athletes everywhere. I look forward to seeing all that he will accomplish in the future. •

125TH ANNIVERSARY OF MANDAN, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased to recognize a community in North Dakota that celebrated its 125th anniversary earlier this year. On February 25, 2006, the residents of Mandan kicked off a yearlong celebration of their community's history and founding.

Mandan is a vibrant community in west-central North Dakota, located along the bank of the great Missouri River in Morton County. With historic roots dating back to 1100 A.D., when the first Native American settlers arrived, Mandan is rich with history. The city of Mandan was incorporated on February 25, 1881, and named for the Mantani Indians, or ''people of the bank.'' With the development of the railroads and the close proximity to the Missouri river, Mandan flourished and became known as ''Where the West begins.''

Today, with a population of more than 16,000, Mandan remains tied to the railroad, housing a major rail equipment maintenance facility. It is also home to the Hebron Brick factory, which is not only the sole surviving brick factory in the State, but is also the oldest manufacturing company of any kind in the entire State of North Dakota. Mandan is known not only for its historical roots, but also for its beautiful scenery. Mandan has become a magnet for hunters, fishermen, and outdoor enthusiasts of all kinds. Mandan is also home to Fort Lincoln which once served as an important infantry and cavalry post. It is from Fort Lincoln that Lt. Col. George Armstrong Custer rode out on his ill-fated expedition against the Sioux at the Little Big Horn. Fort Lincoln is also home to the On-A-Slant Mandan village which has been located there for more than 400 years.

To celebrate the 125th anniversary of its founding, Mandan residents have planned a full year's worth of events, which included a kick off party that featured local artists, a kids' carnival and a music performance that represented all 125 years worth of local music.

Mr. President, I ask the U.S. Senate to join me in congratulating Mandan, ND, and its residents on the first 125 years and in wishing them well through the next century. By honoring Mandan and all the other historic towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Mandan that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Mandan has a proud past and bright future.•

125TH ANNIVERSARY OF THOMPSON, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that celebrated its 125th anniversary. On July 7–9, the residents of Thompson gathered to celebrate their community's history and founding.

Thompson is a growing community in eastern North Dakota, just 10 miles south of Grand Forks. Settlers came to the area as early as 1874. With the arrival of the railroad 5 years later, more pioneers came to settle in the region. Founded in 1881 with the establishment of a post office, the community name was changed from Norton to Thompson by residents to avoid potential confusion with Norton, MN.

Thompson attracts people who like small town living but hold jobs in the nearby city. Thompson residents also celebrate the values they instill upon their children, because those are the same values taught to them years ago. The people of Thompson have worked for a sense of community and, in doing so, have established ''Thompson Days,''

a time to meet neighbors and celebrate the heritage of an entire area. Thompson Days features a parade, garden tour, dances, craft shows, classic car show, horseshoe tournament, and lots of other activities.

Mr. President, I ask the U.S. Senate to join me in congratulating Thompson, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Thompson and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Thompson that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Thompson has a proud past and a bright future.●

RECOGNIZING THE HAWTHORNE MIDDLE SCHOOL

● Mr. CRAPO. Mr. President, Idahoans have a strong reputation for being staunchly patriotic and supporting our military men and women. I am proud to say that this patriotism has its roots even in our children, as evidenced by the recent penny drive held at Hawthorne Middle School in Pocatello, ID.

More than 500 seventh and eighth graders, with the help of teachers and administrators, raised $1,000 over the course of 3 weeks to purchase special gifts for our troops in Iraq and Afghanistan. That $1,000, mostly in change, required daily counting by the students and, from what I understand, taking it to the bank required multiple bags and boxes! In fact, 100,000 pennies weigh close to 700 lbs, so I am certain that it was a heavy deposit despite the fact that it wasn't all collected in pennies. This remarkable achievement and dedication to supporting our military overseas deserves recognition and congratulations. Hawthorne Middle school's success reflects a sense of civic duty and national pride, refreshing in middle school students in today's world. This is indicative of the influence of strong families and strong educators at this Idaho school. I commend them on their generosity and commitment to our troops, and present Hawthorne Middle School students, parents, and teachers as models of patriotism, civic duty, and selfless giving.●

TRIBUTE TO JEFF SINCLAIR

● Mr. DEMINT. Mr. President, today I pay tribute to Jeff Sinclair, an outstanding Scoutmaster in the State of Wisconsin who passed away October 25, 2006, after a brave battle with cancer.

Jeff's involvement with the Boy Scouts began in 1998, when he became a leader of St. Dominic's Cub Scout Pack 119. Beginning in 2001, he served as Scoutmaster for St. John Vianney's Boy Scout Troop 71, and despite his illness, he continued leading the group until his death.

During his tenure as Scoutmaster, Jeff mentored over 14 percent of his Scouts—including both of his sons—to receive the Eagle Award, the highest rank attainable within the Boy Scouts. This is a stark contrast to the national average of 4 percent of Scouts who receive the award. Jeff's remarkable dedication and leadership to the group has earned him numerous awards and commendations, and I believe he deserves our recognition as well.

Jeff was also accepted as a member of the Boy Scout prestigious Order of the Arrow Honor Society, and his sons followed in his footsteps to attain the distinction. Clearly, not only did Jeff commit himself to serving others, but he inspired those around him to do the same.

Born on March 9, 1960, in Milwaukee to Dr. Eugene and Jean Sinclair, Jeff was an accomplished individual who dedicated himself to helping others. In 1983 he earned a business degree from Marquette University, and for the next several years, he used his skills and expertise to serve the State of Wisconsin through the Department of Revenue.

While Jeff was successful and well regarded in his career and throughout Boy Scouts, his greatest priorities were his family and his faith. A loving husband to wife Kathy and a dedicated father to four children—Matt, Andy, Maggie and Emma—Jeff found great joy in encouraging and supporting their endeavors. In addition to his devoted involvement with his sons' Boy Scout troop, Jeff often assisted with his daughters' soccer teams. He was also very active in his home parish, St. Dominic's.

On behalf of my colleagues and myself, I want to remember Jeff Sinclair for his dedication to his family, church, and community. Undoubtedly, he was a great friend, mentor, and source of joy to countless individuals throughout the years, and he will be missed.

Mr. President, please join me in offering deepest sympathy to his wife, children, and parents. May they find peace and comfort knowing that Jeff's legacy of serving, teaching, and empowering others will last far into the future that this world is a better place because of him.●

TRIBUTE TO DR. JOHN R. GANTZ

● Mr. LEVIN. Mr. President, I recognize Dr. John R. Gantz for his 43 years of distinguished service to the United States of America. Dr. Gantz has provided faithful service to his Nation as a soldier, educator and as chief of the Troops to Teachers Program. A native of Pennsylvania, Dr. Gantz earned a Bachelor of Science degree from East Stroudsberg University, a Master's Degree in Adult Education from George Washington University, and a Doctor of Education degree from the University of Southern California.

After serving in the infantry with the U.S. Army at Fort Dix, he taught mathematics and science for the Job Corps in New Jersey. He then began his civil service career as an education adviser in Virginia, followed by two similar assignments in Korea. During this time, he has served as an education specialist, Headquarters Department of the Army; Director of Education, U.S. Army Southern European Task Force, Vicenza, Italy; Deputy Director of Education, U.S. Army Forces Command, Atlanta Georgia; and Deputy Director of the Defense Activity for Non-Traditional Education Support, DANTES.

In 1984, Dr. Gantz was selected as the DANTES European adviser. In this position, he provided guidance and training to education professionals supporting military personnel throughout the United States-European military commands. He has served on numerous advisory boards and been selected to participate in many national conferences as an expert in education programming. This year he was inducted into the International Adult and Continuing Education Hall of Fame in Dallas, TX.

Since 1994, Dr. Gantz has been the first and only chief of the federally authorized Troops to Teachers Program. Under his dynamic and innovative leadership, over 9,000 servicemembers from the Army, Air Force, Coast Guard, Marine Corps and Navy have made the transition from military careers to become K–12 public education classroom teachers and school administrators. His superb dedication to develop a unique program that recruits special education, mathematics and science teachers for high-needs, low-income schools has provided countless students the benefit of learning with ''real world'' mentors and role models. His dedication to academic excellence, complete selflessness and visionary professionalism has brought great credit not only upon himself, but also upon the Troops to Teachers Program and public education everywhere.

I know my colleagues in the Senate join me in congratulating Dr. Gantz for his dedicated service to our country. He has made a significant difference in both the U.S. Army and as chief of the Troops to Teachers Program. Once again, I thank Dr. Gantz for his many years of devoted service. ●

EBENEZER AFRICAN METHODIST EPISCOPAL CHURCH

● Mr. LEVIN. Mr. President, it is my pleasure to congratulate an outstanding and historic church from my home State of Michigan. This year, Ebenezer African Methodist Episcopal Church of Detroit, celebrates 135 years of service, learning and faith. This milestone provides the perfect opportunity to reflect on the rich history of this institution and to remember the many individuals who played an integral part in its success.

The name ''Ebenezer'' means ''stone of help,'' and for 135 years, Ebenezer African Methodist Episcopal Church has truly exemplified this meaning. Ebenezer was established by a small

congregation from Detroit's Colored Society under the leadership of Rev. Gee C. Booth on November 2, 1871, to serve as a safe harbor for newly freed slaves in Detroit. Rev C.H. Ward served as the first pastor for 25 years. Three pastors from Ebenezer were elected to the office of Bishop of the African Methodist Episcopal Church—Bishop George W. Baber served as pastor from 1933 until he was elected in 1944; Bishop Hubert Robison served as pastor from 1955 until he was elected in 1964; and Bishop Robert Thomas, Jr. served as pastor from 1972 until 1988. More recently, Rev. Robert L. Phillips, who served as pastor from 1991 until 1997, became presiding elder of the north district of the Michigan Annual Conference in 1997.

Throughout its history, Ebenezer served as an institution fully engaged in the fight for civil and human rights. Ebenezer has also worked with the community to make Detroit a better city through outreach ministries, community involvement and financial investments. In 1901, the church provided financial assistance to Henry Ford when he approached Ebenezer for support of endeavors to develop his automobile company. During the Depression, the church established an employment bureau and relief agency for families in need, and during WWII the congregation housed soldiers in the dorms of the former church building. Because of this rich history, in 2003, Ebenezer African Methodist Episcopal Church was designated a historical site by the Detroit Historical Commission.

Today, Ebenezer strives to continue this rich history through a variety of ministries, including programs for young adults and the homeless, as well as substance abuse and prison ministries. Ebenezer African Methodist Episcopal Church continues to stand as a ''stone of help'' under the leadership of Rev. Dr. H. Michael Lemmons. As the sixth oldest Black congregation in Detroit with members from four or more generations, Ebenezer is full of memories of great historical moments and faith that there are many more to come.

I know my Senate colleagues will join me in congratulating Ebenezer African Methodist Episcopal Church and wish its members, volunteers and ministerial staff continued success as they celebrate their 135th anniversary. ●

RECOGNIZING THE THUNDERCHICKENS

● Mr. LEVIN. Mr. President, I would like to congratulate the ThunderChickens on winning the 2006 FIRST Robotics Competition. This is a tremendous accomplishment, and I am delighted to recognize the impressive result of their hard work, dedication, and commitment.

The For Inspiration and Recognition in Science and Technology, FIRST, program provides aspiring engineers with an opportunity to develop and showcase their talents by designing and implementing original robotic designs. Teams work together to build individual robots and compete against high school participants across the country. In total, 1,130 teams competed in the 2006 FIRST National Championship in Atlanta, GA.

I am proud to have this opportunity to honor the ThunderChickens, a metro-Detroit based engineering team made up of 38 high school students. Great skill, creativity, and originality went into their highly competitive robotic design. I would like to individually honor each member of the ThunderChickens and their mentors at the Utica Center for Mathematics, Science, and Technology. The members of the 2006 ThunderChickens include Michael DelBene, Jessica Zavadil, Shannon Willaert, Gregory Petty, Annette Palazzolo, Jacob Miller, Joseph Guzzardo, Sara Craun, Nina Fabian, Kyle Yaxley, Stephanie Hasty, Sala Sadaps, Steven Perry, Joshua Bails, Brian Turoski, Irene Zhu, James Courtois, Tony Kraus, Michael Harrison, Ryan Boyle, Brett Ankawi, Michael Lee, Salvatore Mattera, Joseph Scharnitzke, Anthony Schuller, Michael Ross, Ashley VanMaldeghem, Shayna Kunz, David Orban, Paul Szymanski, Andrew Fonk, Gregory Lau, Aaron Vedolich, Brian Lademan, Mihai Bulic, Heather Hampton, Ed Lionte, and Chad Thornbro. Their teacher mentors include Ron Arscheene, Anita Stafford, Mike Attan, and Janet Kent. Their engineering mentors include Paul Copioli, Ed Debler, Bob Korson, Mike Copioli, Mike Beem, Jim Yaxley, Rick Thornbro, Omar Zrien and Bill Baedke.

This championship is a testament to and the result of many, many hours of hard work and perseverance. While the immediate result of their work is impressive, I look forward to the bright futures that are ahead of these students. They have established a solid foundation on which to develop their interest in the field of engineering. They have also gained invaluable, hands-on experience.

Once again, I would like to congratulate the ThunderChickens on their remarkable 2006 First Robotics Competition National Championship.●

TRIBUTE TO VIRGINIA SCOTT THOMAS

● Mr. MARTINEZ. Mr. President, today, I honor an important Floridian and a proud American. Virginia Scott Thomas was a loving wife and mother, a passionate volunteer, and a trailblazer for women in Republican politics—I am very thankful that she was a constituent of mine. Sadly, she died this past month—but her legacy of hard work and dedication to good lives on.

Virginia Thomas should be commended for the work she put into creating the Bay County Republican Women's Club. As part of her volunteer work for the Republican Party, Virginia Thomas opened her home to numerous GOP candidates—many of them to kick off their campaigns. Her energy and hospitality were well known, and Republicans from Ronald Reagan to Charlie Crist had the pleasure of being welcomed into her home. Candidates always spoke about their ideas and vision in front of her now-famous raised fireplace hearth and her warm hospitality made her many friends.

Before calling Florida home, Virginia Thomas, a Birmingham, AL, native, made history in her State. In 1943, she joined and became part of the first group of women Marines in the State of Alabama. She completed basic training in both South Carolina and Georgia and was then sent to the U.S. Marine Corps base in El Centro, CA, to serve as a supply officer. There in California, she met her future husband, Marine L.E. ''Tommy'' Thomas, and after the war ended, they headed for Birmingham. Eventually, she and her family moved to Florida, where Virginia Thomas became very active in their community.

Virginia Thomas will not be forgotten by the generations of Floridians that came to know her and her lively spirit. And because of her volunteerism and good work throughout more than 40 years in the Bay County area, she will be remembered long into the future. We will miss this good Floridian. Yet we know that her legacy will be carried on by her family and friends. The good works of Virginia Scott Thomas will live on.●

RECOGNIZING LINKS, INC.

● Mr. MENENDEZ. Mr. President, today I recognize the North Jersey Chapter of the Links, Inc.'s Linkages to Life Program, and honor the program participants for their hard work and dedication to raising awareness about the importance of blood, tissue, marrow, and organ donation among minority communities.

Each year, for the past 5 years, Links, Inc., in collaboration with Roche Pharmaceutical Company, conducted the Linkages to Life Program to help save lives by educating individuals of African descent about blood, tissue, marrow, and organ donation. With the help of a publication called Can We Talk? they were able to reach a large number of individuals, and educate them about how they can help save lives by being a volunteer donor. More specifically, the North Jersey Chapter provided important education services to individuals and families in Essex, Hudson, Bergen, and Passaic Counties.

Today, approximately 93,000 people are awaiting transplant surgery, and 25 percent of the people awaiting transplants are of African descent. In New Jersey, there are close to 3,000 individuals awaiting an organ transplant. Since organs are matched by a number of factors, including blood and tissue

typing, which can vary by race, patients are more likely to find matches among donors of their same race or ethnicity. Given the large number of individuals of African descent awaiting transplants, it is critical to increase the knowledge about donating blood, tissue, marrow, and organs among all races and ethnicities.

Since 1996, our country reserves the second weekend in November to emphasize the need for life-saving and life-altering blood, organ, marrow, and tissue donation in houses of worship throughout the United States. This program is known as the National Organ Donor Sabbath, and November 10–12, 2006, marked the 10th anniversary celebration.

Links, Inc., is built on a foundation of friendship and service. Today, it contains a network or more than 10,000 African-American women. This year the motto for Links, Inc., is ''Seizing the Opportunity to Provide World Class Leadership, Friendship and Service.'' The members of the North Jersey Chapter of Links, Inc., exemplify that motto.

Mr. President, I am pleased to recognize the dedication and commitment of the North Jersey Chapter of Link's, Inc., members to help others. I urge my colleagues to join me in thanking these individuals for helping fellow New Jerseyans live longer and healthier lives.●

TRIBUTE TO JOYCE WOODBURN

● Mr. ROBERTS. Mr. President, today I honor Ms. Joyce Woodburn's 35 years of dedicated service at the Central Intelligence Agency. Ms. Woodburn has had a long and distinguished Government career, and on January 2, 2007, she will bring to a close a career as a CIA staff officer that includes over 27 years in the CIA's Office of Congressional Affairs.

Joyce began her extensive career as a secretary and rose to the rank of senior executive within the Agency. During her career, she has worked for 7 Presidents, 13 Directors of Central Intelligence, 2 Directors of the CIA, and the first Director of National Intelligence.

Joyce's excellent work and professionalism is well known to us on the Senate Select Committee on Intelligence, and she has been a linchpin in coordinating and supporting the CIA's relations with Congress over the last 27 years. Her calm and friendly diplomacy has certainly smoothed over many a bump in the CIA's relations with Congress.

She has represented the CIA in Congress through some historic crises, including the ordeal of the American hostages in Iran, the Soviet occupation of Afghanistan, the bombings of the Embassy and Marine compounds in Beirut, the Iran-Contra scandal, the fall of the Soviet Union, Operation Desert Storm, Somalia, the bombings of our embassies in Africa, 9/11 and the hunt for Osama bin Laden, the invasions of Afghanistan and Iraq, as well as the current tensions with Iran and North Korea. Joyce has been a tremendous help over the past 27 years in getting the members and staff of the Senate Select Committee on Intelligence the information and briefings we need to do our work.

Thank you for your service, Joyce, and we wish you a healthy and prosperous retirement.●

TRIBUTE TO JOHN MACHACEK

● Mr. SCHUMER. Mr. President, it is with great honor that I recognize John Machacek for nearly 40 years of service as a reporter for Gannett News Service. He has dedicated his career to breaking down policy and politics in a way that underscores how these important issues affect the daily lives of the people of New York. John began his Gannett career in 1967 as a reporter for the Times Union in Rochester. In 1972 John won a Pulitzer Prize for using his instinctive investigative reporting skills to produce unparalleled coverage of the Attica prison riot. He began covering the entire State of New York, from Rochester to Westchester, in 1983 and has kept readers informed on news and politics by serving as a watchdog for the American people ever since. John has accomplished what reporters all over the Nation set out to do by immersing himself in the art of journalism and becoming one of the greatest reporters in his field. He has spent his career with his finger on the pulse of the Nation's politics, government, and the American people. John's unbridled search for the truth has raised the standards in journalism and reporting among his peers, coworkers and competitors and he will always be remember for his unbiased and colorful accounts of our Nation's most important and transformative landmark events. As John concludes his renowned and distinguished 40 year career, he will be placed among the most influential reporters to have ever worked for Gannett News Service.●

MESSAGES FROM THE HOUSE

At 11:39 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5697. An act to provide for the appropriate designation of certain Federal positions involved in wildland fire suppression activities.

H.R. 6206. An act to revise the calculation of interest on investment of the Harry S. Truman Memorial Scholarship Fund.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 343. Concurrent resolution recognizing the 50th anniversary of the Commission on Independent Colleges and Universities.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 864) to provide for programs and activities with respect to the prevention of underage drinking.

ENROLLED BILLS SIGNED

At 12:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1492. An act to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

H.R. 4510. An act to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the rotunda of the Capitol.

H.R. 4583. An act to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products.

H.R. 4720. An act to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the ''Beverly J. Wilson Post Office Building''.

H.R. 4766. An act to amend the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs; and for other purposes.

H.R. 5108. An act to designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the ''Lance Corporal Robert A. Martinez Post Office Building'' .

H.R. 5857. An act to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the ''Morris K. 'Mo' Udall Post Office Building'' .

H.R. 5923. An act to designate the facility of the United States Postal Service located at 29–50 Union Street in Flushing, New York, as the ''Dr. Leonard Price Stavisky Post Office''.

H.R. 5989. An act to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the 'John J. Sinde Post Office Building'.

H.R. 5990. An act to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the ''Wallace W. Sykes Post Office Building''.

H.R. 6078. An act to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the ''Chuck Fortenberry Post Office Building''.

H.R. 6102. An act to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the ''Captain Christopher Petty Post Office Building''.

H.R. 6151. An act to designate the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the ''Hamilton H. Judson Post Office''.

H.R. 6316. An act to extend through December 31, 2008, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

ENROLLED BILLS SIGNED

At 4:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, announced that the Speaker has signed the following enrolled bills:

S. 1346. An act to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

S. 1820. An act to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the ''Dewey F. Bartlett Post Office''.

S. 1998. An act to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 3938. An act to reauthorize the Export-Import Bank of the United States.

S. 4044. An act to clarify the treatment of certain charitable contributions under title 11, United States Code.

S. 4073. An act to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the ''Robert Silvey Department of Veterans Affairs Outpatient Clinic''.

H.R. 758. An act to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

H.R. 854. An act to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe.

H.R. 1285. An act to extend for 3 years changes to requirements for admission of nonimmigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantages Areas Act of 1999.

H.R. 1472. An act to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the ''Tito Puente Post Office Building''.

H.R. 4057. An act to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code.

H.R. 4246. An act to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Dr. Robert E. Price Post Office Building''.

H.R. 5136. An act to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities.

H.R. 5736. An act to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the ''Vincent J. Whibbs, Sr. Post Office Building''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 5:49 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 4046. An act to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

The message also announced that the House has passed the bill (S. 3421) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), the Minority Leader reappoints the following individual to the United States-China Economic and Security Review Commission for a term expiring December 31, 2008. His current term expires December 31, 2006: Mr. Michael Wessel of Falls Church, Virginia.

Ordered further, that the Minority Leader appoints Mr. Jeffrey L. Fiedler of Great Falls, Virginia, to fill the remainder of the term of Mr. George Becker, who is resigning effective December 31, 2006. The current term on which Mr. Fiedler succeeds Mr. Becker expires December 31, 2007.

The message also announced that pursuant to Public Law 109–236, the Minority Leaders of the House of Representatives and the Senate appoint the following individual to the MINER Act Technical Study Panel: Dr. James L. Weeks of Maryland.

At 9:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5948. An act to reauthorize the Belarus Democracy Act of 2004.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, with amendments, in which it requests the concurrence of the Senate.

At 10:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 102. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

The message also stated that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 503. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Ninth Congress.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 2370. An act to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 3759. An act to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 10:56 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6407. An act to reform the postal laws of the United States.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 502. Concurrent resolution to correct the enrollment of the bill H.R. 5682.

At 11:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6060. An act to authorize certain activities by the Department of State, and for other purposes.

At 1:02 a.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6427. An act to increase the amount in certain funding agreements relating to patents and nonprofit organizations to be used for scientific research, development, and education, and for other purposes.

H.R. 6428. An act to authorize the Secretary of the Army to carry out certain elements of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana.

The message also announced that the House passed the following bills, without amendment:

S. 3821. An act to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

S. 4042. An act to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces.

S. 4050. An act to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the ''Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building''.

S. 4093. An act to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

ENROLLED BILLS SIGNED

At 12:59 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 843. An act to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

H.R. 394. An act to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes.

H.R. 864. An act to provide for programs and activities with respect to the prevention of underage drinking.

H.R. 1674. An act to authorize and strengthen the tsunami detection, forecast, warming, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service, and for other purposes.

H.R. 4416. An act to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

H.R. 5076. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes.

H.R. 5132. An act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812.

H.R. 5466. An act to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

H.R. 5646. An act to study and promote the use of energy efficient computer servers in the United States.

H.R. 6131. An act to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

ENROLLED JOINT RESOLUTION SIGNED

At 1:20 a.m., a message from the House of Representatives, delivered by on of its clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 102. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

The joint resolution was subsequently signed by the President pro tempore (Mr. STEVENS).

ENROLLED BILLS SIGNED

At 3:23 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 4046. An act to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

S. 4050. An act to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the ''Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building''.

The enrolled bills were subsequently signed by the Majority Leader (Mr. FRIST).

At 4:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 5946) to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 6164) to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

The message also announced that the House has passed the bill (S. 707) to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the bill (S. 1608) to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, without amendment:

S. 1096. An act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1378. An act to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

S. 1529. An act to provide for the conveyance of certain Federal land in the city of Yuma, Arizona.

S. 2150. An act to direct the Secretary of the Interior to convey certain Bureau of Land Management Land to the City of Eugene, Oregon.

S. 2205. An act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

S. 2653. An act to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2735. An act to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

S. 3546. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

S. 3678. An act to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

S. 4091. An act to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for other purposes.

S. 4092. An act to clarify certain land use in Jefferson County, Colorado.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1554. An act to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

H.R. 3885. An act to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 5304. An act to amend title 18, United States Code, to provide a penalty for caller ID spoofing, and for other purposes.

H.R. 5472. An act to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

H.R. 6429. An act to treat payments by charitable organizations with respect to certain firefighters as exempt payments.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 123. Concurrent resolution providing for correction to the enrollment of the bill H.R. 5946.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 488. Concurrent resolution congratulating the Detroit Shock for winning the 2006 Women's National Basketball Association Championship, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 4110. A bill to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 8, 2006, she had presented to the President of the United States the following enrolled bill:

S. 1219. An act to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9282. A communication from the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict), transmitting, pursuant to law, the annual report on the Regional Defense Combating Terrorism Fellowship Program for fiscal year 2006; to the Committee on Armed Services.

EC–9283. A communication from the Assistant to the Board, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Regulation E (Electronic Fund Transfers)'' (Docket No. R–1265) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9284. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a strategic plan relative to the Establishment of Visa and Passport Security Program; to the Committee on Foreign Relations.

EC–9285. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and for the export of defense articles or defense services in the amount of $50,000,000 or more to South Korea; to the Committee on Foreign Relations.

EC–9286. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of firearms sold commercially under contract in the amount of $1,000,000 or more to Belgium; to the Committee on Foreign Relations .

EC–9287. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services sold commercially under contract in the amount of $100,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC–9288. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles or defense services in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–9289. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad for the United Kingdom; to the Committee on Foreign Relations.

EC–9290. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services sold commercially in the amount of $50,000,000 or more to Singapore; to the Committee on Foreign Relations.

EC–9291. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–9292. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–9293. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles or defense services in the amount of $100,000,000 or more to France; to the Committee on Foreign Relations.

EC–9294. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of the proposed transfer of major defense equipment to Canada; to the Committee on Foreign Relations.

EC–9295. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad; to the Committee on Foreign Relations.

EC–9296. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of the proposed transfer of major defense equipment valued (in terms of its original acquisition cost) at $14,000,000 or more from Spain to Navantia, Indra, and Sainsel; to the Committee on Foreign Relations.

EC–9297. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of major defense equipment and defense articles in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–9298. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Singapore; to the Committee on Foreign Relations.

EC–9299. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Canada and Australia; to the Committee on Foreign Relations.

EC–9300. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services sold commercially under contract in the amount of $100,000,000 or more to Sweden; to the Committee on Foreign Relations.

EC–9301. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Norway; to the Committee on Foreign Relations.

EC–9302. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad for Japan; to the Committee on Foreign Relations.

EC–9303. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad for the United Kingdom; to the Committee on Foreign Relations.

EC–9304. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Programs of All-Inclusive Care for the Elderly (PACE); Program Revisions'' (RIN0938–AN83) received on December 8, 2006; to the Committee on Finance.

EC–9305. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Hospital Conditions of Participation: Patients' Rights'' (RIN0938–AN30) received on December 8, 2006; to the Committee on Finance.

EC–9306. A communication from the Director, Institute of Museum and Library Services, transmitting, pursuant to law, the Institute's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services:

Special Report entitled ''Report on the Activities of the Committee on Armed Services United States Senate 105th Congress First and Second Sessions'' (Rept. No. 109–367).

By Mr. LUGAR, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1129. A bill to provide authorizations of appropriations for certain development banks, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARTINEZ (for himself, Mr. KYL, Mrs. DOLE, Mr. HAGEL, Mr. ENZI, Mr. ALLARD, and Mr. ALLEN):

S. 1. A bill to award a congressional gold medal to Margaret Thatcher, in recognition of her dedication to the values of free markets and free minds; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE:

S. 2. A bill to make determinations by the United States Trade Representative under

title III of the Trade Act of 1974 reviewable by the Court of International Trade and to ensure that the United States Trade Representative considers petitions to enforce United States trade rights, and for other purposes; to the Committee on Finance.

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

S. 26. A bill to establish the Northern Appalachian Economic Development Commission, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COLEMAN:

S. 28. A bill to amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER:

S. 30. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 4111. A bill to provide for certain water resources projects in the State of Louisiana; to the Committee on Environment and Public Works.

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

S. 4112. A bill to treat payments by charitable organizations with respect to certain firefighters as exempt payments; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. BINGAMAN, Mr. SMITH, Mr. BAUCUS, Mr. FEINGOLD, Mr. JOHNSON, Mr. SALAZAR, Mr. WYDEN, Mrs. BOXER, Mr. GRASSLEY, Mr. REID, Mrs. FEINSTEIN, and Mr. DORGAN):

S. 4113. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine; considered and passed.

By Mr. KOHL:

S. 4114. A bill to amend title XVIII of the Social Security Act to require the use of generic drugs under the Medicare part D prescription drug program when available unless the brand name drug is determined to be medically necessary; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. LEVIN, Ms. COLLINS, and Mr. BIDEN):

S. 4115. A bill to amend the Controlled Substances Act to increase the effectiveness of physician assistance for drug treatment; considered and passed.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 4116. A bill to amend the Federal Deposit Insurance Act, to clarify the scope of provisions relating to applicable rates of interest and other charge limitations; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 4117. A bill to repeal title II of the REAL ID Act of 2005, to reinstitute the section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mrs. BOXER, and Mr. MENENDEZ):

S. 4118. A bill to amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 4119. A bill to clarify the tax treatment of certain payments made to homeowners by the Louisiana Recovery Authority and the Mississippi Development Authority; to the Committee on Finance.

By Ms. SNOWE:

S. 4120. A bill to authorize the Secretary of the Interior to conduct a special resource study to evaluate resources at the Harriet Beecher Stowe House in Brunswick, Maine, to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS:

S. 4121. A bill to provide optional funding rules for employers in applicable multiple employer pension plans; considered and passed.

By Mr. MCCAIN (for himself, Mr. DORGAN, Mr. ENZI, and Ms. MURKOWSKI):

S. 4122. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

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

S. Res. 630. A resolution allowing the senior Senator from Kentucky to reassign the Henry Clay desk when serving as party leader; considered and agreed to.

By Mr. DURBIN (for himself, Mr. BROWNBACK, Mr. KENNEDY, Mr. BIDEN, Mr. REID, Mr. FEINGOLD, Mr. FRIST, Mrs. DOLE, Mr. COLEMAN, Mr. SMITH, Mr. CORNYN, Mr. MENENDEZ, Mr. LEVIN, Mr. HAGEL, Mr. MARTINEZ, Mrs. CLINTON, and Ms. SNOWE):

S. Res. 631. A resolution urging the Government of Sudan and the international community to implement the agreement for a peacekeeping force under the command and control of the United Nations in Darfur; considered and agreed to.

By Mr. BENNETT:

S. Res. 632. A resolution urging the United States and the European Union to work together to strengthen the transatlantic market; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. BIDEN, Mrs. CLINTON, and Mr. NELSON of Florida):

S. Res. 633. A resolution condemning the conference denying that the Holocaust occurred to be held by the Government of Iran and its President, Mahmoud Ahmadinejad; considered and agreed to.

By Mr. STEVENS:

S. Res. 634. A resolution honoring the life and achievements of Tom Carr, Congressional Research Service Analyst, and extending the condolences of the Senate on the occasion of his death; considered and agreed to.

ADDITIONAL COSPONSORS

S. 267

At the request of Mr. CRAIG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 676

At the request of Mr. STEVENS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 676, a bill to provide for Project GRAD programs, and for other purposes.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1120, an act to reduce hunger in the United States, and for other purposes.

S. 1217

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1217, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 1608

At the request of Mr. STEVENS, his name was added as a cosponsor of S. 1608, a bill to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

S. 3582

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3582, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 3980

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3980, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 4067

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 4067, a bill to provide for secondary transmissions of distant network signals for private home viewing by certain satellite carriers.

S. 4097

At the request of Ms. SNOWE, the name of the Senator from Minnesota

(Mr. COLEMAN) was added as a cosponsor of S. 4097, a bill to improve the disaster loan program of the Small Business Administration, and for other purposes.

S. CON. RES. 97

At the request of Mr. SALAZAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 97, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 628

At the request of Mr. STEVENS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Res. 628, a resolution supporting the 200th anniversary of the nation's nautical charting and related scientific programs, which formed the basis for what is today the National Oceanic and Atmospheric Administration.

AMENDMENT NO. 5230

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was withdrawn as a cosponsor of amendment No. 5230 intended to be proposed to H.R. 6111, a bill to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 26. A bill to establish the Northern Appalachian Economic Development Commission, and for other purposes; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, today I am introducing the Northern Appalachian Economic Development Commission Act of 2006 with Senator COLLINS because the people of the Northern Forest region have not shared in the economic prosperity of many parts of the rest of the United States. The bill establishes a Federal-State partnership commission for the purpose of promoting economic development in the communities in the northern forest area of Maine, New Hampshire, New York and Vermont through the development of public policy tools and grants designed to build local capacity.

The legislation calls for a collaborative regional effort to achieve real progress to enhance not only the forest products industry to preserve the traditional industries of the region, but to catalyze new rural economic and small development and job growth, and slow out-migration.

Today, small businesses are fueling the economic growth of the Nation, producing over 50 percent of the gross domestic product and creating three-fourths of all new jobs. Entrepreneurship is a critical element in the establishment of self-sustaining communities that create jobs and contribute broadly to economic and community development. The bill authorizes appropriations of $40 million for economic development grants for fiscal years 2008–2012 that will support existing entrepreneur and small business development programs and projects and support projects for small business innovation research. Funding will also assist the region in obtaining job training, employment-related education and business development and assist in community development. Assistance will be provided to severely distressed and underdeveloped while maintaining the integrity of the region's resources.

Many residents of the Northeast region live below the poverty level, in areas of significantly higher than average unemployment rates, with limited access to capital, and with low per capita personal income. Maine's economy has long been based on the bounty of its natural resources—fishing, farming, forestry, and tourism. The very nature of these industries has meant that a significant portion of employment opportunities are seasonal and overall earnings lag behind national averages. Currently, Maine leads the country with the fastest growing poverty rate, tied with Arkansas and Mississippi. As a matter of fact, in 2005, according to the Federal Reserve Bank of Boston, Maine was the only State other than Louisiana that experienced a decline in economic activity. The entire northern forest region shares many of these common challenges, and as a result, local and State economic development leaders have been receptive to considering other means to create jobs.

Currently, there are several independent entities focused on regional economic development, such as the Appalachian Regional Commission, the Denali Commission, the Delta Regional Authority, and the Northern Great Plains Regional Authority. However, there is currently no single regional economic development entity focused on the needs of the far Northeast region. Our Northern Appalachian Economic Development Commission is expected to complement existing efforts, and I plan to pursue these efforts in the 2007 Farm bill.

The Appalachian Regional Commission—ARC—developed in 1965 has proven to be a success and has help transform a region once solely dependent on mining, agriculture and heavy industry to one more reliant on the service and retail industries. Since its creation, the ARC has reduced the number of distressed counties from 219 to 100. It has cut the poverty rate from 31 percent to 15 percent and has helped 1,400 businesses create 26,000 new jobs since 1977. This is the type of assistance that could also be very effective in Northern Appalachian area.

I look forward to fostering the rich potential of the northern forest States of Maine, New Hampshire, Vermont and New York, with its abundance of natural resources and entrepreneurship, and hard working people through the Northern Appalachian Economic Development Commission to obtain vigorous self-sustaining growth throughout the region.

By Mr. COLEMAN:

S. 28. A bill to amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today—the Northern Border Travel Facilitation Act—be printed in the RECORD.

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

S. 28

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 ''Northern Border Travel Facilitation Act''.

SEC. 2. STATE DRIVER'S LICENSE AND IDENTIFICATION ENROLLMENT PROGRAM.

Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by adding at the end the following new subsection:

''(e) STATE DRIVER'S LICENSE AND IDENTIFICATION CARD ENROLLMENT PROGRAM.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security shall establish a State Driver's License and Identity Card Enrollment Program as described in this subsection (hereinafter in this subsection referred to as the 'Program') and enter into a memorandum of understanding with an appropriate official of each State that elects to participate in the Program.

''(2) PURPOSE.—The purpose of the Program is to permit a citizen of the United States who produces a driver's license or identity card that meets the requirements of paragraph (3) or a citizen of Canada who produces a document described in paragraph (4) to enter the United States from Canada without providing any other documentation or evidence of citizenship.

''(3) ADMISSION OF CITIZENS OF THE UNITED STATES.—A driver's license or identity card meets the requirements of this subparagraph if—

''(A) the license or card—

''(i) was issued by a State that is participating in the Program;

''(ii) meets the requirements of section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note); and

''(iii) includes the United States citizenship status of the individual to whom the license or card was issued; and

''(B) the State that issued the license or card—

''(i) has a mechanism that is approved by the Secretary of State to verify the United States citizenship status of an applicant for such a license or card;

''(ii) does not require an individual to include the individual's citizenship status on such a license or card; and

''(iii) manages all information regarding an applicant's United States citizenship status in the same manner as such information collected through the United States passport application process and prohibits any other use or distribution of such information.

''(4) ADMISSION OF CITIZENS OF CANADA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary of Homeland Security determine that an identity document issued by the Government of Canada or by the Government of a Province or Territory of Canada meets security and information requirements comparable to the requirements for a driver's license or identity card described in paragraph (3), the Secretary of Homeland Security shall permit a citizen of Canada to enter the United States from Canada using such a document without providing any other documentation or evidence of Canadian citizenship.

''(B) TECHNOLOGY STANDARDS.—The Secretary of Homeland Security shall work, to the maximum extent possible, to ensure that an identification document issued by Canada that permits entry into the United States under subparagraph (A) utilizes technology similar to the technology utilized by identification documents issued by the United States or any State.

''(5) ADMISSION OF CHILDREN.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall permit an individual to enter the United States without providing any evidence of citizenship if—

''(A) the individual—

''(i) is less than 16 years old;

''(ii) is accompanied by the individual's legal guardian; and

''(iii) is entering the United States from Canada or another country if the Secretary permits an individual to enter the United States from that country under the Program pursuant to paragraph (6)(A); and

''(B) such legal guardian provides a driver's license or identity card described in paragraph (3), a document described in paragraph (4), or other evidence of citizenship if the Secretary permits an individual to enter the United States using such evidence under the Program pursuant to paragraph (6)(B).

''(6) AUTHORITY TO EXPAND.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security may expand the Program to permit an individual to enter the United States—

''(A) from a country other than Canada; or

''(B) using evidence of citizenship other than a driver's license or identity card described in paragraph (3) or a document described in paragraph (4).

''(7) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this subsection shall have the effect of creating a national identity card or a certification of citizenship for any purpose other than admission into the United States as described in this subsection.

''(8) STATE DEFINED.—In this subsection, the term 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

''(9) SCHEDULE FOR IMPLEMENTATION.—

''(A) IN GENERAL.—The Secretary of Homeland Security and the Secretary of State shall implement the Program not later than December 31, 2009.

''(B) ADMISSION PRIOR TO IMPLEMENTATION.—During the time period beginning on the date of the enactment of the Northern Border Travel Facilitation Act and ending on the date that the Program is implemented, the Secretary of Homeland Security shall permit an individual who is a citizen of the United States or Canada to enter the United States from Canada if that individual can demonstrate United States or Canadian citizenship to the satisfaction of the Secretary. Birth certificates issued by a State, or by the Government of Canada or by the Government of a Province or Territory of Canada, or a citizenship certificate or card issued by the Government of Canada shall be deemed to be a satisfactory demonstration of citizenship under this subparagraph.''.

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

S. 4112. A bill to treat payments by charitable organizations with respect to certain firefighters as exempt payments; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will give tangible relief to the families of the five federal firefighters killed in the devastating Esperanza fire in southern California this October.

The Esperanza fire tragically claimed lives, homes and other buildings, while burning more than 40,000 acres. No one has felt the pain of this heartbreaking disaster more than the families of Mark ''Lotzie'' Loutzenhiser, Jess McLean, Jason McKay, Daniel Hoover-Najera, and Pablo Cerda.

These five men served honorably while exhibiting the utmost bravery in the name of helping others. They gave the ultimate sacrifice, and so have their families, who must now go on without a father or a son, a brother or a husband.

Now, in an outpouring of generosity and compassion, a United Way chapter in Riverside County, together with the surrounding community has raised more than $1 million to help the families of our fallen heroes as they move forward from this tragedy.

This serves as a testament to what these men meant to the community, the State of California and the Nation.

Unfortunately, in what seems to be a cruel twist, IRS rules do not allow this generosity to be passed on to the families of these brave firefighters.

Tax-exempt charitable organizations are prohibited from raising money for small, targeted, groups, such as the families of the fallen firefighters. In fact, if this memorial fund is passed on to the families, it could endanger the tax-exempt status of the Central County United Way and other charitable organizations trying to help these families in their hour of need.

In the wake of this disaster, our Government should be providing assistance to these families, not increasing their burden.

This much-needed legislation provides exemptions to allow this moving gesture to be realized. The United Way will preserve their tax exempt status, those who made these donations will receive the tax deductions they expected, and most importantly the families of the five fallen firefighters can receive individual donations, penalty free.

This legislation encourages the kind of generosity and kindness that we should all commend, not discourage.

We came together to pass similar legislation in the wake of the 9/11 tragedy and we should do so again today.

While this simple measure only makes a minor tax code clarification, the impact of this legislation will be profound for the families of these fallen heroes.

Let us not forget the heroism of these men and the sacrifice of their families. The time to act is now, so that these funds raised will not be withheld during the upcoming holiday season, when this relief is most needed.

I urge my colleagues to join me in doing what is right to help the families of those who have made the ultimate sacrifice to protect their communities.

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

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

S. 4112

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 ''Fallen Firefighters Assistance Tax Clarification Act of 2006''.

SEC. 2. PAYMENTS BY CHARITABLE ORGANIZATIONS WITH RESPECT TO CERTAIN FIREFIGHTERS TREATED AS EXEMPT PAYMENTS AND EXCLUDED FROM GROSS INCOME OF THE RECIPIENTS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986—

(1) payments made by an organization described in section 501(c)(3) of such Code by reason of the death, injury, wounding, or illness of any firefighter incurred as the result of the October 2006 Esperanza Incident fire in southern California, and before June 1, 2007, shall be treated as related to the purpose or function constituting the basis for such organization's exemption under section 501 of such Code if such payments are made in good faith using a reasonable and objective formula which is consistently applied;

(2) in the case of a private foundation (as defined in section 509 of such Code), any payment described in paragraph (1) shall not be treated as made to a disqualified person for purposes of section 4941 of such Code; and

(3) the receipt of any payment described in paragraphs (1) or (2), or any payment from any Federal, State, or local government, or agency or instrumentality thereof, by reason of the death, injury, wounding, or illness of any firefighter incurred as the result of the October 2006 Esperanza Incident fire in southern California, shall not be treated as gross income under such Code.

(b) EFFECTIVE DATE.—This section shall apply to payments made on or after October 26, 2006.

By Mr. MCCAIN (for himself, Mr. BINGAMAN, Mr. SMITH, Mr. BAUCUS, Mr. FEINGOLD, Mr. JOHNSON, Mr. SALAZAR, Mr. WYDEN, Mrs. BOXER, Mr. GRASSLEY, Mr. REID, Mrs. FEINSTEIN, and Mr. DORGAN):

S. 4113. A bill to amend the Omnibus Crime Control and Safe Streets Act of

1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine; considered and passed.

Mr. MCCAIN. Mr. President, I am joined today by Senators BINGAMAN, GRASSLEY, SMITH, BAUCUS, FEINGOLD, JOHNSON, SALAZAR, WYDEN, BOXER, REID, FEINSTEIN, and CANTWELL in introducing and passing a bill to amend the Omnibus Control and Safe Streets Act of 1968 to clarify that Indian tribes and U.S. territories are eligible to receive grants for confronting the use of methamphetamine.

The amendments that this bill makes to section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 would make U.S. territories and Indian tribes eligible to receive grants from the Department of Justice to address the scourge of methamphetamine use, sale, and manufacture. The terrible business of methamphetamine use, distribution, and manufacture has impacted communities all over the country, in urban and nonurban areas alike, and our territories and Indian reservations have not been spared. This bill will make much needed resources available to territorial and tribal governments to help bring the methamphetamine epidemic under control. However, I understand there are some questions about the intent of this bill in respect to a provision in this bill.

Mr. BINGAMAN. Mr. President, I rise for the purpose of engaging Senator MCCAIN in a colloquy over a certain provision, to be sure that its purpose is clear. In section 1(a)(4) of the bill, there is a provision which states, ''Nothing in this subsection, or in the award or denial of any grant pursuant to this subsection—(A) allows grants authorized under paragraph 3(A) to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or (B) has any effect other than to authorize, award, or deny a grant of funds to a state, territory, or Indian tribe for the purposes described in this subsection.''

It is my understanding that the intent behind the amendment made by section 1(a)(4) of the bill is simply to make it clear that by authorizing the Department of Justice's Bureau of Justice Assistance to award grant funds to a State, territory, or Indian tribe to ''investigate, arrest and prosecute individuals'' involved in illegal methamphetamine activities, section 2996(a) does not somehow authorize a State, territory, or Indian tribe to pursue law enforcement activities that it otherwise has no jurisdiction to pursue. And similarly, this provision also clarifies that an award or denial of a grant by the Bureau of Justice Assistance does not somehow allow a State, territory, or Indian tribe to pursue law enforcement activities that it otherwise lacks jurisdiction to pursue. For example, a law enforcement agency in one State, territory, or Indian reservation is not somehow enabled by this section, or by an award made pursuant to this section, to prosecute a methamphetamine crime arising in some other jurisdiction unless that agency already has the jurisdiction to do that.

I would like to ask Senator MCCAIN if my understanding of this provision is correct.

Mr. MCCAIN. The Senator from New Mexico is correct in his understanding of this provision.

Mr. BINGAMAN. It is also my understanding that the language, ''Nothing in this subsection, or in the award or denial of any grant pursuant to this subsection. . . (B) has any effect other than to authorize, award, or deny a grant of funds to a state, territory, or Indian tribe for the purposes described in this subsection'' is intended to make it clear that the provisions of section 2996(a) and grant awards or denials pursuant to section 2996(a) have no effect beyond simply authorizing, awarding, or denying a grant of funds to a State, territory, or Indian tribe for the purposes described in section 2996(a). So, for example, if a State, territory, or Indian tribe is awarded or denied a grant of funds under this section, that award or denial has no relevance to or effect on the eligibility of the State, territory, or Indian tribe to participate in any other program or activity unrelated to the award or denial of grants under section 2996(a). The award or denial of a grant under this subsection, in other words, is relevant only to the award or denial of the grant under this subsection and nothing else.

I would like to ask Senator MCCAIN whether my understanding of this provision of the bill is correct in this particular regard as well.

Mr. MCCAIN. The Senator from New Mexico is correct in his understanding of this provision as well.

Mr. President, I urge my colleagues to support this critically needed legislation.

Mr. MCCAIN. Mr. President, I am joined today by Senators BINGAMAN, GRASSLEY, SMITH, BAUCUS, FEINGOLD, JOHNSON, SALAZAR, WYDEN, BOXER, REID, FEINSTEIN, and CANTWELL in introducing this bill to amend the Omnibus Control and Safe Streets Act of 1968 to clarify that Indian tribes and U.S. territories are eligible to receive grants for confronting the use of methamphetamine.

The amendments that this bill makes to section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 would make U.S. territories and Indian tribes eligible to receive grants from the Department of Justice to address the scourge of methamphetamine use, sale, and manufacture. The terrible business of methamphetamine use, distribution, and manufacture has impacted communities all over the country, in urban and nonurban areas alike, and our territories and Indian reservations have not been spared. This bill will make much-needed resources available to territorial and tribal governments to help bring the methamphetamine epidemic under control.

Mr. President, the impacts of methamphetamine use on communities across the Nation are well known and cannot be underestimated. We have worked hard with Senator BINGAMAN and his staff to craft legislation that makes these critical resources for fighting methamphetamine use, distribution, and manufacture available to sectors on which this drug is having a devastating impact. I would also like to thank Senator SESSIONS for the long hours he and his staff have devoted to working with my staff and other offices interested in this bill to make this a good bill that this body can and should support.

I urge my colleagues to support passage of this critically needed legislation.

By Mr. HATCH (for himself, Mr. LEVIN, Ms. COLLINS, and Mr. BIDEN):

S. 4115. A bill to amend the Controlled Substances Act to increase the effectiveness of physician assistance for drug treatment; considered and passed.

Ms. SNOWE. Mr. President, among the most consequential tasks Congress will undertake in the coming months is a potentially epoch-defining review of U.S. trade policy occasioned by the looming expiry of numerous trade preference programs, ''fast-track'' Trade Promotion Authority and the Doha Round of World Trade Organization negotiations. The fate of recent trade legislation, mirroring growing acrimony in the public debate over trade policy, portends that Congress will not simply be considering whether to reauthorize certain programs and processes affecting international trade—it will be setting forth a doctrine declaring America's position and powers in an irreversibly interdependent global economy.

The complexity of the market forces that can bring both hope and hardship under the modern trade regime mean that few other issues cut across traditionally drawn party, geographic and ideological lines so dramatically. Where the usual political dichotomies don't apply, new ones have been framed to polarize the issue: free-trade versus fair-trade, globalization versus protectionism, growth versus sustainability.

Yet above this fray of competing economic theories and realities, a solid consensus has grown around the principle that whatever our trade laws may be, they should be consistently and vigorously enforced.

The distressing reality is that U.S. industry and labor groups are often rebuffed in attempts to petition the United States Trade Representative to initiate a formal investigation or bring a dispute resolution action under the relevant multilateral or bilateral trade agreement, as there is considerable institutional momentum among senior officials at USTR and elsewhere in the administration against bringing formal enforcement action against certain trade partners, and China in particular.

USTR's handling of the trade effects of China's currency manipulation practices is representative of the problem. In September 2004, a U.S. industry coalition filed a petition under section 301 of the Trade Act of 1974—the statute setting forth general procedures for the enforcement of U.S. trade rights—alleging that Chinese currency manipulation practices constituted a violation of China's obligations to the United States under World Trade Organization rules, and calling for USTR to conduct an investigation of such practices. USTR rejected the petition on the day it was filed, contending that ''an investigation would not be effective in addressing the acts, policies, and practices covered in the petition. The administration is currently involved in efforts to address with the Government of China the currency valuation issues raised in the petition. The USTR believes that initiation of an investigation under—the section 301 process—would hamper, rather than advance, administration efforts to address Chinese currency valuation policies.'' Shortly thereafter, in November of 2004, a congressional coalition of 12 Senators and 23 Representatives filed a similar section 301 petition, which was rejected by USTR on the same grounds.

As noted in USTR's rejection of these petitions, current law allows the Executive to decline to initiate an industry-requested investigation where it determines that action under section 301 would be ineffective in addressing the offending act, policy or practice. The merits of USTR's determination are unreviewable under current law. USTR used this loophole to avoid having to even investigate industry's claim, let alone take formal action against China. And as we now know, the administration's ''soft'' approach to Chinese currency manipulation has itself proven ineffective in addressing the problem in the 2 years since these filings.

It is to prevent further disregard for U.S. businesses and workers seeking a fair and consequential hearing of their concerns with foreign trade practices that I today introduce the Trade Complaint and Litigation Accountability Improvement Measures Act, or the ''Trade CLAIM Act''.

The Trade CLAIM Act would amend the section 301 process to require the U.S. Trade Representative to act upon an interested party's petition to take formal action in cases where a U.S. trade right has been violated, except in instances where: the matter has already been addressed by the relevant trade dispute settlement body; the foreign country is taking imminent steps to end to ameliorate the effects of the practice; taking action would do more harm than good to the U.S. economy; or taking action would cause serious harm to the national security of the United States.

The bill would also grant the Court of International Trade jurisdiction to review de novo USTR's denials of section 301 industry petitions to investigate and take enforcement action against unfair foreign trade laws or practices. Such jurisdiction would include the ability to review USTR determinations that U.S. trade rights have not been violated as alleged in industry petitions, and the sufficiency of formal actions taken by USTR in response to foreign trade laws or practices determined to violate U.S. trade rights.

The Trade CLAIM Act would give U.S. businesses and workers a greater say in whether, when and how U.S. trade rights should be enforced. The bill would be particularly beneficial to small businesses, which—like other petitioners in section 301 cases—currently have no avenue to formally challenge the merits of USTR's decisions, and are often drowned out by large business interests in industry-wide section 301 actions initiated by USTR.

By providing for judicial review of USTR decisions not to enforce U.S. trade rights, the bill provides for impartial third party oversight by a specialty court not subject to political and diplomatic pressures. In delinking discreet trade disputes from the mercurial machinations of international relations, this act would end the sacrifice of individual industries on the negotiating table, and leave it to the free market—uniformly operating under the trade rules to which our trading partners have already agreed—to decide their fate.

America's prosperity is due in no small part to its excellence in assuring the rule of law. It is fundamental to the success of worthy enterprises in a functioning market that the government—rather than choosing winners and losers—consistently and dispassionately enforce the rules that bind all actors. It is the extension of this foundational principle of the American economic tradition to the international trade regime that the Trade CLAIM Act seeks to accomplish—and which America's businesses and workers have long been promised.

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

S. 4117. A bill to repeal title II of the REAL ID Act of 2005, to reinstitute the section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security; to the Committee on the Judiciary.

Mr. AKAKA. Mr. President, I rise today to discuss the REAL ID Act of 2005.

The REAL ID Act became law over a year and a half ago, but opposition remains strong and vocal. I hold in my hand a list of hundreds of organizations—ranging from the National Governor's Association—NGA—to the American Civil Liberties Union—ACLU—to the National Rifle Association—that believe the REAL ID Act was a grave mistake. None of these groups were heard by Congress before the bill was passed in May 2005. There were no hearings to understand the repercussions of such sweeping legislation; and no debate on the floor of the Senate.

Rather, the REAL ID Act was attached to a must-pass piece of legislation, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act—Public Law 109–13, in conference and therefore received virtually no scrutiny before passage. Every Member of Congress who supported providing much needed funding to our troops and relief to the Indonesia tsunami victims was forced to vote in favor of the REAL ID Act, an unrelated bill.

That is why I come to the floor today to spark a real debate on REAL ID. I say to my colleagues there are serious problems with REAL ID and it's time Congress took a closer look.

My two primary concerns with REAL ID are that the law: places an unrealistic and unfunded burden on state governments; and erodes Americans' civil liberties and privacy rights.

There is nothing realistic about REAL ID. This law mandates that State-issued IDs, such as driver's licenses, comply with certain security standards and procedures, as determined by the Department of Homeland Security—DHS—in order to be accepted by the Federal Government for such purposes as boarding an airplane or entering a Federal building. These procedures include electronically verifying the authenticity of each identifying document, such as birth certificates, passports, and social security cards, presented to a local Department of Motor Vehicles—DMV—office. Such a requirement likely will involve developing an extremely costly and complex set of electronic systems that connect the thousands of DMVs to one another and to a host of Federal agencies. This would cost $1.42 billion according to a September 2006 report issued by the NGA, the National Conference of State Legislatures—NCSL—and the American Association of Motor Vehicle Administrators—AAMVA.

In addition, every current driver's license holder must be reenrolled under the new screening process which will more than double the workload at local DMVs across the country and far exceed their current capacity. REAL ID will put an end, at least temporarily, to online and mail license renewals and will cause huge lines and back-up at the DMV. Although security should never be sacrificed for convenience, it is important that states have the time and flexibility to implement the additional security standards in an effective manner. Moreover, reenrollment

will be the mostly costly piece of REAL ID, estimated at approximately $8 billion over 5 years by NGA, NCSL, and AAMVA.

There are a number of other requirements imposed on states by REAL ID, such as new design requirements for the ID cards and on-site security. In total, REAL ID will cost over $11 billion according to the NGA study. Congress has appropriated only $40 million for REAL ID implementation to date, and no funds were included for fiscal year 2007. That leaves a hefty pricetag for the States, especially for legislation that was passed with no review.

In addition to the cost imposed on States, REAL ID imposes an unrealistic timeframe. Under the law, states must have REAL ID compliant systems in place by May 2008. Yet implementing regulations have not been issued. DHS is expected to issue the regulations early next year. However, as of today, the Office of Management and Budget, OMB, has not received the draft regulations, and OMB is allowed 90 days by Executive order for review of all proposed regulations. That would give states a little over a year to develop electronic verification systems, redesign driver's license cards, establish protocols on how to handle and secure personal information, increase DMV personnel, and find a way to fund it all. It has taken DHS over a year and a half just to issue the regulations. Expecting the States to execute the new system in even less time is unrealistic.

In addition to the unrealistic burden REAL ID places on States, REAL ID is a serious threat to our privacy rights and civil liberties.

The REAL ID Act will require each State's driver's licensing agency to collect and store substantial numbers of records containing licensees' most sensitive personally identifiable information, including one's social security number, proof of residence, and biometric identifiers such as a digital photograph and signature. If the new State databases are compromised, they will provide one-stop access to virtually all information necessary to commit identity theft. Moreover, the sharing of the aggregated personally identifiable information of licensees between and amongst various government agencies and employees at the Federal, State, and local level, as contemplated by the REAL ID Act, potentially allows millions of individuals access to that information without protections or safeguards. The potential for the private sector to scan and share the information contained on a REAL ID compliant license exponentially increases the risk of identity theft as well. Despite these obvious threats to Americans' privacy, the REAL ID Act fails to mandate privacy protections for individuals' information nor does it provide States with the means to implement data security and antihacking protections that will be required to safeguard the new databases mandated by the act.

REAL ID exacerbates the threat of identity theft which threatens our security. As the Honolulu Star Bulletin noted in a October 1, 2006, editorial, the REAL ID Act gives us ''a false sense of security.''

I come to the floor today to inject some reality into REAL ID. Unfunded mandates, privacy, and security are real problems that deserve real consideration and real solutions. It is my hope that when DHS issues the REAL ID regulations, the following issues are addressed: (1) limiting access to the REAL ID networks; (2) securing data that is electronically stored on driver's licenses and ID cards; (3) allowing flexibility in the technological solutions employed by the States; (4) defining the role Federal agencies will play in developing and connecting with the electronic verification systems; (5) ensuring that individuals' privacy rights provided by the Federal Government and State governments are protected; (6) providing a means to correct inaccurate information held in the REAL ID networks; and (7) ensuring that the information contained in the license cannot be scanned or shared by private entities.

I hope that the regulations will be well thought out and reflect the stakeholder input provided to DHS over the past year and a half which included the issues I just raised.

However, given what I have heard from participants about the rule-making process thus far, I am concerned that the regulations are being developed by too few people without enough stakeholder engagement.

When DHS began this process, the State Working Group was developed to gather input from stakeholders. However, the engagement process was not as robust as it could have been. Participants in the working group never received feedback from DHS on their proposals and DHS never reconvened the group to evaluate a draft of the regulations.

I also am concerned that given the shortsightedness of the law DHS was given by Congress, it may be the case that a complete replacement of the REAL ID Act is necessary. I am looking to DHS to issue workable regulations. However, if our personal privacy is not protected and the burden placed on states is too great, a legislative change to REAL ID may prove necessary.

Congress established a negotiated rulemaking process to improve the security of drivers licenses and ID cards in the Intelligence Reform and Terrorism Prevention Act of 2004. According to participants, that process was making headway when the REAL ID Act passed repealing the negotiated rulemaking language and imposing much stricter guidelines.

Today Senator SUNUNU and I introduce the Identification Security Enhancement Act, which will repeal the REAL ID Act and reinstitute the shared rulemaking and more reasonable guidelines established in the Intelligence Reform Act. It is my intention to review the forthcoming DHS regulations before pursuing any action on our bill. I am hopeful that new legislation will not be necessary, and I look forward to working with DHS to produce workable guidelines. However, I believe that introducing the Identification Security Enhancement Act now is important because it will send a message that the intent of the entirety of Congress is not reflected in the REAL ID Act.

Congress has a responsibility to ensure that driver's licenses and ID cards issued in the United States are secure—both from would-be terrorists and identity thieves—affordable, and practical. I ask my colleagues to join us in injecting reality into the REAL ID Act.

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

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

S. 4117

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 ''Identification Security Enhancement Act of 2006''.

SEC. 2. REPEAL.

Title II of the REAL ID Act of 2005 (Division B of Public Law 109–13; 49 U.S.C. 30301 note) is repealed.

SEC. 3. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CARDS.

(a) DEFINITIONS.—In this section:

(1) DRIVER'S LICENSE.—The term ''driver's license'' means a motor vehicle operator's license (as defined in section 30301(5) of title 49, United States Code).

(2) PERSONAL IDENTIFICATION CARD.—The term ''personal identification card'' means an identification document (as defined in section 1028(d)(3) of title 18, United States Code) issued by a State.

(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

(1) IN GENERAL.—

(A) LIMITATION ON ACCEPTANCE.—No Federal agency may accept, for any official purpose, a driver's license or personal identification card newly issued by a State more than 2 years after the promulgation of the minimum standards under paragraph (2) unless the driver's license or personal identification card conforms to such minimum standards.

(B) DATE FOR FULL CONFORMANCE.—

(i) IN GENERAL.—Except as provided under clause (ii), beginning on the date that is 5 years after the promulgation of minimum standards under paragraph (2), no Federal agency may accept, for any official purpose, a driver's license or personal identification card issued by a State unless such driver's license or personal identification card conforms to such minimum standards.

(ii) ALTERNATIVE DATE FOR FULL CONFORMANCE.—If the Secretary of Homeland Security determines that it is impracticable for States to replace all State-issued driver's licenses and personal identification cards before the deadline set forth in clause (i), the Secretary of Homeland Security, in consultation with the Secretary of Transportation, may set a later, alternative deadline to the extent necessary for States to complete such replacement with reasonable efforts.

(C) STATE CERTIFICATION.—

(i) IN GENERAL.—Each State shall certify to the Secretary of Homeland Security that the State is in compliance with the requirements of this section.

(ii) FREQUENCY.—Certifications under clause (i) shall be made at such intervals and in such a manner as the Secretary of Homeland Security, with the concurrence of the Secretary of Transportation, may prescribe by regulation.

(iii) AUDITS.—The Secretary of Homeland Security may conduct periodic audits of each State's compliance with the requirements of this section.

(2) MINIMUM STANDARDS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall by regulation, establish by minimum standards for driver's licenses or personal identification cards issued by a State for use by Federal agencies for identification purposes that shall include—

(A) standards for documentation required as proof of identity of an applicant for a driver's license or personal identification card;

(B) standards for the verifiability of documents used to obtain a driver's license or personal identification card;

(C) standards for the processing of applications for driver's licenses and personal identification cards to prevent fraud;

(D) standards for information to be included on each driver's license or personal identification card, including—

(i) the person's full legal name;

(ii) the person's date of birth;

(iii) the person's gender;

(iv) the person's driver's license or personal identification card number;

(v) a photograph of the person;

(vi) the person's address of principal residence; and

(vii) the person's signature;

(E) standards for common machine-readable identity information to be included on each driver's license or personal identification card, including defined minimum data elements;

(F) security standards to ensure that driver's licenses and personal identification cards are—

(i) resistant to tampering, alteration, or counterfeiting; and

(ii) capable of accommodating and ensuring the security of a photograph or other unique identifier; and

(G) a requirement that a State confiscate a driver's license or personal identification card if any component or security feature of the license or identification card is compromised.

(c) NEGOTIATED RULEMAKING.—

(1) IN GENERAL.—Before publishing the proposed regulations required by subsection (b)(2) to carry out this title, the Secretary of Homeland Security shall establish a negotiated rulemaking process pursuant to subchapter IV of chapter 5 of title 5, United States Code (5 U.S.C. 561 et seq.).

(2) TIME REQUIREMENT.—The process described in paragraph (1) shall be conducted in a timely manner to ensure that—

(A) any recommendation for a proposed rule or report—

(i) is provided to the Secretary of Homeland Security not later than 9 months after the date of enactment of this Act; and

(ii) includes an assessment of the benefits and costs of the recommendation; and

(B) a final rule is promulgated not later than 12 months after the date of enactment of this Act.

(3) REPRESENTATION ON NEGOTIATED RULEMAKING COMMITTEE.—Any negotiated rulemaking committee established by the Secretary of Homeland Security pursuant to paragraph (1) shall include equal numbers of representatives from—

(A) among State offices that issue driver's licenses or personal identification cards;

(B) among State elected officials;

(C) the Department of Transportation; and

(D) among interested parties, including experts in privacy protection, experts in civil liberties and protection of constitutional rights, and experts in immigration law.

(4) CONTENT OF REGULATIONS.—The regulations required by subsection (b)(2)—

(A) shall facilitate communication between the chief driver licensing official of a State, an appropriate official of a Federal agency and other relevant officials, to verify the authenticity of documents, as appropriate, issued by such Federal agency or entity and presented to prove the identity of an individual;

(B) may not infringe on a State's power to set criteria concerning what categories of individuals are eligible to obtain a driver's license or personal identification card from that State;

(C) may not require a State to comply with any such regulation that conflicts with or otherwise interferes with the full enforcement of State criteria concerning the categories of individuals that are eligible to obtain a driver's license or personal identification card from that State;

(D) may not require a single design to which driver's licenses or personal identification cards issued by all States must conform; and

(E) shall include procedures and requirements to protect the privacy rights of individuals who apply for and hold driver's licenses and personal identification cards.

(F) shall include procedures and requirements to protect the federal and state constitutional rights and civil liberties of individuals who apply for and hold driver's licenses and personal identification cards;

(G) shall not permit the transmission of any personally identifiable information except for in encrypted format;

(H) shall provide individuals with procedural and substantive due process, including promulgating rules and rights of appeal, to challenge errors in data records contained within the databases created to implement this Act;

(I) shall not permit private entities to scan the information contained on the face of a license, or in the machine readable component of the license, and resell, share or trade that information with any other third parties, nor shall private entities be permitted to store the information collected for any other than fraud prevention purposes;

(J) shall not preempt state privacy laws that are more protective of personal privacy than the standards, or regulations promulgated to implement this Act; and

(K) shall neither permit nor require verification of birth certificates until a nation wide system is designed to facilitate such verification.

(d) GRANTS TO STATES.—

(1) ASSISTANCE IN MEETING FEDERAL STANDARDS.—Beginning on the date a final regulation is promulgated under subsection (b)(2), the Secretary of Homeland Security shall award grants to States to assist them in conforming to the minimum standards for driver's licenses and personal identification cards set forth in the regulation.

(2) ALLOCATION OF GRANTS.—The Secretary of Homeland Security shall award grants to States under this subsection based on the proportion that the estimated average annual number of driver's licenses and personal identification cards issued by a State applying for a grant bears to the average annual number of such documents issued by all States.

(3) MINIMUM ALLOCATION.—Notwithstanding paragraph (2), each State shall receive not less than 0.5 percent of the grant funds made available under this subsection.

(4) SEPARATE FUNDING.—Funds appropriated for grants under this section may not be commingled with other grant funds administered by the Department of Homeland Security and may not be used for any purpose other than the purpose set forth in paragraph (1).

(e) EXTENSION OF EFFECTIVE DATE.—The Secretary of Homeland Security may extend the date specified under subsection (b)(1)(A) for up to 2 years for driver's licenses issued by a State if the Secretary determines that the State made reasonable efforts to comply with the date under such subsection but was unable to do so.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security $300,000,000 for each of the fiscal years 2007 through 2013 to carry out this Act.

By Mr. LAUTENBERG (for himself, Mrs. BOXER, and Mr. MENENDEZ):

S. 4118. A bill to amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation that would preserve the public's right to know exactly what types and amounts of chemicals are being stored and released into their neighborhoods and communities.

The legislation would stop the Environmental Protection Agency's dangerous attempts to undermine the Toxic Release Inventory—TRI—program—which I authored in 1986—by allowing facilities that release up to 5,000 pounds of a toxic chemical to simply provide notice of a chemical's presence at the facility, rather than disclose the actual amounts released to the land, air, and water. The 5,000 pounds standard represents a ten-fold increase of the current reporting threshold; this change would eliminate detailed reporting for thousands of facilities in communities around the country, including 92 facilities in New Jersey, and could eliminate entirely the disclosure of the releases of more than a dozen potentially dangerous chemicals. The EPA also has proposed to require reports on chemical emissions only every other year, instead of the current annual requirement. Under this wildly irresponsible proposed rule change, corporations would only be required to disclose their chemical emissions every other year. This means that communities would have no knowledge of what chemicals have been released in the 50 percent of years where emissions are not disclosed; additionally, companies would have a perverse incentive to

concentrate their most egregious releases of toxic chemicals into the environment in years which are not reported. Furthermore, the EPA has published a proposal to reduce the information available to the public regarding the management of some of the most toxic chemicals that accumulate in the environment, including lead and mercury. Needless to say, I strongly oppose all three of these rule changes; the legislation I am introducing will stop them from taking place.

I firmly believe that it is simply unacceptable for the EPA to reduce the amount of information available to the public about chemicals—including mercury, lead and other carcinogens—stored nearby or released into their community. When Congress passed the original Emergency Planning and Community Right-to-Know Act in 1986, as a response to the 1984 Union Carbide chemical disaster in Bhopal, India, some accountability was finally established in the chemical industry. And now, the EPA is attempting to weaken these rules and reduce the amount of information available to the public on these critical issues. For instance, in my home State of New Jersey, a chemical facility that released 2,000 pounds of arsenic via air emissions in 2003 would no longer be required to disclose this pollution to the general public. Fourteen facilities that released a combined 8,600 pounds of carcinogenic styrene would no longer have to report these emissions in detail. I find these proposals absolutely outrageous. It truly begs the question: who is the EPA really ''protecting''? The general public and the environment, or corporate interests that pollute our communities?

While the EPA touts the benefits of its proposal as ''burden reduction'' for industry, I strongly believe that the benefit of annual, detailed reporting vastly outweighs the marginal reduction in burden that will be provided to industry. In fact, according to the EPA's own estimates, the average cost saved for facilities no longer required to report the release of toxic chemicals in amounts less than 5,000 pounds would be approximately $2.32 per day. It is simply stunning that the EPA is willing to jeopardize public health and safety for a daily cost savings roughly equivalent to a couple cups of coffee.

There are constructive ways to improve the TRI program, and lessen the burdens on industry, without reducing the amount of information available to the public. These include improving the system for electronic reporting, and offering technical assistance to help businesses comply with the requirements.

The bill I am introducing is simple. First, it would codify the requirement that companies which release emissions of more than 500 pounds of any standard TRI chemical must disclose the details of their releases. Releases in amounts less than 500 pounds would continue to be allowed to use the less detailed reporting form. Second, it would codify the current prohibition on using the less detailed form for the most persistent chemicals, including lead, mercury, and dioxin. Finally, it would prevent EPA from making the frequency of reporting less than every year.

I would be remiss not to thank my congressional colleagues in the House of Representatives, FRANK PALLONE of New Jersey, and HILDA SOLIS of California, with whom I have been pleased to work on this issue. Representatives PALLONE and SOLIS have introduced the companion of this bill in the House; I now look forward to continuing to work with them to ensure its passage. I would also like to thank my colleagues Senator MENENDEZ and Senator BOXER, for being original cosponsors of this important legislation.

As a result of the EPA's dereliction of its duty to protect the public and the environment, Congress must act to do so. I strongly encourage my colleagues to do just that by enacting this legislation.

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

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

S. 4118

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 ''Toxic Right-to-Know Protection Act''.

SEC. 2. MODIFICATIONS IN REPORTING FREQUENCY.

(a) IN GENERAL.—Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023) is amended—

(1) by striking subsection (i); and

(2) by redesignating subsections (j) through (l) as subsections (i) through (k), respectively.

(b) CONFORMING AMENDMENTS.—Sections 322(h)(2) and 326(a)(1)(B)(iv) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11042(h)(2), 11046(a)(1)(B)(iv)) are amended by striking ''313(j)'' each place it appears and inserting ''313(i)''.

SEC. 3. REQUIREMENTS RELATING TO TOXICS RELEASE INVENTORY.

(a) FORM A CERTIFICATION STATEMENT.—Notwithstanding any other provision of law—

(1) the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall establish the eligibility threshold regarding the use of a form A certification statement under the Toxics Release Inventory Program established under the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 et seq.) at not greater than 500 pounds for nonpersistent bioaccumulative and toxic chemicals; and

(2) the use of a form A certification statement described in paragraph (1), or any equivalent successor to the statement, shall be prohibited with respect to any chemical identified by the Administrator as a chemical of special concern under section 372.28 of title 40, Code of Federal Regulations (or a successor regulation).

(b) REVISION OF REQUIREMENTS.—Notwithstanding any other provision of law, the Administrator shall not implement the proposed rule of the Administrator dated October 4, 2005 (70 Fed. Reg. 57822), to revise requirements under the Toxics Release Inventory Program described in subsection (a)(1).

By Ms. LANDRIEU:

S. 4119. A bill to clarify the tax treatment of certain payments made to homeowners by the Louisiana Recovery Authority and the Mississippi Development Authority; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, the Internal Revenue Service had another big surprise for citizens in my State of Louisiana and in Mississippi who are trying to rebuild after Katrina: a tax surprise.

The problem is simple. Louisiana and Mississippi have both established programs to help families rebuild their homes and their lives after Katrina and Rita. Congress appropriated the money for these initiatives—more than $10 billion in all and we are very grateful for the assistance. The Louisiana program, which we call the Road Home, is administered by the Louisiana Recovery Authority, LRA. The program is now starting to get going. Under the Road Home, up to $150,000 in grants are available to people to rebuild or repair their homes. There is also funding available for rental properties. Grants can also be used to buy out homes. The Louisianians who were displaced by the storms want to go home and the Road Home program will get them there.

But the IRS is putting a pothole in the middle of the Road Home by making some of these payments taxable. The way this tax surprise works is by requiring that any hurricane victim who claimed a casualty loss deduction for damage to their home on their tax return for 2005 will have to reduce that loss by the amount of any payment from the LRA. So if they had their taxes reduced in one year and received a Road Home grant the next year, they have to essentially eliminate any benefit of the earlier casualty loss deduction. Their taxes will go up.

Now I realize that under normal circumstances, when a person's home bums down, the roof caves in, or they are a victim of theft, they can take a casualty loss deduction, provided it meets certain requirements. The loss must exceed ten percent of the taxpayers adjusted gross income, and a per loss floor of $100. In some circumstances, taxpayers are permitted to include a current-year casualty loss on an amended prior year return.

Immediately after Katrina, we enacted the Katrina Emergency Tax Relief Act, KETRA, that suspended the ten percent floor for casualty losses incurred in the Hurricane Katrina disaster area, including those claimed on amended returns. The purpose of the change in KETRA was simple: we wanted to put money in the hands of Katrina victims as quickly as possible. We essentially encouraged taxpayers to

take this loss, even by amending a past return. The IRS would then provide them with a refund.

Hurricane victims needed that money. They had to find a place to live, often at higher rents. Many of them had lost their jobs and needed this money to see them through until they started working again. They used the money to begin the rebuilding of their lives. These people didn't take this money and invest it in the stock market or put it in a trust fund somewhere. They spent it because they had to. Congress encouraged people to take the deduction by changing the law. Now the IRS wants to take it back.

I fully understand the policy behind all of this. Casualty loss deductions are reduced by the amount of any insurance or other recovery they make on the loss. In fact, at the time the taxpayer makes the deduction he or she is supposed to reduce the amount of the loss by any insurance recovery they reasonably expect to receive. If you receive a larger payment than you expected at a future time, you must claim it on your income tax return when you receive it.

The problem is that this policy will seriously hamper our recovery by discouraging people from staying in Louisiana. If you took a casualty loss and you receive a $150,000 Road Home payment to rebuild your house, you will have a tax consequence. But if you took the casualty loss and sold your house to the LRA for the $150,000 payment, it is treated like a home sale and there is no tax. This policy creates a disincentive to recovery. This tax policy will encourage people to take the road out of town and not to return to the gulf coast. On top of this, if a person did not claim the casualty loss, but receives a grant, the grant is tax free.

Mr. President, Congress has done a tremendous job passing legislation to encourage investment and the rebuilding of the gulf coast. We should not put road blocks in the way of the Road Home. Today, I am introducing legislation to eliminate this road block to our recovery. I realize that we are at the end of the session and that there will not be enough time to pass this legislation before we adjourn. I will pursue this in the next Congress when we return in January. I encourage my colleagues to support this bill.

By Mr. McCAIN (for himself, Mr. DORGAN, Mr. ENZI, and Ms. MURKOWSKI):

S. 4122. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

Mr. McCAIN. Mr. President, today I introduce the Indian Health Care Improvement Act Amendments of 2006. I am proud to be joined in introducing this bill by Senators ENZI and MURKOWSKI. This bill reflects the work of three committees of jurisdiction and countless meetings with the administration over the past four Congresses. Nevertheless, I must express my profound disappointment in seeing yet another Congress go by without passage of this critical reauthorization.

Thirty years ago, Congress first enacted the Indian Health Care Improvement Act to meet the moral commitment and trust obligation of the United States to provide comprehensive health care to Indian people. The act was last reauthorized in 1992, and efforts on the latest reauthorization have been ongoing since the 106th Congress. Over the course of nearly 7 years and four Congresses, the Committee on Indian Affairs, along with the Committees on Finance and Health, Education, Labor and Pensions and the Indian tribes, has labored to reauthorize the Indian Health Care Improvement Act. I have been encouraged by the recent discussions with the administration on the reauthorization, however, we were simply left without sufficient time to achieve final passage.

The Indian Health Care Improvement Act is the fundamental statutory framework for the Indian health care system and governs nearly every aspect of Indian health care. The Vice-Chairman of the Committee on Indian Affairs, Senator DORGAN, and I introduced the predecessor bill, S.1057, over 1 year ago to build upon that framework by updating the delivery of health services to be consistent with currently accepted health policy and practices everywhere in our great nation except Indian Country. This new iteration of the reauthorization of the Indian Health Care Improvement Act contained critically needed improvements including increased access to care, alternative financing for health care facilities and services, integrated programs for behavioral health, and progressive recruitment and retention programs for health professionals serving Indian communities.

Extensive work went into crafting these bills. Six years ago, a steering committee of Indian tribal leaders, after extensive consultation with the Indian Health Service, developed a broad consensus about the needed improvements to the Indian health care system. Bills based on this steering committee's recommendations have been introduced in the Senate since the 106th Congress, but none have been enacted.

In October, 2005, the Committee on Indian Affairs favorably reported out S. 1057. As with many bills, aspects of S. 1057 fell under the jurisdiction of other committees, and in years past, this appears to have complicated and delayed consideration. However, in the 109th Congress S.1057 was reviewed and debated by the Senate Committees on Indian Affairs, Finance and Health, Education, Labor and Pensions. We worked closely with those committees to advance and improve upon the reauthorization legislation.

In July, 2005, the HELP Committee reached out to us and we held a joint hearing on S.1057. The HELP Committee worked diligently with us to improve upon and advance that bill. In addition, despite last minute delays by the Department of Health and Human Services, on June 8, 2006, the Finance Committee unanimously reported the amendments to the Social Security Act that were needed to effectively implement S. 1057.

However, when we sought consideration of the bill on the floor, additional concerns were raised about the bill, even after it had been considered by the committees of jurisdiction and after years of discussion with the administration. These concerns prevented the Senate from considering S.1057 prior to its recess on September 29, 2006.

I have not been averse to a constructive dialogue aimed at improving the measure introduced, but I am deeply concerned about the repeated delays in passing this legislation and the seemingly unending series of obstacles thrown in the way of getting this business done. The committee has held at least nine hearings on the reauthorization since the 106th Congress, conducted extensive negotiations with the administration, and provided ample opportunity to engage in constructive dialogue from all interested parties. We have demonstrated our willingness to accommodate any reasonable concerns, even when raised belatedly as they so often have been, without compromising congressional oversight, and the quality, accessibility and flexibility for the Indian health programs deserved by Indian people. Nevertheless, we could not reach a final resolution to some provisions which would in our view have regressed from current law and good health policy.

Therefore, Senator ENZI and I decided to introduce this bill, which reflects the reasonable compromises we have agreed to with the administration. Specifically, to address concerns raised by the Department of Justice, this bill protects the United States from unnecessary lawsuits, while at the same time insuring that Indian patients receiving health care in IHS or tribal facilities, or in home- or community-based settings, will have the quality of care they deserve.

I believe that it is extremely important to remember, when looking at this bill, that improving, rather than regressing from, current law and policy is particularly important in light of studies which drive home the desperate need for improving the Indian health care system. For example, a Government Accountability Office report issued in August, 2005 documented the lower life expectancies and substantially higher disease rates among Indians, and found that health care services were not always available for Indian people. The GAO further reported that the treatment delays or service gaps could exacerbate the severity of Indian patients' conditions and create a need for more intensive treatment.

These findings should concern Congress. We retain the ultimate authority

and responsibility to deal with Indian tribes and provide oversight of the Federal agencies which discharge the responsibilities outlined in our laws. It is Congress's responsibility to ensure that the Indian health care system is updated to accommodate practices that have become a part of the mainstream health care industry.

This concern and commitment was evident in the work of many Members of the Senate. We are very pleased that Senator MURKOWSKI has joined us in the introduction of this bill. I want to thank Senators ENZI, GRASSLEY, BAUCUS, and KENNEDY, for their efforts and that of their staff on this legislation. I was proud to advance a bill which reflected the bipartisan work of the multiple committees of jurisdiction. During this Congress, we were joined in pushing toward passage by other Senators and I want to thank, in particular, Senators BURNS, CRAPO, BINGAMAN, and Senator DOMENICI, who has long supported Indian health and has been instrumental in advancing the bill. Finally, I express special thanks to Senator DORGAN and his staff for their unwavering support and unstinted efforts on the reauthorization of the Indian Health Care Improvement Act.

At the end of this Congress I relinquish the chair of the committee knowing that there is much work to do for Indian health. However, I am confident that Senator DORGAN will continue these efforts, and I look forward to working with him on these and other Indian issues. I ask consent that the bill be printed in the RECORD.

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

S. 4122

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Indian Health Care Improvement Act Amendments of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO INDIAN LAWS

Sec. 101. Indian Health Care Improvement Act amended.
Sec. 102. Soboba sanitation facilities.
Sec. 103. Native American Health and Wellness Foundation.

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

Sec. 201. Expansion of payments under Medicare, Medicaid, and SCHIP for all covered services furnished by Indian Health Programs.
Sec. 202. Increased outreach to Indians under Medicaid and SCHIP and improved cooperation in the provision of items and services to Indians under Social Security Act health benefit programs.
Sec. 203. Additional provisions to increase outreach to, and enrollment of, Indians in SCHIP and Medicaid.
Sec. 204. Premiums and cost sharing protections under Medicaid, eligibility determinations under Medicaid and SCHIP, and protection of certain Indian property from Medicaid estate recovery.
Sec. 205. Nondiscrimination in qualifications for payment for services under Federal health care programs.
Sec. 206. Consultation on Medicaid, SCHIP, and other health care programs funded under the Social Security Act involving Indian Health Programs and Urban Indian Organizations.
Sec. 207. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
Sec. 208. Rules applicable under Medicaid and SCHIP to managed care entities with respect to Indian enrollees and Indian health care providers and Indian managed care entities.
Sec. 209. Annual report on Indians served by Social Security Act health benefit programs.

TITLE I—AMENDMENTS TO INDIAN LAWS

SEC. 101. INDIAN HEALTH CARE IMPROVEMENT ACT AMENDED.

The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Indian Health Care Improvement Act'.

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

''Sec. 1. Short title; table of contents.
''Sec. 2. Findings.
''Sec. 3. Declaration of national Indian health policy.
''Sec. 4. Definitions.

''TITLE I–INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

''Sec. 101. Purpose.
''Sec. 102. Health professions recruitment program for Indians.
''Sec. 103. Health professions preparatory scholarship program for Indians.
''Sec. 104. Indian health professions scholarships.
''Sec. 105. American Indians Into Psychology Program.
''Sec. 106. Scholarship programs for Indian Tribes.
''Sec. 107. Indian Health Service extern programs.
''Sec. 108. Continuing education allowances.
''Sec. 109. Community Health Representative Program.
''Sec. 110. Indian Health Service Loan Repayment Program.
''Sec. 111. Scholarship and Loan Repayment Recovery Fund.
''Sec. 112. Recruitment activities.
''Sec. 113. Indian recruitment and retention program.
''Sec. 114. Advanced training and research.
''Sec. 115. Quentin N. Burdick American Indians Into Nursing Program.
''Sec. 116. Tribal cultural orientation.
''Sec. 117. INMED Program.
''Sec. 118. Health training programs of community colleges.
''Sec. 119. Retention bonus.
''Sec. 120. Nursing residency program.
''Sec. 121. Community Health Aide Program.
''Sec. 122. Tribal Health Program administration.
''Sec. 123. Health professional chronic shortage demonstration programs.
''Sec. 124. National Health Service Corps.
''Sec. 125. Substance abuse counselor educational curricula demonstration programs.
''Sec. 126. Behavioral health training and community education programs.
''Sec. 127. Authorization of appropriations.

''TITLE II–HEALTH SERVICES

''Sec. 201. Indian Health Care Improvement Fund.
''Sec. 202. Catastrophic Health Emergency Fund.
''Sec. 203. Health promotion and disease prevention services.
''Sec. 204. Diabetes prevention, treatment, and control.
''Sec. 205. Shared services for long-term care.
''Sec. 206. Health services research.
''Sec. 207. Mammography and other cancer screening.
''Sec. 208. Patient travel costs.
''Sec. 209. Epidemiology centers.
''Sec. 210. Comprehensive school health education programs.
''Sec. 211. Indian youth program.
''Sec. 212. Prevention, control, and elimination of communicable and infectious diseases.
''Sec. 213. Authority for provision of other services.
''Sec. 214. Indian women's health care.
''Sec. 215. Environmental and nuclear health hazards.
''Sec. 216. Arizona as a contract health service delivery area.
''Sec. 216A. North Dakota and South Dakota as contract health service delivery area.
''Sec. 217. California contract health services program.
''Sec. 218. California as a contract health service delivery area.
''Sec. 219. Contract health services for the Trenton service area.
''Sec. 220. Programs operated by Indian Tribes and Tribal Organizations.
''Sec. 221. Licensing.
''Sec. 222. Notification of provision of emergency contract health services.
''Sec. 223. Prompt action on payment of claims.
''Sec. 224. Liability for payment.
''Sec. 225. Office of Indian Men's Health.
''Sec. 226. Authorization of appropriations.

''TITLE III–FACILITIES

''Sec. 301. Consultation; construction and renovation of facilities; reports.
''Sec. 302. Sanitation facilities.
''Sec. 303. Preference to Indians and Indian firms.
''Sec. 304. Expenditure of non-Service funds for renovation.
''Sec. 305. Funding for the construction, expansion, and modernization of small ambulatory care facilities.
''Sec. 306. Indian health care delivery demonstration project.
''Sec. 307. Land transfer.
''Sec. 308. Leases, contracts, and other agreements.
''Sec. 309. Study on loans, loan guarantees, and loan repayment.
''Sec. 310. Tribal leasing.
''Sec. 311. Indian Health Service/tribal facilities joint venture program.
''Sec. 312. Location of facilities.
''Sec. 313. Maintenance and improvement of health care facilities.
''Sec. 314. Tribal management of Federally-owned quarters.
''Sec. 315. Applicability of Buy American Act requirement.
''Sec. 316. Other funding for facilities.
''Sec. 317. Authorization of appropriations.

''TITLE IV–ACCESS TO HEALTH SERVICES

''Sec. 401. Treatment of payments under Social Security Act health benefits programs.
''Sec. 402. Grants to and contracts with the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to facilitate outreach, enrollment, and coverage of Indians under Social Security Act health benefit programs and other health benefits programs.
''Sec. 403. Reimbursement from certain third parties of costs of health services.
''Sec. 404. Crediting of reimbursements.
''Sec. 405. Purchasing health care coverage.
''Sec. 406. Sharing arrangements with Federal agencies.
''Sec. 407. Payor of last resort.
''Sec. 408. Nondiscrimination under Federal health care programs in qualifications for reimbursement for services.
''Sec. 409. Consultation.
''Sec. 410. State Children's Health Insurance Program (SCHIP).
''Sec. 411. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
''Sec. 412. Premium and cost sharing protections and eligibility determinations under Medicaid and SCHIP and protection of certain Indian property from Medicaid estate recovery.
''Sec. 413. Treatment under Medicaid and SCHIP managed care.
''Sec. 414. Navajo Nation Medicaid Agency feasibility study.
''Sec. 415. Authorization of appropriations.

''TITLE V–HEALTH SERVICES FOR URBAN INDIANS

''Sec. 501. Purpose.
''Sec. 502. Contracts with, and grants to, Urban Indian Organizations.
''Sec. 503. Contracts and grants for the provision of health care and referral services.
''Sec. 504. Contracts and grants for the determination of unmet health care needs.
''Sec. 505. Evaluations; renewals.
''Sec. 506. Other contract and grant requirements.
''Sec. 507. Reports and records.
''Sec. 508. Limitation on contract authority.
''Sec. 509. Facilities.
''Sec. 510. Division of Urban Indian Health.
''Sec. 511. Grants for alcohol and substance abuse-related services.
''Sec. 512. Treatment of certain demonstration projects.
''Sec. 513. Urban NIAAA transferred programs.
''Sec. 514. Consultation with Urban Indian Organizations.
''Sec. 515. Urban youth treatment center demonstration.
''Sec. 516. Grants for diabetes prevention, treatment, and control.
''Sec. 517. Community Health Representatives.
''Sec. 518. Effective date.
''Sec. 519. Eligibility for services.
''Sec. 520. Authorization of appropriations.

''TITLE VI–ORGANIZATIONAL IMPROVEMENTS

''Sec. 601. Establishment of the Indian Health Service as an agency of the Public Health Service.
''Sec. 602. Automated management information system.
''Sec. 603. Authorization of appropriations.

''TITLE VII–BEHAVIORAL HEALTH PROGRAMS

''Sec. 701. Behavioral health prevention and treatment services.
''Sec. 702. Memoranda of agreement with the Department of the Interior.
''Sec. 703. Comprehensive behavioral health prevention and treatment program.
''Sec. 704. Mental health technician program.
''Sec. 705. Licensing requirement for mental health care workers.
''Sec. 706. Indian women treatment programs.
''Sec. 707. Indian youth program.
''Sec. 708. Indian youth telemental health demonstration project.
''Sec. 709. Inpatient and community-based mental health facilities design, construction, and staffing.
''Sec. 710. Training and community education.
''Sec. 711. Behavioral health program.
''Sec. 712. Fetal alcohol disorder programs.
''Sec. 713. Child sexual abuse and prevention treatment programs.
''Sec. 714. Behavioral health research.
''Sec. 715. Definitions.
''Sec. 716. Authorization of appropriations.

''TITLE VIII–MISCELLANEOUS

''Sec. 801. Reports.
''Sec. 802. Regulations.
''Sec. 803. Plan of implementation.
''Sec. 804. Availability of funds.
''Sec. 805. Limitations.
''Sec. 806. Eligibility of California Indians.
''Sec. 807. Health services for ineligible persons.
''Sec. 808. Reallocation of base resources.
''Sec. 809. Results of demonstration projects.
''Sec. 810. Provision of services in Montana.
''Sec. 811. Moratorium.
''Sec. 812. Tribal employment.
''Sec. 813. Severability provisions.
''Sec. 814. Establishment of National Bipartisan Commission on Indian Health Care.
''Sec. 815. Appropriations; availability.
''Sec. 816. Authorization of appropriations.

"SEC. 2. FINDINGS.

''Congress makes the following findings:

''(1) Federal health services to maintain and improve the health of the Indians are consonant with and required by the Federal Government's historical and unique legal relationship with, and resulting responsibility to, the American Indian people.

''(2) A major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level and to encourage the maximum participation of Indians in the planning and management of those services.

''(3) Federal health services to Indians have resulted in a reduction in the prevalence and incidence of preventable illnesses among, and unnecessary and premature deaths of, Indians.

''(4) Despite such services, the unmet health needs of the American Indian people are severe and the health status of the Indians is far below that of the general population of the United States.

"SEC. 3. DECLARATION OF NATIONAL INDIAN HEALTH POLICY.

''Congress declares that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians—

''(1) to assure the highest possible health status for Indians and to provide all resources necessary to effect that policy;

''(2) to raise the health status of Indians by the year 2010 to at least the levels set forth in the goals contained within the Healthy People 2010 or successor objectives;

''(3) to the greatest extent possible, to allow Indians to set their own health care priorities and establish goals that reflect their unmet needs;

''(4) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each Service Area is raised to at least the level of that of the general population;

''(5) to require meaningful consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations to implement this Act and the national policy of Indian self-determination; and

''(6) to provide funding for programs and facilities operated by Indian Tribes and Tribal Organizations in amounts that are not less than the amounts provided to programs and facilities operated directly by the Service.

"SEC. 4. DEFINITIONS.

''For purposes of this Act:

''(1) The term 'accredited and accessible' means on or near a reservation and accredited by a national or regional organization with accrediting authority.

''(2) The term 'Area Office' means an administrative entity, including a program office, within the Service through which services and funds are provided to the Service Units within a defined geographic area.

''(3)(A) The term 'behavioral health' means the blending of substance (alcohol, drugs, inhalants, and tobacco) abuse and mental health prevention and treatment, for the purpose of providing comprehensive services.

''(B) The term 'behavioral health' includes the joint development of substance abuse and mental health treatment planning and coordinated case management using a multidisciplinary approach.

''(4) The term 'California Indians' means those Indians who are eligible for health services of the Service pursuant to section 806.

''(5) The term 'community college' means—

''(A) a tribal college or university, or

''(B) a junior or community college.

''(6) The term 'contract health service' means health services provided at the expense of the Service or a Tribal Health Program by public or private medical providers or hospitals, other than the Service Unit or the Tribal Health Program at whose expense the services are provided.

''(7) The term 'Department' means, unless otherwise designated, the Department of Health and Human Services.

''(8) The term 'Director' means the Director of the Service.

''(9) The term 'disease prevention' means the reduction, limitation, and prevention of disease and its complications and reduction in the consequences of disease, including—

''(A) controlling—

''(i) the development of diabetes;

''(ii) high blood pressure;

''(iii) infectious agents;

''(iv) injuries;

''(v) occupational hazards and disabilities;

''(vi) sexually transmittable diseases; and

''(vii) toxic agents; and

''(B) providing—

''(i) fluoridation of water; and

''(ii) immunizations.

''(10) The term 'health profession' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and

engineering, allied health professions, and any other health profession.

''(11) The term 'health promotion' means—

''(A) fostering social, economic, environmental, and personal factors conducive to health, including raising public awareness about health matters and enabling the people to cope with health problems by increasing their knowledge and providing them with valid information;

''(B) encouraging adequate and appropriate diet, exercise, and sleep;

''(C) promoting education and work in conformity with physical and mental capacity;

''(D) making available safe water and sanitary facilities;

''(E) improving the physical, economic, cultural, psychological, and social environment;

''(F) promoting culturally competent care; and

''(G) providing adequate and appropriate programs, which may include—

''(i) abuse prevention (mental and physical);

''(ii) community health;

''(iii) community safety;

''(iv) consumer health education;

''(v) diet and nutrition;

''(vi) immunization and other prevention of communicable diseases, including HIV/AIDS;

''(vii) environmental health;

''(viii) exercise and physical fitness;

''(ix) avoidance of fetal alcohol disorders;

''(x) first aid and CPR education;

''(xi) human growth and development;

''(xii) injury prevention and personal safety;

''(xiii) behavioral health;

''(xiv) monitoring of disease indicators between health care provider visits, through appropriate means, including Internet-based health care management systems;

''(xv) personal health and wellness practices;

''(xvi) personal capacity building;

''(xvii) prenatal, pregnancy, and infant care;

''(xviii) psychological well-being;

''(xix) safe and adequate water;

''(xx) healthy work environments;

''(xxi) elimination, reduction, and prevention of contaminants that create unhealthy household conditions (including mold and other allergens);

''(xxii) stress control;

''(xxiii) substance abuse;

''(xxiv) sanitary facilities;

''(xxv) sudden infant death syndrome prevention;

''(xxvi) tobacco use cessation and reduction;

''(xxvii) violence prevention; and

''(xxviii) such other activities identified by the Service, a Tribal Health Program, or an Urban Indian Organization, to promote achievement of any of the objectives described in section 3(2).

''(12) The term 'Indian', unless otherwise designated, means any person who is a member of an Indian Tribe or is eligible for health services under section 806, except that, for the purpose of sections 102 and 103, the term also means any individual who—

''(A)(i) irrespective of whether the individual lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside; or

''(ii) is a descendant, in the first or second degree, of any such member;

''(B) is an Eskimo or Aleut or other Alaska Native;

''(C) is considered by the Secretary of the Interior to be an Indian for any purpose; or

''(D) is determined to be an Indian under regulations promulgated by the Secretary.

''(13) The term 'Indian Health Program' means—

''(A) any health program administered directly by the Service;

''(B) any Tribal Health Program; or

''(C) any Indian Tribe or Tribal Organization to which the Secretary provides funding pursuant to section 23 of the Act of June 25, 1910 (25 U.S.C. 47) (commonly known as the 'Buy Indian Act').

''(14) The term 'Indian Tribe' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(15) The term 'junior or community college' has the meaning given the term by section 312(e) of the Higher Education Act of 1965 (20 U.S.C. 1058(e)).

''(16) The term 'reservation' means any federally recognized Indian Tribe's reservation, Pueblo, or colony, including former reservations in Oklahoma, Indian allotments, and Alaska Native Regions established pursuant to the Alaska Native Claims Settlement Act (25 U.S.C. 1601 et seq.).

''(17) The term 'Secretary', unless otherwise designated, means the Secretary of Health and Human Services.

''(18) The term 'Service' means the Indian Health Service.

''(19) The term 'Service Area' means the geographical area served by each Area Office.

''(20) The term 'Service Unit' means an administrative entity of the Service, or a Tribal Health Program through which services are provided, directly or by contract, to eligible Indians within a defined geographic area.

''(21) The term 'telehealth' has the meaning given the term in section 330K(a) of the Public Health Service Act (42 U.S.C. 254c–16(a)).

''(22) The term 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care services.

''(23) The term 'tribal college or university' has the meaning given the term in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

''(24) The term 'Tribal Health Program' means an Indian Tribe or Tribal Organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(25) The term 'Tribal Organization' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(26) The term 'Urban Center' means any community which has a sufficient Urban Indian population with unmet health needs to warrant assistance under title V of this Act, as determined by the Secretary.

''(27) The term 'Urban Indian' means any individual who resides in an Urban Center and who meets 1 or more of the following criteria:

''(A) Irrespective of whether the individual lives on or near a reservation, the individual is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those tribes, bands, or groups that are recognized by the States in which they reside, or who is a descendant in the first or second degree of any such member.

''(B) The individual is an Eskimo, Aleut, or other Alaska Native.

''(C) The individual is considered by the Secretary of the Interior to be an Indian for any purpose.

''(D) The individual is determined to be an Indian under regulations promulgated by the Secretary.

''(28) The term 'Urban Indian Organization' means a nonprofit corporate body that (A) is situated in an Urban Center; (B) is governed by an Urban Indian-controlled board of directors; (C) provides for the participation of all interested Indian groups and individuals; and (D) is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).

"TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

"SEC. 101. PURPOSE.

''The purpose of this title is to increase, to the maximum extent feasible, the number of Indians entering the health professions and providing health services, and to assure an optimum supply of health professionals to the Indian Health Programs and Urban Indian Organizations involved in the provision of health services to Indians.

"SEC. 102. HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS.

''(a) IN GENERAL.—The Secretary, acting through the Service, shall make grants to public or nonprofit private health or educational entities, Tribal Health Programs, or Urban Indian Organizations to assist such entities in meeting the costs of—

''(1) identifying Indians with a potential for education or training in the health professions and encouraging and assisting them—

''(A) to enroll in courses of study in such health professions; or

''(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

''(2) publicizing existing sources of financial aid available to Indians enrolled in any course of study referred to in paragraph (1) or who are undertaking training necessary to qualify them to enroll in any such course of study; or

''(3) establishing other programs which the Secretary determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1).

''(b) GRANTS.—

''(1) APPLICATION.—The Secretary shall not make a grant under this section unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe pursuant to this Act. The Secretary shall give a preference to applications submitted by Tribal Health Programs or Urban Indian Organizations.

''(2) AMOUNT OF GRANTS; PAYMENT.—The amount of a grant under this section shall be determined by the Secretary. Payments pursuant to this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions as provided for in regulations issued pursuant to this Act. To the extent not otherwise prohibited by law, grants shall be for 3 years, as provided in regulations issued pursuant to this Act.

"SEC. 103. HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS.

''(a) SCHOLARSHIPS AUTHORIZED.—The Secretary, acting through the Service, shall provide scholarship grants to Indians who—

''(1) have successfully completed their high school education or high school equivalency; and

''(2) have demonstrated the potential to successfully complete courses of study in the health professions.

''(b) PURPOSES.—Scholarship grants provided pursuant to this section shall be for the following purposes:

''(1) Compensatory preprofessional education of any recipient, such scholarship not to exceed 2 years on a full-time basis (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued under this Act).

''(2) Pregraduate education of any recipient leading to a baccalaureate degree in an approved course of study preparatory to a field of study in a health profession, such scholarship not to exceed 4 years. An extension of up to 2 years (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued pursuant to this Act) may be approved.

''(c) OTHER CONDITIONS.—Scholarships under this section—

''(1) may cover costs of tuition, books, transportation, board, and other necessary related expenses of a recipient while attending school;

''(2) shall not be denied solely on the basis of the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution; and

''(3) shall not be denied solely by reason of such applicant's eligibility for assistance or benefits under any other Federal program.

"SEC. 104. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.

''(a) IN GENERAL.—

''(1) AUTHORITY.—The Secretary, acting through the Service, shall make scholarship grants to Indians who are enrolled full or part time in accredited schools pursuing courses of study in the health professions. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 338A of the Public Health Services Act (42 U.S.C. 254*l*), except as provided in subsection (b) of this section.

''(2) DETERMINATIONS BY SECRETARY.—The Secretary, acting through the Service, shall determine—

''(A) who shall receive scholarship grants under subsection (a); and

''(B) the distribution of the scholarships among health professions on the basis of the relative needs of Indians for additional service in the health professions.

''(3) CERTAIN DELEGATION NOT ALLOWED.—The administration of this section shall be a responsibility of the Director and shall not be delegated in a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(b) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) OBLIGATION MET.—The active duty service obligation under a written contract with the Secretary under this section that an Indian has entered into shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice equal to 1 year for each school year for which the participant receives a scholarship award under this part, or 2 years, whichever is greater, by service in 1 or more of the following:

''(A) In an Indian Health Program.

''(B) In a program assisted under title V of this Act.

''(C) In the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

''(D) In a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, the health service provided to Indians would not decrease.

''(2) OBLIGATION DEFERRED.—At the request of any individual who has entered into a contract referred to in paragraph (1) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

''(A) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service under this subsection.

''(B) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

''(C) The active duty service obligation will be served in the health profession of that individual in a manner consistent with paragraph (1).

''(D) A recipient of a scholarship under this section may, at the election of the recipient, meet the active duty service obligation described in paragraph (1) by service in a program specified under that paragraph that—

''(i) is located on the reservation of the Indian Tribe in which the recipient is enrolled; or

''(ii) serves the Indian Tribe in which the recipient is enrolled.

''(3) PRIORITY WHEN MAKING ASSIGNMENTS.—Subject to paragraph (2), the Secretary, in making assignments of Indian Health Scholarship recipients required to meet the active duty service obligation described in paragraph (1), shall give priority to assigning individuals to service in those programs specified in paragraph (1) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

''(c) PART-TIME STUDENTS.—In the case of an individual receiving a scholarship under this section who is enrolled part time in an approved course of study—

''(1) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

''(2) the period of obligated service described in subsection (b)(1) shall be equal to the greater of—

''(A) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship (as determined by the Secretary); or

''(B) 2 years; and

''(3) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254*l*(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.

''(d) BREACH OF CONTRACT.—

''(1) SPECIFIED BREACHES.—An individual shall be liable to the United States for the amount which has been paid to the individual, or on behalf of the individual, under a contract entered into with the Secretary under this section on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006 if that individual—

''(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

''(B) is dismissed from such educational institution for disciplinary reasons;

''(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

''(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

''(2) OTHER BREACHES.—If for any reason not specified in paragraph (1) an individual breaches a written contract by failing either to begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

''(4) WAIVERS AND SUSPENSIONS.—

''(A) IN GENERAL.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

''(i) it is not possible for the recipient to meet that obligation or make that payment;

''(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

''(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

''(B) FACTORS FOR CONSIDERATION.—Before waiving or suspending an obligation of service or payment under subparagraph (A), the Secretary shall consult with the affected Area Office, Indian Tribes, Tribal Organizations, or Urban Indian Organizations, and may take into consideration whether the obligation may be satisfied in a teaching capacity at a tribal college or university nursing program under subsection (b)(1)(D).

''(5) EXTREME HARDSHIP.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

''(6) BANKRUPTCY.—Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

"SEC. 105. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants of not more than $300,000 to each of 9 colleges and universities for the purpose of

developing and maintaining Indian psychology career recruitment programs as a means of encouraging Indians to enter the behavioral health field. These programs shall be located at various locations throughout the country to maximize their availability to Indian students and new programs shall be established in different locations from time to time.

''(b) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide a grant authorized under subsection (a) to develop and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Psychology Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs authorized under section 117(b), the Quentin N. Burdick American Indians Into Nursing Program authorized under section 115(e), and existing university research and communications networks.

''(c) REGULATIONS.—The Secretary shall issue regulations pursuant to this Act for the competitive awarding of grants provided under this section.

''(d) CONDITIONS OF GRANT.—Applicants under this section shall agree to provide a program which, at a minimum—

''(1) provides outreach and recruitment for health professions to Indian communities including elementary, secondary, and accredited and accessible community colleges that will be served by the program;

''(2) incorporates a program advisory board comprised of representatives from the tribes and communities that will be served by the program;

''(3) provides summer enrichment programs to expose Indian students to the various fields of psychology through research, clinical, and experimental activities;

''(4) provides stipends to undergraduate and graduate students to pursue a career in psychology;

''(5) develops affiliation agreements with tribal colleges and universities, the Service, university affiliated programs, and other appropriate accredited and accessible entities to enhance the education of Indian students;

''(6) to the maximum extent feasible, uses existing university tutoring, counseling, and student support services; and

''(7) to the maximum extent feasible, employs qualified Indians in the program.

''(e) ACTIVE DUTY SERVICE REQUIREMENT.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each graduate who receives a stipend described in subsection (d)(4) that is funded under this section. Such obligation shall be met by service—

''(1) in an Indian Health Program;

''(2) in a program assisted under title V of this Act; or

''(3) in the private practice of psychology if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,700,000 for each of fiscal years 2007 through 2016.

''SEC. 106. SCHOLARSHIP PROGRAMS FOR INDIAN TRIBES.

''(a) IN GENERAL.—

''(1) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants to Tribal Health Programs for the purpose of providing scholarships for Indians to serve as health professionals in Indian communities.

''(2) AMOUNT.—Amounts available under paragraph (1) for any fiscal year shall not exceed 5 percent of the amounts available for each fiscal year for Indian Health Scholarships under section 104.

''(3) APPLICATION.—An application for a grant under paragraph (1) shall be in such form and contain such agreements, assurances, and information as consistent with this section.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A Tribal Health Program receiving a grant under subsection (a) shall provide scholarships to Indians in accordance with the requirements of this section.

''(2) COSTS.—With respect to costs of providing any scholarship pursuant to subsection (a)—

''(A) 80 percent of the costs of the scholarship shall be paid from the funds made available pursuant to subsection (a)(1) provided to the Tribal Health Program; and

''(B) 20 percent of such costs may be paid from any other source of funds.

''(c) COURSE OF STUDY.—A Tribal Health Program shall provide scholarships under this section only to Indians enrolled or accepted for enrollment in a course of study (approved by the Secretary) in 1 of the health professions contemplated by this Act.

''(d) CONTRACT.—

''(1) IN GENERAL.—In providing scholarships under subsection (b), the Secretary and the Tribal Health Program shall enter into a written contract with each recipient of such scholarship.

''(2) REQUIREMENTS.—Such contract shall—

''(A) obligate such recipient to provide service in an Indian Health Program or Urban Indian Organization, in the same Service Area where the Tribal Health Program providing the scholarship is located, for—

''(i) a number of years for which the scholarship is provided (or the part-time equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

''(ii) such greater period of time as the recipient and the Tribal Health Program may agree;

''(B) provide that the amount of the scholarship—

''(i) may only be expended for—

''(I) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the educational institution; and

''(II) payment to the recipient of a monthly stipend of not more than the amount authorized by section 338(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)), with such amount to be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled, and not to exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in this clause; and

''(ii) may not exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in clause (i);

''(C) require the recipient of such scholarship to maintain an acceptable level of academic standing as determined by the educational institution in accordance with regulations issued pursuant to this Act; and

''(D) require the recipient of such scholarship to meet the educational and licensure requirements appropriate to each health profession.

''(3) SERVICE IN OTHER SERVICE AREAS.—The contract may allow the recipient to serve in another Service Area, provided the Tribal Health Program and Secretary approve and services are not diminished to Indians in the Service Area where the Tribal Health Program providing the scholarship is located.

''(e) BREACH OF CONTRACT.—

''(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary and a Tribal Health Program under subsection (d) shall be liable to the United States for the Federal share of the amount which has been paid to him or her, or on his or her behalf, under the contract if that individual—

''(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level as determined by the educational institution under regulations of the Secretary);

''(B) is dismissed from such educational institution for disciplinary reasons;

''(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

''(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

''(2) OTHER BREACHES.—If for any reason not specified in paragraph (1), an individual breaches a written contract by failing to either begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

''(4) INFORMATION.—The Secretary may carry out this subsection on the basis of information received from Tribal Health Programs involved or on the basis of information collected through such other means as the Secretary deems appropriate.

''(f) RELATION TO SOCIAL SECURITY ACT.—The recipient of a scholarship under this section shall agree, in providing health care pursuant to the requirements herein—

''(1) not to discriminate against an individual seeking care on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to a program established in title XVIII of the Social Security Act or pursuant to the programs established in title XIX or title XXI of such Act; and

''(2) to accept assignment under section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX, or the State child health plan under title XXI, of such Act to provide service to individuals entitled to medical assistance or child health assistance, respectively, under the plan.

''(g) CONTINUANCE OF FUNDING.—The Secretary shall make payments under this section to a Tribal Health Program for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the Tribal Health Program has not complied with the requirements of this section.

''SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.

''(a) EMPLOYMENT PREFERENCE.—Any individual who receives a scholarship pursuant to section 104 or 106 shall be given preference for employment in the Service, or may be

employed by a Tribal Health Program or an Urban Indian Organization, or other agencies of the Department as available, during any nonacademic period of the year.

''(b) NOT COUNTED TOWARD ACTIVE DUTY SERVICE OBLIGATION.—Periods of employment pursuant to this subsection shall not be counted in determining fulfillment of the service obligation incurred as a condition of the scholarship.

''(c) TIMING; LENGTH OF EMPLOYMENT.—Any individual enrolled in a program, including a high school program, authorized under section 102(a) may be employed by the Service or by a Tribal Health Program or an Urban Indian Organization during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

''(d) NONAPPLICABILITY OF COMPETITIVE PERSONNEL SYSTEM.—Any employment pursuant to this section shall be made without regard to any competitive personnel system or agency personnel limitation and to a position which will enable the individual so employed to receive practical experience in the health profession in which he or she is engaged in study. Any individual so employed shall receive payment for his or her services comparable to the salary he or she would receive if he or she were employed in the competitive system. Any individual so employed shall not be counted against any employment ceiling affecting the Service or the Department.

''SEC. 108. CONTINUING EDUCATION ALLOWANCES.

''In order to encourage scholarship and stipend recipients under sections 104, 105, 106, and 115 and health professionals, including community health representatives and emergency medical technicians, to join or continue in an Indian Health Program and to provide their services in the rural and remote areas where a significant portion of Indians reside, the Secretary, acting through the Service, may—

''(1) provide programs or allowances to transition into an Indian Health Program, including licensing, board or certification examination assistance, and technical assistance in fulfilling service obligations under sections 104, 105, 106, and 115; and

''(2) provide programs or allowances to health professionals employed in an Indian Health Program to enable them for a period of time each year prescribed by regulation of the Secretary to take leave of their duty stations for professional consultation, management, leadership, and refresher training courses.

''SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PROGRAM.

''(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall maintain a Community Health Representative Program under which Indian Health Programs—

''(1) provide for the training of Indians as community health representatives; and

''(2) use such community health representatives in the provision of health care, health promotion, and disease prevention services to Indian communities.

''(b) DUTIES.—The Community Health Representative Program of the Service, shall—

''(1) provide a high standard of training for community health representatives to ensure that the community health representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by the Program;

''(2) in order to provide such training, develop and maintain a curriculum that—

''(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

''(B) provides instruction and practical experience in health promotion and disease prevention activities, with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty;

''(3) maintain a system which identifies the needs of community health representatives for continuing education in health care, health promotion, and disease prevention and develop programs that meet the needs for continuing education;

''(4) maintain a system that provides close supervision of Community Health Representatives;

''(5) maintain a system under which the work of Community Health Representatives is reviewed and evaluated; and

''(6) promote traditional health care practices of the Indian Tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.

''SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish and administer a program to be known as the Service Loan Repayment Program (hereinafter referred to as the 'Loan Repayment Program') in order to ensure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian Health Programs and Urban Indian Organizations.

''(b) ELIGIBLE INDIVIDUALS.—To be eligible to participate in the Loan Repayment Program, an individual must—

''(1)(A) be enrolled—

''(i) in a course of study or program in an accredited educational institution (as determined by the Secretary under section 338B(b)(1)(c)(i) of the Public Health Service Act (42 U.S.C. 254*l*–1(b)(1)(c)(i))) and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

''(ii) in an approved graduate training program in a health profession; or

''(B) have—

''(i) a degree in a health profession; and

''(ii) a license to practice a health profession;

''(2)(A) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service;

''(B) be eligible for selection for civilian service in the Regular or Reserve Corps of the Public Health Service;

''(C) meet the professional standards for civil service employment in the Service; or

''(D) be employed in an Indian Health Program or Urban Indian Organization without a service obligation; and

''(3) submit to the Secretary an application for a contract described in subsection (e).

''(c) APPLICATION.—

''(1) INFORMATION TO BE INCLUDED WITH FORMS.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under subsection (l) in the case of the individual's breach of contract. The Secretary shall provide such individuals with sufficient information regarding the advantages and disadvantages of service as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or a civilian employee of the Service to enable the individual to make a decision on an informed basis.

''(2) CLEAR LANGUAGE.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

''(3) TIMELY AVAILABILITY OF FORMS.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

''(d) PRIORITIES.—

''(1) LIST.—Consistent with subsection (k), the Secretary shall annually—

''(A) identify the positions in each Indian Health Program or Urban Indian Organization for which there is a need or a vacancy; and

''(B) rank those positions in order of priority.

''(2) APPROVALS.—Notwithstanding the priority determined under paragraph (1), the Secretary, in determining which applications under the Loan Repayment Program to approve (and which contracts to accept), shall—

''(A) give first priority to applications made by individual Indians; and

''(B) after making determinations on all applications submitted by individual Indians as required under subparagraph (A), give priority to—

''(i) individuals recruited through the efforts of an Indian Health Program or Urban Indian Organization; and

''(ii) other individuals based on the priority rankings under paragraph (1).

''(e) RECIPIENT CONTRACTS.—

''(1) CONTRACT REQUIRED.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in paragraph (2).

''(2) CONTENTS OF CONTRACT.—The written contract referred to in this section between the Secretary and an individual shall contain—

''(A) an agreement under which—

''(i) subject to subparagraph (C), the Secretary agrees—

''(I) to pay loans on behalf of the individual in accordance with the provisions of this section; and

''(II) to accept (subject to the availability of appropriated funds for carrying out this section) the individual into the Service or place the individual with a Tribal Health Program or Urban Indian Organization as provided in clause (ii)(III); and

''(ii) subject to subparagraph (C), the individual agrees—

''(I) to accept loan payments on behalf of the individual;

''(II) in the case of an individual described in subsection (b)(1)—

''(aa) to maintain enrollment in a course of study or training described in subsection (b)(1)(A) until the individual completes the course of study or training; and

''(bb) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

''(III) to serve for a time period (hereinafter in this section referred to as the 'period of obligated service') equal to 2 years or such

longer period as the individual may agree to serve in the full-time clinical practice of such individual's profession in an Indian Health Program or Urban Indian Organization to which the individual may be assigned by the Secretary;

''(B) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under subparagraph (A)(ii)(III);

''(C) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual which is conditioned thereon is contingent upon funds being appropriated for loan repayments under this section;

''(D) a statement of the damages to which the United States is entitled under subsection (l) for the individual's breach of the contract; and

''(E) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

''(f) DEADLINE FOR DECISION ON APPLICATION.—The Secretary shall provide written notice to an individual within 21 days on—

''(1) the Secretary's approving, under subsection (e)(1), of the individual's participation in the Loan Repayment Program, including extensions resulting in an aggregate period of obligated service in excess of 4 years; or

''(2) the Secretary's disapproving an individual's participation in such Program.

''(g) PAYMENTS.—

''(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

''(A) tuition expenses;

''(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; and

''(C) reasonable living expenses as determined by the Secretary.

''(2) AMOUNT.—For each year of obligated service that an individual contracts to serve under subsection (e), the Secretary may pay up to $35,000 or an amount equal to the amount specified in section 338B(g)(2)(A) of the Public Health Service Act, whichever is more, on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

''(A) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

''(B) provides an incentive to serve in Indian Health Programs and Urban Indian Organizations with the greatest shortages of health professionals; and

''(C) provides an incentive with respect to the health professional involved remaining in an Indian Health Program or Urban Indian Organization with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.

''(3) TIMING.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

''(4) REIMBURSEMENTS FOR TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from a payment under paragraph (2) on behalf of an individual, the Secretary—

''(A) in addition to such payments, may make payments to the individual in an amount equal to not less than 20 percent and not more than 39 percent of the total amount of loan repayments made for the taxable year involved; and

''(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

''(5) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

''(h) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section shall not be counted against any employment ceiling affecting the Department while those individuals are undergoing academic training.

''(i) RECRUITMENT.—The Secretary shall conduct recruiting programs for the Loan Repayment Program and other manpower programs of the Service at educational institutions training health professionals or specialists identified in subsection (a).

''(j) APPLICABILITY OF LAW.—Section 214 of the Public Health Service Act (42 U.S.C. 215) shall not apply to individuals during their period of obligated service under the Loan Repayment Program.

''(k) ASSIGNMENT OF INDIVIDUALS.—The Secretary, in assigning individuals to serve in Indian Health Programs or Urban Indian Organizations pursuant to contracts entered into under this section, shall—

''(1) ensure that the staffing needs of Tribal Health Programs and Urban Indian Organizations receive consideration on an equal basis with programs that are administered directly by the Service; and

''(2) give priority to assigning individuals to Indian Health Programs and Urban Indian Organizations that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

''(l) BREACH OF CONTRACT.—

''(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary under this section and has not received a waiver under subsection (m) shall be liable, in lieu of any service obligation arising under such contract, to the United States for the amount which has been paid on such individual's behalf under the contract if that individual—

''(A) is enrolled in the final year of a course of study and—

''(i) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

''(ii) voluntarily terminates such enrollment; or

''(iii) is dismissed from such educational institution before completion of such course of study; or

''(B) is enrolled in a graduate training program and fails to complete such training program.

''(2) OTHER BREACHES; FORMULA FOR AMOUNT OWED.—If, for any reason not specified in paragraph (1), an individual breaches his or her written contract under this section by failing either to begin, or complete, such individual's period of obligated service in accordance with subsection (e)(2), the United States shall be entitled to recover from such individual an amount to be determined in accordance with the following formula: $A=3Z(t-s/t)$ in which—

''(A) 'A' is the amount the United States is entitled to recover;

''(B) 'Z' is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Secretary of the Treasury;

''(C) 't' is the total number of months in the individual's period of obligated service in accordance with subsection (f); and

''(D) 's' is the number of months of such period served by such individual in accordance with this section.

''(3) DEDUCTIONS IN MEDICARE PAYMENTS.—Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1892 of the Social Security Act.

''(4) TIME PERIOD FOR REPAYMENT.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach or such longer period beginning on such date as shall be specified by the Secretary.

''(5) RECOVERY OF DELINQUENCY.—

''(A) IN GENERAL.—If damages described in paragraph (4) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

''(i) use collection agencies contracted with by the Administrator of General Services; or

''(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

''(B) REPORT.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

''(m) WAIVER OR SUSPENSION OF OBLIGATION.—

''(1) IN GENERAL.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under the Loan Repayment Program whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

''(2) CANCELED UPON DEATH.—Any obligation of an individual under the Loan Repayment Program for service or payment of damages shall be canceled upon the death of the individual.

''(3) HARDSHIP WAIVER.—The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case of extreme hardship or other good cause shown, as determined by the Secretary.

''(4) BANKRUPTCY.—Any obligation of an individual under the Loan Repayment Program for payment of damages may be released by a discharge in bankruptcy under title 11 of the United States Code only if such discharge is granted after the expiration of the 5-year period beginning on the first date that payment of such damages is required, and only if the bankruptcy court finds that nondischarge of the obligation would be unconscionable.

''(n) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be submitted to Congress under section 801, a report concerning the previous fiscal year which sets forth by Service Area the following:

''(1) A list of the health professional positions maintained by Indian Health Programs and Urban Indian Organizations for which recruitment or retention is difficult.

''(2) The number of Loan Repayment Program applications filed with respect to each type of health profession.

''(3) The number of contracts described in subsection (e) that are entered into with respect to each health profession.

''(4) The amount of loan payments made under this section, in total and by health profession.

''(5) The number of scholarships that are provided under sections 104 and 106 with respect to each health profession.

''(6) The amount of scholarship grants provided under section 104 and 106, in total and by health profession.

''(7) The number of providers of health care that will be needed by Indian Health Programs and Urban Indian Organizations, by location and profession, during the 3 fiscal years beginning after the date the report is filed.

''(8) The measures the Secretary plans to take to fill the health professional positions maintained by Indian Health Programs or Urban Indian Organizations for which recruitment or retention is difficult.

''SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (hereafter in this section referred to as the 'LRRF'). The LRRF shall consist of such amounts as may be collected from individuals under section 104(d), section 106(e), and section 110(l) for breach of contract, such funds as may be appropriated to the LRRF, and interest earned on amounts in the LRRF. All amounts collected, appropriated, or earned relative to the LRRF shall remain available until expended.

''(b) USE OF FUNDS.—

''(1) BY SECRETARY.—Amounts in the LRRF may be expended by the Secretary, acting through the Service, to make payments to an Indian Health Program—

''(A) to which a scholarship recipient under section 104 and 106 or a loan repayment program participant under section 110 has been assigned to meet the obligated service requirements pursuant to such sections; and

''(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having breached the contract entered into under section 104, 106, or section 110.

''(2) BY TRIBAL HEALTH PROGRAMS.—A Tribal Health Program receiving payments pursuant to paragraph (1) may expend the payments to provide scholarships or recruit and employ, directly or by contract, health professionals to provide health care services.

''(c) INVESTMENT OF FUNDS.—The Secretary of the Treasury shall invest such amounts of the LRRF as the Secretary of Health and Human Services determines are not required to meet current withdrawals from the LRRF. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

''(d) SALE OF OBLIGATIONS.—Any obligation acquired by the LRRF may be sold by the Secretary of the Treasury at the market price.

''SEC. 112. RECRUITMENT ACTIVITIES.

''(a) REIMBURSEMENT FOR TRAVEL.—The Secretary, acting through the Service, may reimburse health professionals seeking positions with Indian Health Programs or Urban Indian Organizations, including individuals considering entering into a contract under section 110 and their spouses, for actual and reasonable expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

''(b) RECRUITMENT PERSONNEL.—The Secretary, acting through the Service, shall assign 1 individual in each Area Office to be responsible on a full-time basis for recruitment activities.

''SEC. 113. INDIAN RECRUITMENT AND RETENTION PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Service, shall fund, on a competitive basis, innovative demonstration projects for a period not to exceed 3 years to enable Tribal Health Programs and Urban Indian Organizations to recruit, place, and retain health professionals to meet their staffing needs.

''(b) ELIGIBLE ENTITIES; APPLICATION.—Any Tribal Health Program or Urban Indian Organization may submit an application for funding of a project pursuant to this section.

''SEC. 114. ADVANCED TRAINING AND RESEARCH.

''(a) DEMONSTRATION PROGRAM.—The Secretary, acting through the Service, shall establish a demonstration project to enable health professionals who have worked in an Indian Health Program or Urban Indian Organization for a substantial period of time to pursue advanced training or research areas of study for which the Secretary determines a need exists.

''(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to at least the period of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the individual shall be liable to the United States for the period of service remaining. In such event, with respect to individuals entering the program after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(c) EQUAL OPPORTUNITY FOR PARTICIPATION.—Health professionals from Tribal Health Programs and Urban Indian Organizations shall be given an equal opportunity to participate in the program under subsection (a).

''SEC. 115. QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.

''(a) GRANTS AUTHORIZED.—For the purpose of increasing the number of nurses, nurse midwives, and nurse practitioners who deliver health care services to Indians, the Secretary, acting through the Service, shall provide grants to the following:

''(1) Public or private schools of nursing.

''(2) Tribal colleges or universities.

''(3) Nurse midwife programs and advanced practice nurse programs that are provided by any tribal college or university accredited nursing program, or in the absence of such, any other public or private institutions.

''(b) USE OF GRANTS.—Grants provided under subsection (a) may be used for 1 or more of the following:

''(1) To recruit individuals for programs which train individuals to be nurses, nurse midwives, or advanced practice nurses.

''(2) To provide scholarships to Indians enrolled in such programs that may pay the tuition charged for such program and other expenses incurred in connection with such program, including books, fees, room and board, and stipends for living expenses.

''(3) To provide a program that encourages nurses, nurse midwives, and advanced practice nurses to provide, or continue to provide, health care services to Indians.

''(4) To provide a program that increases the skills of, and provides continuing education to, nurses, nurse midwives, and advanced practice nurses.

''(5) To provide any program that is designed to achieve the purpose described in subsection (a).

''(c) APPLICATIONS.—Each application for a grant under subsection (a) shall include such information as the Secretary may require to establish the connection between the program of the applicant and a health care facility that primarily serves Indians.

''(d) PREFERENCES FOR GRANT RECIPIENTS.—In providing grants under subsection (a), the Secretary shall extend a preference to the following:

''(1) Programs that provide a preference to Indians.

''(2) Programs that train nurse midwives or advanced practice nurses.

''(3) Programs that are interdisciplinary.

''(4) Programs that are conducted in cooperation with a program for gifted and talented Indian students.

''(5) Programs conducted by tribal colleges and universities.

''(e) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to establish and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Nursing Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs established under section 117(b) and the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b).

''(f) ACTIVE DUTY SERVICE OBLIGATION.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each individual who receives training or assistance described in paragraph (1) or (2) of subsection (b) that is funded by a grant provided under subsection (a). Such obligation shall be met by service—

''(1) in the Service;

''(2) in a program of an Indian Tribe or Tribal Organization conducted under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) (including programs under agreements with the Bureau of Indian Affairs);

''(3) in a program assisted under title V of this Act;

''(4) in the private practice of nursing if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health shortage area and addresses the health care needs of a substantial number of Indians; or

''(5) in a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, health services provided to Indians would not decrease.

''SEC. 116. TRIBAL CULTURAL ORIENTATION.

''(a) CULTURAL EDUCATION OF EMPLOYEES.—The Secretary, acting through the Service, shall require that appropriate employees of

the Service who serve Indian Tribes in each Service Area receive educational instruction in the history and culture of such Indian Tribes and their relationship to the Service.

''(b) PROGRAM.—In carrying out subsection (a), the Secretary shall establish a program which shall, to the extent feasible—

''(1) be developed in consultation with the affected Indian Tribes, Tribal Organizations, and Urban Indian Organizations;

''(2) be carried out through tribal colleges or universities;

''(3) include instruction in American Indian studies; and

''(4) describe the use and place of traditional health care practices of the Indian Tribes in the Service Area.

''SEC. 117. INMED PROGRAM.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, is authorized to provide grants to colleges and universities for the purpose of maintaining and expanding the Indian health careers recruitment program known as the 'Indians Into Medicine Program' (hereinafter in this section referred to as 'INMED') as a means of encouraging Indians to enter the health professions.

''(b) QUENTIN N. BURDICK GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to maintain the INMED program at the University of North Dakota, to be known as the 'Quentin N. Burdick Indian Health Programs', unless the Secretary makes a determination, based upon program reviews, that the program is not meeting the purposes of this section. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b) and the Quentin N. Burdick American Indians Into Nursing Program established under section 115.

''(c) REGULATIONS.—The Secretary, pursuant to this Act, shall develop regulations to govern grants pursuant to this section.

''(d) REQUIREMENTS.—Applicants for grants provided under this section shall agree to provide a program which—

''(1) provides outreach and recruitment for health professions to Indian communities including elementary and secondary schools and community colleges located on reservations which will be served by the program;

''(2) incorporates a program advisory board comprised of representatives from the Indian Tribes and Indian communities which will be served by the program;

''(3) provides summer preparatory programs for Indian students who need enrichment in the subjects of math and science in order to pursue training in the health professions;

''(4) provides tutoring, counseling, and support to students who are enrolled in a health career program of study at the respective college or university; and

''(5) to the maximum extent feasible, employs qualified Indians in the program.

''SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY COLLEGES.

''(a) GRANTS TO ESTABLISH PROGRAMS.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges for the purpose of assisting such community colleges in the establishment of programs which provide education in a health profession leading to a degree or diploma in a health profession for individuals who desire to practice such profession on or near a reservation or in an Indian Health Program.

''(2) AMOUNT OF GRANTS.—The amount of any grant awarded to a community college under paragraph (1) for the first year in which such a grant is provided to the community college shall not exceed $250,000.

''(b) GRANTS FOR MAINTENANCE AND RECRUITING.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges that have established a program described in subsection (a)(1) for the purpose of maintaining the program and recruiting students for the program.

''(2) REQUIREMENTS.—Grants may only be made under this section to a community college which—

''(A) is accredited;

''(B) has a relationship with a hospital facility, Service facility, or hospital that could provide training of nurses or health professionals;

''(C) has entered into an agreement with an accredited college or university medical school, the terms of which—

''(i) provide a program that enhances the transition and recruitment of students into advanced baccalaureate or graduate programs that train health professionals; and

''(ii) stipulate certifications necessary to approve internship and field placement opportunities at Indian Health Programs;

''(D) has a qualified staff which has the appropriate certifications;

''(E) is capable of obtaining State or regional accreditation of the program described in subsection (a)(1); and

''(F) agrees to provide for Indian preference for applicants for programs under this section.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall encourage community colleges described in subsection (b)(2) to establish and maintain programs described in subsection (a)(1) by—

''(1) entering into agreements with such colleges for the provision of qualified personnel of the Service to teach courses of study in such programs; and

''(2) providing technical assistance and support to such colleges.

''(d) ADVANCED TRAINING.—

''(1) REQUIRED.—Any program receiving assistance under this section that is conducted with respect to a health profession shall also offer courses of study which provide advanced training for any health professional who—

''(A) has already received a degree or diploma in such health profession; and

''(B) provides clinical services on or near a reservation or for an Indian Health Program.

''(2) MAY BE OFFERED AT ALTERNATE SITE.—Such courses of study may be offered in conjunction with the college or university with which the community college has entered into the agreement required under subsection (b)(2)(C).

''(e) PRIORITY.—Where the requirements of subsection (b) are met, grant award priority shall be provided to tribal colleges and universities in Service Areas where they exist.

''SEC. 119. RETENTION BONUS.

''(a) BONUS AUTHORIZED.—The Secretary may pay a retention bonus to any health professional employed by, or assigned to, and serving in, an Indian Health Program or Urban Indian Organization either as a civilian employee or as a commissioned officer in the Regular or Reserve Corps of the Public Health Service who—

''(1) is assigned to, and serving in, a position for which recruitment or retention of personnel is difficult;

''(2) the Secretary determines is needed by Indian Health Programs and Urban Indian Organizations;

''(3) has—

''(A) completed 2 years of employment with an Indian Health Program or Urban Indian Organization; or

''(B) completed any service obligations incurred as a requirement of—

''(i) any Federal scholarship program; or

''(ii) any Federal education loan repayment program; and

''(4) enters into an agreement with an Indian Health Program or Urban Indian Organization for continued employment for a period of not less than 1 year.

''(b) RATES.—The Secretary may establish rates for the retention bonus which shall provide for a higher annual rate for multiyear agreements than for single year agreements referred to in subsection (a)(4), but in no event shall the annual rate be more than $25,000 per annum.

''(c) DEFAULT OF RETENTION AGREEMENT.—Any health professional failing to complete the agreed upon term of service, except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the period covered by the agreement, plus interest as determined by the Secretary in accordance with section 110(l)(2)(B).

''(d) OTHER RETENTION BONUS.—The Secretary may pay a retention bonus to any health professional employed by a Tribal Health Program if such health professional is serving in a position which the Secretary determines is—

''(1) a position for which recruitment or retention is difficult; and

''(2) necessary for providing health care services to Indians.

''SEC. 120. NURSING RESIDENCY PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Service, shall establish a program to enable Indians who are licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian Health Program or Urban Indian Organization, and have done so for a period of not less than 1 year, to pursue advanced training. Such program shall include a combination of education and work study in an Indian Health Program or Urban Indian Organization leading to an associate or bachelor's degree (in the case of a licensed practical nurse or licensed vocational nurse), a bachelor's degree (in the case of a registered nurse), or advanced degrees or certifications in nursing and public health.

''(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are paid by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to 1 year for every year that nonprofessional employee (licensed practical nurses, licensed vocational nurses, nursing assistants, and various health care technicals), or 2 years for every year that professional nurse (associate degree and bachelor-prepared registered nurses), participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''SEC. 121. COMMUNITY HEALTH AIDE PROGRAM.

''(a) GENERAL PURPOSES OF PROGRAM.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall develop and operate a Community Health Aide Program in Alaska under which the Service—

''(1) provides for the training of Alaska Natives as health aides or community health practitioners;

''(2) uses such aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

''(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides or community health practitioners.

''(b) SPECIFIC PROGRAM REQUIREMENTS.—The Secretary, acting through the Community Health Aide Program of the Service, shall—

''(1) using trainers accredited by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

''(2) in order to provide such training, develop a curriculum that—

''(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

''(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

''(C) promotes the achievement of the health status objectives specified in section 3(2);

''(3) establish and maintain a Community Health Aide Certification Board to certify as community health aides or community health practitioners individuals who have successfully completed the training described in paragraph (1) or can demonstrate equivalent experience;

''(4) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

''(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners;

''(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services; and

''(7) ensure that pulpal therapy (not including pulpotomies on deciduous teeth) or extraction of adult teeth can be performed by a dental health aide therapist only after consultation with a licensed dentist who determines that the procedure is a medical emergency that cannot be resolved with palliative treatment, and further that dental health aide therapists are strictly prohibited from performing all other oral or jaw surgeries, provided that uncomplicated extractions shall not be considered oral surgery under this section.

''(c) PROGRAM REVIEW.—

''(1) NEUTRAL PANEL.—

''(A) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish a neutral panel to carry out the study under paragraph (2).

''(B) MEMBERSHIP.—Members of the neutral panel shall be appointed by the Secretary from among clinicians, economists, community practitioners, oral epidemiologists, and Alaska Natives.

''(2) STUDY.—

''(A) IN GENERAL.—The neutral panel established under paragraph (1) shall conduct a study of the dental health aide therapist services provided by the Community Health Aide Program under this section to ensure that the quality of care provided through those services is adequate and appropriate.

''(B) PARAMETERS OF STUDY.—The Secretary, in consultation with interested parties, including professional dental organizations, shall develop the parameters of the study.

''(C) INCLUSIONS.—The study shall include a determination by the neutral panel with respect to—

''(i) the ability of the dental health aide therapist services under this section to address the dental care needs of Alaska Natives;

''(ii) the quality of care provided through those services, including any training, improvement, or additional oversight required to improve the quality of care; and

''(iii) whether safer and less costly alternatives to the dental health aide therapist services exist.

''(D) CONSULTATION.—In carrying out the study under this paragraph, the neutral panel shall consult with Alaska Tribal Organizations with respect to the adequacy and accuracy of the study.

''(3) REPORT.—The neutral panel shall submit to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Resources of the House of Representatives a report describing the results of the study under paragraph (2), including a description of—

''(A) any determination of the neutral panel under paragraph (2)(C); and

''(B) any comments received from an Alaska Tribal Organization under paragraph (2)(D).

''(d) NATIONALIZATION OF PROGRAM.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Service, may establish a national Community Health Aide Program in accordance with the program under this section, as the Secretary determines to be appropriate.

''(2) EXCEPTION.—The national Community Health Aide Program under paragraph (1) shall not include dental health aide therapist services.

''(3) REQUIREMENT.—In establishing a national program under paragraph (1), the Secretary shall not reduce the amount of funds provided for the Community Health Aide Program described in subsections (a) and (b).

''SEC. 122. TRIBAL HEALTH PROGRAM ADMINISTRATION.

''The Secretary, acting through the Service, shall, by contract or otherwise, provide training for Indians in the administration and planning of Tribal Health Programs.

''SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROGRAMS.

''(a) DEMONSTRATION PROGRAMS AUTHORIZED.—The Secretary, acting through the Service, may fund demonstration programs for Tribal Health Programs to address the chronic shortages of health professionals.

''(b) PURPOSES OF PROGRAMS.—The purposes of demonstration programs funded under subsection (a) shall be—

''(1) to provide direct clinical and practical experience at a Service Unit to health profession students and residents from medical schools;

''(2) to improve the quality of health care for Indians by assuring access to qualified health care professionals; and

''(3) to provide academic and scholarly opportunities for health professionals serving Indians by identifying all academic and scholarly resources of the region.

''(c) ADVISORY BOARD.—The demonstration programs established pursuant to subsection (a) shall incorporate a program advisory board composed of representatives from the Indian Tribes and Indian communities in the area which will be served by the program.

''SEC. 124. NATIONAL HEALTH SERVICE CORPS.

''The Secretary shall not—

''(1) remove a member of the National Health Service Corps from an Indian Health Program or Urban Indian Organization; or

''(2) withdraw funding used to support such member, unless the Secretary, acting through the Service, has ensured that the Indians receiving services from such member will experience no reduction in services.

''SEC. 125. SUBSTANCE ABUSE COUNSELOR EDUCATIONAL CURRICULA DEMONSTRATION PROGRAMS.

''(a) CONTRACTS AND GRANTS.—The Secretary, acting through the Service, may enter into contracts with, or make grants to, accredited tribal colleges and universities and eligible accredited and accessible community colleges to establish demonstration programs to develop educational curricula for substance abuse counseling.

''(b) USE OF FUNDS.—Funds provided under this section shall be used only for developing and providing educational curriculum for substance abuse counseling (including paying salaries for instructors). Such curricula may be provided through satellite campus programs.

''(c) TIME PERIOD OF ASSISTANCE; RENEWAL.—A contract entered into or a grant provided under this section shall be for a period of 3 years. Such contract or grant may be renewed for an additional 2-year period upon the approval of the Secretary.

''(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—Not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary, after consultation with Indian Tribes and administrators of tribal colleges and universities and eligible accredited and accessible community colleges, shall develop and issue criteria for the review and approval of applications for funding (including applications for renewals of funding) under this section. Such criteria shall ensure that demonstration programs established under this section promote the development of the capacity of such entities to educate substance abuse counselors.

''(e) ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

''(f) REPORT.—Each fiscal year, the Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for that fiscal year, a report on the findings and conclusions derived from the demonstration programs conducted under this section during that fiscal year.

''(g) DEFINITION.—For the purposes of this section, the term 'educational curriculum' means 1 or more of the following:

''(1) Classroom education.

''(2) Clinical work experience.

''(3) Continuing education workshops.

''SEC. 126. BEHAVIORAL HEALTH TRAINING AND COMMUNITY EDUCATION PROGRAMS.

''(a) STUDY; LIST.—The Secretary, acting through the Service, and the Secretary of the Interior, in consultation with Indian Tribes and Tribal Organizations, shall conduct a study and compile a list of the types of staff positions specified in subsection (b) whose qualifications include, or should include, training in the identification, prevention, education, referral, or treatment of mental illness, or dysfunctional and self destructive behavior.

''(b) POSITIONS.—The positions referred to in subsection (a) are—

''(1) staff positions within the Bureau of Indian Affairs, including existing positions, in the fields of—

''(A) elementary and secondary education;

''(B) social services and family and child welfare;

''(C) law enforcement and judicial services; and

''(D) alcohol and substance abuse;

''(2) staff positions within the Service; and

''(3) staff positions similar to those identified in paragraphs (1) and (2) established and maintained by Indian Tribes, Tribal Organizations (without regard to the funding source), and Urban Indian Organizations.

''(c) TRAINING CRITERIA.—

''(1) IN GENERAL.—The appropriate Secretary shall provide training criteria appropriate to each type of position identified in subsection (b)(1) and (b)(2) and ensure that appropriate training has been, or shall be provided to any individual in any such position. With respect to any such individual in a position identified pursuant to subsection (b)(3), the respective Secretaries shall provide appropriate training to, or provide funds to, an Indian Tribe, Tribal Organization, or Urban Indian Organization for training of appropriate individuals. In the case of positions funded under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the appropriate Secretary shall ensure that such training costs are included in the contract or compact, as the Secretary determines necessary.

''(2) POSITION SPECIFIC TRAINING CRITERIA.—Position specific training criteria shall be culturally relevant to Indians and Indian Tribes and shall ensure that appropriate information regarding traditional health care practices is provided.

''(d) COMMUNITY EDUCATION ON MENTAL ILLNESS.—The Service shall develop and implement, on request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, or assist the Indian Tribe, Tribal Organization, or Urban Indian Organization to develop and implement, a program of community education on mental illness. In carrying out this subsection, the Service shall, upon request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance to the Indian Tribe, Tribal Organization, or Urban Indian Organization to obtain and develop community educational materials on the identification, prevention, referral, and treatment of mental illness and dysfunctional and self-destructive behavior.

''(e) PLAN.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary shall develop a plan under which the Service will increase the health care staff providing behavioral health services by at least 500 positions within 5 years after the date of enactment of this section, with at least 200 of such positions devoted to child, adolescent, and family services. The plan developed under this subsection shall be implemented under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act').

''SEC. 127. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out this title.

''TITLE II—HEALTH SERVICES

''SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.

''(a) USE OF FUNDS.—The Secretary, acting through the Service, is authorized to expend funds, directly or under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), which are appropriated under the authority of this section, for the purposes of—

''(1) eliminating the deficiencies in health status and health resources of all Indian Tribes;

''(2) eliminating backlogs in the provision of health care services to Indians;

''(3) meeting the health needs of Indians in an efficient and equitable manner, including the use of telehealth and telemedicine when appropriate;

''(4) eliminating inequities in funding for both direct care and contract health service programs; and

''(5) augmenting the ability of the Service to meet the following health service responsibilities with respect to those Indian Tribes with the highest levels of health status deficiencies and resource deficiencies:

''(A) Clinical care, including inpatient care, outpatient care (including audiology, clinical eye, and vision care), primary care, secondary and tertiary care, and long-term care.

''(B) Preventive health, including mammography and other cancer screening in accordance with section 207.

''(C) Dental care.

''(D) Mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners.

''(E) Emergency medical services.

''(F) Treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol syndrome) among Indians.

''(G) Injury prevention programs.

''(H) Home health care.

''(I) Community health representatives.

''(J) Maintenance and improvement.

''(b) NO OFFSET OR LIMITATION.—Any funds appropriated under the authority of this section shall not be used to offset or limit any other appropriations made to the Service under this Act or the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other provision of law.

''(c) ALLOCATION; USE.—

''(1) IN GENERAL.—Funds appropriated under the authority of this section shall be allocated to Service Units, Indian Tribes, or Tribal Organizations. The funds allocated to each Indian Tribe, Tribal Organization, or Service Unit under this paragraph shall be used by the Indian Tribe, Tribal Organization, or Service Unit under this paragraph to improve the health status and reduce the resource deficiency of each Indian Tribe served by such Service Unit, Indian Tribe, or Tribal Organization.

''(2) APPORTIONMENT OF ALLOCATED FUNDS.—The apportionment of funds allocated to a Service Unit, Indian Tribe, or Tribal Organization under paragraph (1) among the health service responsibilities described in subsection (a)(5) shall be determined by the Service in consultation with, and with the active participation of, the affected Indian Tribes and Tribal Organizations.

''(d) PROVISIONS RELATING TO HEALTH STATUS AND RESOURCE DEFICIENCIES.—For the purposes of this section, the following definitions apply:

''(1) DEFINITION.—The term 'health status and resource deficiency' means the extent to which—

''(A) the health status objectives set forth in section 3(2) are not being achieved; and

''(B) the Indian Tribe or Tribal Organization does not have available to it the health resources it needs, taking into account the actual cost of providing health care services given local geographic, climatic, rural, or other circumstances.

''(2) AVAILABLE RESOURCES.—The health resources available to an Indian Tribe or Tribal Organization include health resources provided by the Service as well as health resources used by the Indian Tribe or Tribal Organization, including services and financing systems provided by any Federal programs, private insurance, and programs of State or local governments.

''(3) PROCESS FOR REVIEW OF DETERMINATIONS.—The Secretary shall establish procedures which allow any Indian Tribe or Tribal Organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such Indian Tribe or Tribal Organization.

''(e) ELIGIBILITY FOR FUNDS.—Tribal Health Programs shall be eligible for funds appropriated under the authority of this section on an equal basis with programs that are administered directly by the Service.

''(f) REPORT.—By no later than the date that is 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary shall submit to Congress the current health status and resource deficiency report of the Service for each Service Unit, including newly recognized or acknowledged Indian Tribes. Such report shall set out—

''(1) the methodology then in use by the Service for determining Tribal health status and resource deficiencies, as well as the most recent application of that methodology;

''(2) the extent of the health status and resource deficiency of each Indian Tribe served by the Service or a Tribal Health Program;

''(3) the amount of funds necessary to eliminate the health status and resource deficiencies of all Indian Tribes served by the Service or a Tribal Health Program; and

''(4) an estimate of—

''(A) the amount of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service for the preceding fiscal year which is allocated to each Service Unit, Indian Tribe, or Tribal Organization;

''(B) the number of Indians eligible for health services in each Service Unit or Indian Tribe or Tribal Organization; and

''(C) the number of Indians using the Service resources made available to each Service Unit, Indian Tribe or Tribal Organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

''(g) INCLUSION IN BASE BUDGET.—Funds appropriated under this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

''(h) CLARIFICATION.—Nothing in this section is intended to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs, nor are the provisions of this section intended to discourage the Service from undertaking additional efforts to achieve equity among Indian Tribes and Tribal Organizations.

''(i) FUNDING DESIGNATION.—Any funds appropriated under the authority of this section shall be designated as the 'Indian Health Care Improvement Fund'.

''SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

''(a) ESTABLISHMENT.—There is established an Indian Catastrophic Health Emergency Fund (hereafter in this section referred to as the 'CHEF') consisting of—

''(1) the amounts deposited under subsection (f); and

''(2) the amounts appropriated to CHEF under this section.

''(b) ADMINISTRATION.—CHEF shall be administered by the Secretary, acting through the central office of the Service, solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses who are within the responsibility of the Service.

''(c) CONDITIONS ON USE OF FUND.—No part of CHEF or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), nor shall CHEF funds be allocated, apportioned, or delegated on an Area Office, Service Unit, or other similar basis.

''(d) REGULATIONS.—The Secretary shall promulgate regulations consistent with the provisions of this section to—

''(1) establish a definition of disasters and catastrophic illnesses for which the cost of the treatment provided under contract would qualify for payment from CHEF;

''(2) provide that a Service Unit shall not be eligible for reimbursement for the cost of treatment from CHEF until its cost of treating any victim of such catastrophic illness or disaster has reached a certain threshold cost which the Secretary shall establish at—

''(A) the 2000 level of $19,000; and

''(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;

''(3) establish a procedure for the reimbursement of the portion of the costs that exceeds such threshold cost incurred by—

''(A) Service Units; or

''(B) whenever otherwise authorized by the Service, non-Service facilities or providers;

''(4) establish a procedure for payment from CHEF in cases in which the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

''(5) establish a procedure that will ensure that no payment shall be made from CHEF to any provider of treatment to the extent that such provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible.

''(e) NO OFFSET OR LIMITATION.—Amounts appropriated to CHEF under this section shall not be used to offset or limit appropriations made to the Service under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other law.

''(f) DEPOSIT OF REIMBURSEMENT FUNDS.—There shall be deposited into CHEF all reimbursements to which the Service is entitled from any Federal, State, local, or private source (including third party insurance) by reason of treatment rendered to any victim of a disaster or catastrophic illness the cost of which was paid from CHEF.

''SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION SERVICES.

''(a) FINDINGS.—Congress finds that health promotion and disease prevention activities—

''(1) improve the health and well-being of Indians; and

''(2) reduce the expenses for health care of Indians.

''(b) PROVISION OF SERVICES.—The Secretary, acting through the Service and Tribal Health Programs, shall provide health promotion and disease prevention services to Indians to achieve the health status objectives set forth in section 3(2).

''(c) EVALUATION.—The Secretary, after obtaining input from the affected Tribal Health Programs, shall submit to the President for inclusion in the report which is required to be submitted to Congress under section 801 an evaluation of—

''(1) the health promotion and disease prevention needs of Indians;

''(2) the health promotion and disease prevention activities which would best meet such needs;

''(3) the internal capacity of the Service and Tribal Health Programs to meet such needs; and

''(4) the resources which would be required to enable the Service and Tribal Health Programs to undertake the health promotion and disease prevention activities necessary to meet such needs.

''SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.

''(a) DETERMINATIONS REGARDING DIABETES.—The Secretary, acting through the Service, and in consultation with Indian Tribes and Tribal Organizations, shall determine—

''(1) by Indian Tribe and by Service Unit, the incidence of, and the types of complications resulting from, diabetes among Indians; and

''(2) based on the determinations made pursuant to paragraph (1), the measures (including patient education and effective ongoing monitoring of disease indicators) each Service Unit should take to reduce the incidence of, and prevent, treat, and control the complications resulting from, diabetes among Indian Tribes within that Service Unit.

''(b) DIABETES SCREENING.—To the extent medically indicated and with informed consent, the Secretary shall screen each Indian who receives services from the Service for diabetes and for conditions which indicate a high risk that the individual will become diabetic and establish a cost-effective approach to ensure ongoing monitoring of disease indicators. Such screening and monitoring may be conducted by a Tribal Health Program and may be conducted through appropriate Internet-based health care management programs.

''(c) DIABETES PROJECTS.—The Secretary shall continue to maintain each model diabetes project in existence on the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, any such other diabetes programs operated by the Service or Tribal Health Programs, and any additional diabetes projects, such as the Medical Vanguard program provided for in title IV of Public Law 108–87, as implemented to serve Indian Tribes. Tribal Health Programs shall receive recurring funding for the diabetes projects that they operate pursuant to this section, both at the date of enactment of the Indian Health Care Improvement Act Amendments of 2006 and for projects which are added and funded thereafter.

''(d) DIALYSIS PROGRAMS.—The Secretary is authorized to provide, through the Service, Indian Tribes, and Tribal Organizations, dialysis programs, including the purchase of dialysis equipment and the provision of necessary staffing.

''(e) OTHER DUTIES OF THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall, to the extent funding is available—

''(A) in each Area Office, consult with Indian Tribes and Tribal Organizations regarding programs for the prevention, treatment, and control of diabetes;

''(B) establish in each Area Office a registry of patients with diabetes to track the incidence of diabetes and the complications from diabetes in that area; and

''(C) ensure that data collected in each Area Office regarding diabetes and related complications among Indians are disseminated to all other Area Offices, subject to applicable patient privacy laws.

''(2) DIABETES CONTROL OFFICERS.—

''(A) IN GENERAL.—The Secretary may establish and maintain in each Area Office a position of diabetes control officer to coordinate and manage any activity of that Area Office relating to the prevention, treatment, or control of diabetes to assist the Secretary in carrying out a program under this section or section 330C of the Public Health Service Act (42 U.S.C. 254c–3).

''(B) CERTAIN ACTIVITIES.—Any activity carried out by a diabetes control officer under subparagraph (A) that is the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and any funds made available to carry out such an activity, shall not be divisible for purposes of that Act.

''SEC. 205. SHARED SERVICES FOR LONG-TERM CARE.

''(a) LONG-TERM CARE.—Notwithstanding any other provision of law, the Secretary, acting through the Service, is authorized to provide directly, or enter into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations for, the delivery of long-term care (including health care services associated with long-term care) provided in a facility to Indians. Such agreements shall provide for the sharing of staff or other services between the Service or a Tribal Health Program and a long-term care or related facility owned and operated (directly or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) by such Indian Tribe or Tribal Organization.

''(b) CONTENTS OF AGREEMENTS.—An agreement entered into pursuant to subsection (a)—

''(1) may, at the request of the Indian Tribe or Tribal Organization, delegate to such Indian Tribe or Tribal Organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section;

''(2) shall provide that expenses (including salaries) relating to services that are shared between the Service and the Tribal Health Program be allocated proportionately between the Service and the Indian Tribe or Tribal Organization; and

''(3) may authorize such Indian Tribe or Tribal Organization to construct, renovate, or expand a long-term care or other similar facility (including the construction of a facility attached to a Service facility).

''(c) MINIMUM REQUIREMENT.—Any nursing facility provided for under this section shall meet the requirements for nursing facilities under section 1919 of the Social Security Act.

''(d) OTHER ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

''(e) USE OF EXISTING OR UNDERUSED FACILITIES.—The Secretary shall encourage the use of existing facilities that are underused or allow the use of swing beds for long-term or similar care.

''SEC. 206. HEALTH SERVICES RESEARCH.

''(a) IN GENERAL.—The Secretary, acting through the Service, shall make funding available for research to further the performance of the health service responsibilities of Indian Health Programs.

''(b) COORDINATION OF RESOURCES AND ACTIVITIES.—The Secretary shall also, to the maximum extent practicable, coordinate departmental research resources and activities to address relevant Indian Health Program research needs.

''(c) AVAILABILITY.—Tribal Health Programs shall be given an equal opportunity to compete for, and receive, research funds under this section.

''(d) USE OF FUNDS.—This funding may be used for both clinical and nonclinical research.

''(e) EVALUATION AND DISSEMINATION.—The Secretary shall periodically—

''(1) evaluate the impact of research conducted under this section; and

''(2) disseminate to Tribal Health Programs information regarding that research

as the Secretary determines to be appropriate.

"SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREENING.

''The Secretary, acting through the Service or Tribal Health Programs, shall provide for screening as follows:

''(1) Screening mammography (as defined in section 1861(jj) of the Social Security Act) for Indian women at a frequency appropriate to such women under accepted and appropriate national standards, and under such terms and conditions as are consistent with standards established by the Secretary to ensure the safety and accuracy of screening mammography under part B of title XVIII of such Act.

''(2) Other cancer screening that receives an A or B rating as recommended by the United States Preventive Services Task Force established under section 915(a)(1) of the Public Health Service Act (42 U.S.C. 299b–4(a)(1)). The Secretary shall ensure that screening provided for under this paragraph complies with the recommendations of the Task Force with respect to—

''(A) frequency;

''(B) the population to be served;

''(C) the procedure or technology to be used;

''(D) evidence of effectiveness; and

''(E) other matters that the Secretary determines appropriate.

"SEC. 208. PATIENT TRAVEL COSTS.

''(a) DEFINITION OF QUALIFIED ESCORT.—In this section, the term 'qualified escort' means—

''(1) an adult escort (including a parent, guardian, or other family member) who is required because of the physical or mental condition, or age, of the applicable patient;

''(2) a health professional for the purpose of providing necessary medical care during travel by the applicable patient; or

''(3) other escorts, as the Secretary or applicable Indian Health Program determines to be appropriate.

''(b) PROVISION OF FUNDS.—The Secretary, acting through the Service and Tribal Health Programs, is authorized to provide funds for the following patient travel costs, including qualified escorts, associated with receiving health care services provided (either through direct or contract care or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) under this Act—

''(1) emergency air transportation and nonemergency air transportation where ground transportation is infeasible;

''(2) transportation by private vehicle (where no other means of transportation is available), specially equipped vehicle, and ambulance; and

''(3) transportation by such other means as may be available and required when air or motor vehicle transportation is not available.

"SEC. 209. EPIDEMIOLOGY CENTERS.

''(a) ADDITIONAL CENTERS.—In addition to those epidemiology centers already established as of the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, and without reducing the funding levels for such centers, not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary, acting through the Service, shall establish an epidemiology center in each Service Area which does not yet have one to carry out the functions described in subsection (b). Any new centers so established may be operated by Tribal Health Programs, but such funding shall not be divisible.

''(b) FUNCTIONS OF CENTERS.—In consultation with and upon the request of Indian Tribes, Tribal Organizations, and Urban Indian Organizations, each Service Area epidemiology center established under this subsection shall, with respect to such Service Area—

''(1) collect data relating to, and monitor progress made toward meeting, each of the health status objectives of the Service, the Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the Service Area;

''(2) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health;

''(3) assist Indian Tribes, Tribal Organizations, and Urban Indian Organizations in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;

''(4) make recommendations for the targeting of services needed by the populations served;

''(5) make recommendations to improve health care delivery systems for Indians and Urban Indians;

''(6) provide requested technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community; and

''(7) provide disease surveillance and assist Indian Tribes, Tribal Organizations, and Urban Indian Organizations to promote public health.

''(c) TECHNICAL ASSISTANCE.—The Director of the Centers for Disease Control and Prevention shall provide technical assistance to the centers in carrying out the requirements of this subsection.

''(d) GRANTS FOR STUDIES.—The Secretary may make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to conduct epidemiological studies of Indian communities.

"SEC. 210. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

''(a) FUNDING FOR DEVELOPMENT OF PROGRAMS.—In addition to carrying out any other program for health promotion or disease prevention, the Secretary, acting through the Service, is authorized to award grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to develop comprehensive school health education programs for children from pre-school through grade 12 in schools for the benefit of Indian and Urban Indian children.

''(b) USE OF GRANT FUNDS.—A grant awarded under this section may be used for purposes which may include, but are not limited to, the following:

''(1) Developing health education materials both for regular school programs and after-school programs.

''(2) Training teachers in comprehensive school health education materials.

''(3) Integrating school-based, community-based, and other public and private health promotion efforts.

''(4) Encouraging healthy, tobacco-free school environments.

''(5) Coordinating school-based health programs with existing services and programs available in the community.

''(6) Developing school programs on nutrition education, personal health, oral health, and fitness.

''(7) Developing behavioral health wellness programs.

''(8) Developing chronic disease prevention programs.

''(9) Developing substance abuse prevention programs.

''(10) Developing injury prevention and safety education programs.

''(11) Developing activities for the prevention and control of communicable diseases.

''(12) Developing community and environmental health education programs that include traditional health care practitioners.

''(13) Violence prevention.

''(14) Such other health issues as are appropriate.

''(c) TECHNICAL ASSISTANCE.—Upon request, the Secretary, acting through the Service, shall provide technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the development of comprehensive health education plans and the dissemination of comprehensive health education materials and information on existing health programs and resources.

''(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—The Secretary, acting through the Service, and in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall establish criteria for the review and approval of applications for grants awarded under this section.

''(e) DEVELOPMENT OF PROGRAM FOR BIA-FUNDED SCHOOLS.—

''(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary, acting through the Service, and affected Indian Tribes and Tribal Organizations, shall develop a comprehensive school health education program for children from preschool through grade 12 in schools for which support is provided by the Bureau of Indian Affairs.

''(2) REQUIREMENTS FOR PROGRAMS.—Such programs shall include—

''(A) school programs on nutrition education, personal health, oral health, and fitness;

''(B) behavioral health wellness programs;

''(C) chronic disease prevention programs;

''(D) substance abuse prevention programs;

''(E) injury prevention and safety education programs; and

''(F) activities for the prevention and control of communicable diseases.

''(3) DUTIES OF THE SECRETARY.—The Secretary of the Interior shall—

''(A) provide training to teachers in comprehensive school health education materials;

''(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

''(C) encourage healthy, tobacco-free school environments.

"SEC. 211. INDIAN YOUTH PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Service, is authorized to establish and administer a program to provide grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian and Urban Indian preadolescent and adolescent youths.

''(b) USE OF FUNDS.—

''(1) ALLOWABLE USES.—Funds made available under this section may be used to—

''(A) develop prevention and treatment programs for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional health care practitioners; and

''(B) develop and provide community training and education.

''(2) PROHIBITED USE.—Funds made available under this section may not be used to provide services described in section 707(c).

''(c) DUTIES OF THE SECRETARY.—The Secretary shall—

''(1) disseminate to Indian Tribes, Tribal Organizations, and Urban Indian Organizations information regarding models for the delivery of comprehensive health care services to Indian and Urban Indian adolescents;

''(2) encourage the implementation of such models; and

''(3) at the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance in the implementation of such models.

''(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—The Secretary, in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall establish criteria for the review and approval of applications or proposals under this section.

''SEC. 212. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.

''(a) FUNDING AUTHORIZED.—The Secretary, acting through the Service, and after consultation with the Centers for Disease Control and Prevention, may make funding available to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for the following:

''(1) Projects for the prevention, control, and elimination of communicable and infectious diseases, including tuberculosis, hepatitis, HIV, respiratory syncytial virus, hanta virus, sexually transmitted diseases, and H. Pylori.

''(2) Public information and education programs for the prevention, control, and elimination of communicable and infectious diseases.

''(3) Education, training, and clinical skills improvement activities in the prevention, control, and elimination of communicable and infectious diseases for health professionals, including allied health professionals.

''(4) Demonstration projects for the screening, treatment, and prevention of hepatitis C virus (HCV).

''(b) APPLICATION REQUIRED.—The Secretary may provide funding under subsection (a) only if an application or proposal for funding is submitted to the Secretary.

''(c) COORDINATION WITH HEALTH AGENCIES.—Indian Tribes, Tribal Organizations, and Urban Indian Organizations receiving funding under this section are encouraged to coordinate their activities with the Centers for Disease Control and Prevention and State and local health agencies.

''(d) TECHNICAL ASSISTANCE; REPORT.—In carrying out this section, the Secretary—

''(1) may, at the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance; and

''(2) shall prepare and submit a report to Congress biennially on the use of funds under this section and on the progress made toward the prevention, control, and elimination of communicable and infectious diseases among Indians and Urban Indians.

''SEC. 213. AUTHORITY FOR PROVISION OF OTHER SERVICES.

''(a) FUNDING AUTHORIZED.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide funding under this Act to meet the objectives set forth in section 3 through health care-related services and programs not otherwise described in this Act, including—

''(1) hospice care;

''(2) assisted living;

''(3) long-term care; and

''(4) home- and community-based services, in accordance with subsection (c).

''(b) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—The Secretary shall require that any service provided under this section shall be in accordance with such terms and conditions as the Secretary determines to be consistent with accepted and appropriate standards relating to the service, including any licensing term or condition under this Act.

''(2) STANDARDS.—

''(A) IN GENERAL.—In accordance with this Act and the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary may use the standards for a service provided under this section required by the State in which the service is provided.

''(B) INDIAN TRIBES.—If a service under this section is provided by an Indian Tribe or Tribal Organization pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the verification by the Secretary that the service meets any standards required by the State in which the service is or will be provided shall be considered to meet the terms and conditions required under this subsection.

''(3) ELIGIBILITY.—The following individuals shall be eligible to receive long-term care under this section:

''(A) Individuals who are unable to perform a certain number of activities of daily living without assistance.

''(B) Individuals with a mental impairment, such as dementia, Alzheimer's disease, or another disabling mental illness, who may be able to perform activities of daily living under supervision.

''(C) Such other individuals as an applicable Indian Health Program determines to be appropriate.

''(c) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

''(1) The term 'home- and community-based services' means 1 or more of the following services (whether provided by the Service or by an Indian Tribe or Tribal Organization under a contract, grant agreement, or cooperative agreement pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) for which the Secretary has established standards pursuant to subsection (b):

''(A) Home health aide services.

''(B) Nursing care services provided outside of a nursing facility by, or under the supervision of, a registered nurse.

''(C) Respite care.

''(D) Adult day care.

''(E) Such other services identified by an Indian Tribe or Tribal Organization for which the Secretary has established standards pursuant to subsection (b).

''(2) The term 'hospice care' means the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and such other services which an Indian Tribe or Tribal Organization determines are necessary and appropriate to provide in furtherance of this care.

''SEC. 214. INDIAN WOMEN'S HEALTH CARE.

''The Secretary, acting through the Service and Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

''SEC. 215. ENVIRONMENTAL AND NUCLEAR HEALTH HAZARDS.

''(a) STUDIES AND MONITORING.—The Secretary and the Service shall conduct, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian Tribes and Tribal Organizations, studies and ongoing monitoring programs to determine trends in the health hazards to Indian miners and to Indians on or near reservations and Indian communities as a result of environmental hazards which may result in chronic or life threatening health problems, such as nuclear resource development, petroleum contamination, and contamination of water source and of the food chain. Such studies shall include—

''(1) an evaluation of the nature and extent of health problems caused by environmental hazards currently exhibited among Indians and the causes of such health problems;

''(2) an analysis of the potential effect of ongoing and future environmental resource development on or near reservations and Indian communities, including the cumulative effect over time on health;

''(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear power plant operation and construction, and nuclear waste disposal; oil and gas production or transportation on or near reservations or Indian communities; and other development that could affect the health of Indians and their water supply and food chain;

''(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the 5 years prior to the date of enactment of the Indian Health Care Improvement Act Amendments of 2006 that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

''(5) the efforts that have been made by Federal and State agencies and resource and economic development companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such development.

''(b) HEALTH CARE PLANS.—Upon completion of such studies, the Secretary and the Service shall take into account the results of such studies and develop health care plans to address the health problems studied under subsection (a). The plans shall include—

''(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

''(2) preventive care and testing for Indians who may be exposed to such health hazards, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation or affected by other activities that have had or could have a serious impact upon the health of such individuals; and

''(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear or other development activities, may experience health problems.

''(c) SUBMISSION OF REPORT AND PLAN TO CONGRESS.—The Secretary and the Service shall submit to Congress the study prepared under subsection (a) no later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006. The health care plan prepared under subsection (b) shall be submitted in a report no later than 1 year after the study prepared under subsection (a) is submitted to Congress. Such report shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address such health problems.

''(d) INTERGOVERNMENTAL TASK FORCE.—

''(1) ESTABLISHMENT; MEMBERS.—There is established an Intergovernmental Task Force to be composed of the following individuals (or their designees):

''(A) The Secretary of Energy.

''(B) The Secretary of the Environmental Protection Agency.

''(C) The Director of the Bureau of Mines.

''(D) The Assistant Secretary for Occupational Safety and Health.

''(E) The Secretary of the Interior.

''(F) The Secretary of Health and Human Services.

''(G) The Director of the Indian Health Service.

''(2) DUTIES.—The Task Force shall—

''(A) identify existing and potential operations related to nuclear resource development or other environmental hazards that affect or may affect the health of Indians on or near a reservation or in an Indian community; and

''(B) enter into activities to correct existing health hazards and ensure that current and future health problems resulting from nuclear resource or other development activities are minimized or reduced.

''(3) CHAIRMAN; MEETINGS.—The Secretary of Health and Human Services shall be the Chairman of the Task Force. The Task Force shall meet at least twice each year.

''(e) HEALTH SERVICES TO CERTAIN EMPLOYEES.—In the case of any Indian who—

''(1) as a result of employment in or near a uranium mine or mill or near any other environmental hazard, suffers from a work-related illness or condition;

''(2) is eligible to receive diagnosis and treatment services from an Indian Health Program; and

''(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator or entity responsible for the environmental hazard, the Indian Health Program shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may be reimbursed for any medical care so rendered to which such Indian is entitled at the expense of such operator or entity from such operator or entity. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such amounts paid to the Indian Health Program from the employer for providing medical care for such illness or condition.

''SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

''(a) IN GENERAL.—For fiscal years beginning with the fiscal year ending September 30, 1983, and ending with the fiscal year ending September 30, 2016, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of Arizona.

''(b) MAINTENANCE OF SERVICES.—The Service shall not curtail any health care services provided to Indians residing on reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

''SEC. 216A. NORTH DAKOTA AND SOUTH DAKOTA AS CONTRACT HEALTH SERVICE DELIVERY AREA.

''(a) IN GENERAL.—Beginning in fiscal year 2003, the States of North Dakota and South Dakota shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of North Dakota and South Dakota.

''(b) LIMITATION.—The Service shall not curtail any health care services provided to Indians residing on any reservation, or in any county that has a common boundary with any reservation, in the State of North Dakota or South Dakota if such curtailment is due to the provision of contract services in such States pursuant to the designation of such States as a contract health service delivery area pursuant to subsection (a).

''SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES PROGRAM.

''(a) FUNDING AUTHORIZED.—The Secretary is authorized to fund a program using the California Rural Indian Health Board (hereafter in this section referred to as the 'CRIHB') as a contract care intermediary to improve the accessibility of health services to California Indians.

''(b) REIMBURSEMENT CONTRACT.—The Secretary shall enter into an agreement with the CRIHB to reimburse the CRIHB for costs (including reasonable administrative costs) incurred pursuant to this section, in providing medical treatment under contract to California Indians described in section 806(a) throughout the California contract health services delivery area described in section 218 with respect to high cost contract care cases.

''(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts provided to the CRIHB under this section for any fiscal year may be for reimbursement for administrative expenses incurred by the CRIHB during such fiscal year.

''(d) LIMITATION ON PAYMENT.—No payment may be made for treatment provided hereunder to the extent payment may be made for such treatment under the Indian Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

''(e) ADVISORY BOARD.—There is established an advisory board which shall advise the CRIHB in carrying out this section. The advisory board shall be composed of representatives, selected by the CRIHB, from not less than 8 Tribal Health Programs serving California Indians covered under this section at least ½ of whom of whom are not affiliated with the CRIHB.

''SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

''The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to California Indians. However, any of the counties listed herein may only be included in the contract health services delivery area if funding is specifically provided by the Service for such services in those counties.

''SEC. 219. CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA.

''(a) AUTHORIZATION FOR SERVICES.—The Secretary, acting through the Service, is directed to provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties in the State of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana.

''(b) NO EXPANSION OF ELIGIBILITY.—Nothing in this section may be construed as expanding the eligibility of members of the Turtle Mountain Band of Chippewa Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

''SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

''The Service shall provide funds for health care programs and facilities operated by Tribal Health Programs on the same basis as such funds are provided to programs and facilities operated directly by the Service.

''SEC. 221. LICENSING.

''Health care professionals employed by a Tribal Health Program shall, if licensed in any State, be exempt from the licensing requirements of the State in which the Tribal Health Program performs the services described in its contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''SEC. 222. NOTIFICATION OF PROVISION OF EMERGENCY CONTRACT HEALTH SERVICES.

''With respect to an elderly Indian or an Indian with a disability receiving emergency medical care or services from a non-Service provider or in a non-Service facility under the authority of this Act, the time limitation (as a condition of payment) for notifying the Service of such treatment or admission shall be 30 days.

''SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.

''(a) DEADLINE FOR RESPONSE.—The Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

''(b) EFFECT OF UNTIMELY RESPONSE.—If the Service fails to respond to a notification of a claim in accordance with subsection (a), the Service shall accept as valid the claim submitted by the provider of a contract care service.

''(c) DEADLINE FOR PAYMENT OF VALID CLAIM.—The Service shall pay a valid contract care service claim within 30 days after the completion of the claim.

''SEC. 224. LIABILITY FOR PAYMENT.

''(a) NO PATIENT LIABILITY.—A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

''(b) NOTIFICATION.—The Secretary shall notify a contract care provider and any patient who receives contract health care services authorized by the Service that such patient is not liable for the payment of any charges or costs associated with the provision of such services not later than 5 business days after receipt of a notification of a claim by a provider of contract care services.

''(c) NO RECOURSE.—Following receipt of the notice provided under subsection (b), or, if a claim has been deemed accepted under section 223(b), the provider shall have no further recourse against the patient who received the services.

''SEC. 225. OFFICE OF INDIAN MEN'S HEALTH.

''(a) ESTABLISHMENT.—The Secretary may establish within the Service an office to be known as the 'Office of Indian Men's Health' (referred to in this section as the 'Office').

''(b) DIRECTOR.—

''(1) IN GENERAL.—The Office shall be headed by a director, to be appointed by the Secretary.

''(2) DUTIES.—The director shall coordinate and promote the status of the health of Indian men in the United States.

''(c) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary, acting through the director of the Office, shall submit to Congress a report describing—

''(1) any activity carried out by the director as of the date on which the report is prepared; and

''(2) any finding of the director with respect to the health of Indian men.

''SEC. 226. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out this title.

"TITLE III—FACILITIES

"SEC. 301. CONSULTATION; CONSTRUCTION AND RENOVATION OF FACILITIES; REPORTS.

''(a) PREREQUISITES FOR EXPENDITURE OF FUNDS.—Prior to the expenditure of, or the making of any binding commitment to expend, any funds appropriated for the planning, design, construction, or renovation of facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall—

''(1) consult with any Indian Tribe that would be significantly affected by such expenditure for the purpose of determining and, whenever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made; and

''(2) ensure, whenever practicable and applicable, that such facility meets the construction standards of any accrediting body recognized by the Secretary for the purposes of the Medicare, Medicaid, and SCHIP programs under titles XVIII, XIX, and XXI of the Social Security Act by not later than 1 year after the date on which the construction or renovation of such facility is completed.

''(b) CLOSURES.—

''(1) EVALUATION REQUIRED.—Notwithstanding any other provision of law, no facility operated by the Service may be closed if the Secretary has not submitted to Congress at least 1 year prior to the date of the proposed closure an evaluation of the impact of the proposed closure which specifies, in addition to other considerations—

''(A) the accessibility of alternative health care resources for the population served by such facility;

''(B) the cost-effectiveness of such closure;

''(C) the quality of health care to be provided to the population served by such facility after such closure;

''(D) the availability of contract health care funds to maintain existing levels of service;

''(E) the views of the Indian Tribes served by such facility concerning such closure;

''(F) the level of use of such facility by all eligible Indians; and

''(G) the distance between such facility and the nearest operating Service hospital.

''(2) EXCEPTION FOR CERTAIN TEMPORARY CLOSURES.—Paragraph (1) shall not apply to any temporary closure of a facility or any portion of a facility if such closure is necessary for medical, environmental, or construction safety reasons.

''(c) HEALTH CARE FACILITY PRIORITY SYSTEM.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—The Secretary, acting through the Service, shall maintain a health care facility priority system, which—

''(i) shall be developed in consultation with Indian Tribes and Tribal Organizations;

''(ii) shall give Indian Tribes' needs the highest priority;

''(iii)(I) may include the lists required in paragraph (2)(B)(ii); and

''(II) shall include the methodology required in paragraph (2)(B)(v); and

''(III) may include such other facilities, and such renovation or expansion needs of any health care facility, as the Service, Indian Tribes, and Tribal Organizations may identify; and

''(iv) shall provide an opportunity for the nomination of planning, design, and construction projects by the Service, Indian Tribes, and Tribal Organizations for consideration under the priority system at least once every 3 years, or more frequently as the Secretary determines to be appropriate.

''(B) NEEDS OF FACILITIES UNDER ISDEAA AGREEMENTS.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities operated under contracts or compacts in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) are fully and equitably integrated into the health care facility priority system.

''(C) CRITERIA FOR EVALUATING NEEDS.—For purposes of this subsection, the Secretary, in evaluating the needs of facilities operated under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the criteria used by the Secretary in evaluating the needs of facilities operated directly by the Service.

''(D) PRIORITY OF CERTAIN PROJECTS PROTECTED.—The priority of any project established under the construction priority system in effect on the date of enactment of the Indian Health Care Improvement Act Amendments of 2006 shall not be affected by any change in the construction priority system taking place after that date if the project—

''(i) was identified in the fiscal year 2007 Service budget justification as—

''(I) 1 of the 10 top-priority inpatient projects;

''(II) 1 of the 10 top-priority outpatient projects;

''(III) 1 of the 10 top-priority staff quarters developments; or

''(IV) 1 of the 10 top-priority Youth Regional Treatment Centers;

''(ii) had completed both Phase I and Phase II of the construction priority system in effect on the date of enactment of such Act; or

''(iii) is not included in clause (i) or (ii) and is selected, as determined by the Secretary—

''(I) on the initiative of the Secretary; or

''(II) pursuant to a request of an Indian Tribe or Tribal Organization.

''(2) REPORT; CONTENTS.—

''(A) INITIAL COMPREHENSIVE REPORT.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) FACILITIES APPROPRIATION ADVISORY BOARD.—The term 'Facilities Appropriation Advisory Board' means the advisory board, comprised of 12 members representing Indian tribes and 2 members representing the Service, established at the discretion of the Director—

''(aa) to provide advice and recommendations for policies and procedures of the programs funded pursuant to facilities appropriations; and

''(bb) to address other facilities issues.

''(II) FACILITIES NEEDS ASSESSMENT WORKGROUP.—The term 'Facilities Needs Assessment Workgroup' means the workgroup established at the discretion of the Director—

''(aa) to review the health care facilities construction priority system; and

''(bb) to make recommendations to the Facilities Appropriation Advisory Board for revising the priority system.

''(ii) INITIAL REPORT.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a report that describes the comprehensive, national, ranked list of all health care facilities needs for the Service, Indian Tribes, and Tribal Organizations (including inpatient health care facilities, outpatient health care facilities, specialized health care facilities (such as for long-term care and alcohol and drug abuse treatment), wellness centers, staff quarters and hostels associated with health care facilities, and the renovation and expansion needs, if any, of such facilities) developed by the Service, Indian Tribes, and Tribal Organizations for the Facilities Needs Assessment Workgroup and the Facilities Appropriation Advisory Board.

''(II) INCLUSIONS.—The initial report shall include—

''(aa) the methodology and criteria used by the Service in determining the needs and establishing the ranking of the facilities needs; and

''(bb) such other information as the Secretary determines to be appropriate.

''(iii) UPDATES OF REPORT.—Beginning in calendar year 2010, the Secretary shall—

''(I) update the report under clause (ii) not less frequently that once every 5 years; and

''(II) include the updated report in the appropriate annual report under subparagraph (B) for submission to Congress under section 801.

''(B) ANNUAL REPORTS.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth the following:

''(i) A description of the health care facility priority system of the Service established under paragraph (1).

''(ii) Health care facilities lists, which may include—

''(I) the 10 top-priority inpatient health care facilities;

''(II) the 10 top-priority outpatient health care facilities;

''(III) the 10 top-priority specialized health care facilities (such as long-term care and alcohol and drug abuse treatment);

''(IV) the 10 top-priority staff quarters developments associated with health care facilities; and

''(V) the 10 top-priority hostels associated with health care facilities.

''(iii) The justification for such order of priority.

''(iv) The projected cost of such projects.

''(v) The methodology adopted by the Service in establishing priorities under its health care facility priority system.

''(3) REQUIREMENTS FOR PREPARATION OF REPORTS.—In preparing the report required under paragraph (2), the Secretary shall—

''(A) consult with and obtain information on all health care facilities needs from Indian Tribes, Tribal Organizations, and Urban Indian Organizations; and

''(B) review the total unmet needs of all Indian Tribes, Tribal Organizations, and Urban Indian Organizations for health care facilities (including hostels and staff quarters), including needs for renovation and expansion of existing facilities.

''(d) REVIEW OF METHODOLOGY USED FOR HEALTH FACILITIES CONSTRUCTION PRIORITY SYSTEM.—

''(1) IN GENERAL.—Not later than 1 year after the establishment of the priority system under subsection (c)(1)(A), the Comptroller General of the United States shall prepare and finalize a report reviewing the methodologies applied, and the processes followed, by the Service in making each assessment of needs for the list under subsection (c)(2)(A)(ii) and developing the priority system under subsection (c)(1), including a review of—

''(A) the recommendations of the Facilities Appropriation Advisory Board and the Facilities Needs Assessment Workgroup (as those terms are defined in subsection (c)(2)(A)(i)); and

''(B) the relevant criteria used in ranking or prioritizing facilities other than hospitals or clinics.

''(2) SUBMISSION TO CONGRESS.—The Comptroller General of the United States shall submit the report under paragraph (1) to—

''(A) the Committees on Indian Affairs and Appropriations of the Senate;

''(B) the Committees on Resources and Appropriations of the House of Representatives; and

''(C) the Secretary.

''(e) FUNDING CONDITION.—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), for the planning, design, construction, or renovation of health facilities for the benefit of 1 or more Indian Tribes shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(f) DEVELOPMENT OF INNOVATIVE APPROACHES.—The Secretary shall consult and cooperate with Indian Tribes, Tribal Organizations, and Urban Indian Organizations in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, including those provided for in other sections of this title and other approaches.

''SEC. 302. SANITATION FACILITIES.

''(a) FINDINGS.—Congress finds the following:

''(1) The provision of sanitation facilities is primarily a health consideration and function.

''(2) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of sanitation facilities.

''(3) The long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing sanitation facilities and other preventive health measures.

''(4) Many Indian homes and Indian communities still lack sanitation facilities.

''(5) It is in the interest of the United States, and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with sanitation facilities.

''(b) FACILITIES AND SERVICES.—In furtherance of the findings made in subsection (a), Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a). Under such authority, the Secretary, acting through the Service, is authorized to provide the following:

''(1) Financial and technical assistance to Indian Tribes, Tribal Organizations, and Indian communities in the establishment, training, and equipping of utility organizations to operate and maintain sanitation facilities, including the provision of existing plans, standard details, and specifications available in the Department, to be used at the option of the Indian Tribe, Tribal Organization, or Indian community.

''(2) Ongoing technical assistance and training to Indian Tribes, Tribal Organizations, and Indian communities in the management of utility organizations which operate and maintain sanitation facilities.

''(3) Priority funding for operation and maintenance assistance for, and emergency repairs to, sanitation facilities operated by an Indian Tribe, Tribal Organization or Indian community when necessary to avoid an imminent health threat or to protect the investment in sanitation facilities and the investment in the health benefits gained through the provision of sanitation facilities.

''(c) FUNDING.—Notwithstanding any other provision of law—

''(1) the Secretary of Housing and Urban Development is authorized to transfer funds appropriated under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to the Secretary of Health and Human Services;

''(2) the Secretary of Health and Human Services is authorized to accept and use such funds for the purpose of providing sanitation facilities and services for Indians under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a);

''(3) unless specifically authorized when funds are appropriated, the Secretary shall not use funds appropriated under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to provide sanitation facilities to new homes constructed using funds provided by the Department of Housing and Urban Development;

''(4) the Secretary of Health and Human Services is authorized to accept from any source, including Federal and State agencies, funds for the purpose of providing sanitation facilities and services and place these funds into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

''(5) except as otherwise prohibited by this section, the Secretary may use funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) to meet matching or cost participation requirements under other Federal and non-Federal programs for new projects to construct eligible sanitation facilities;

''(6) all Federal agencies are authorized to transfer to the Secretary funds identified, granted, loaned, or appropriated whereby the Department's applicable policies, rules, and regulations shall apply in the implementation of such projects;

''(7) the Secretary of Health and Human Services shall enter into interagency agreements with Federal and State agencies for the purpose of providing financial assistance for sanitation facilities and services under this Act;

''(8) the Secretary of Health and Human Services shall, by regulation, establish standards applicable to the planning, design, and construction of sanitation facilities funded under this Act; and

''(9) the Secretary of Health and Human Services is authorized to accept payments for goods and services furnished by the Service from appropriate public authorities, nonprofit organizations or agencies, or Indian Tribes, as contributions by that authority, organization, agency, or tribe to agreements made under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), and such payments shall be credited to the same or subsequent appropriation account as funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

''(d) CERTAIN CAPABILITIES NOT PREREQUISITE.—The financial and technical capability of an Indian Tribe, Tribal Organization, or Indian community to safely operate, manage, and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary.

''(e) FINANCIAL ASSISTANCE.—The Secretary is authorized to provide financial assistance to Indian Tribes, Tribal Organizations, and Indian communities for operation, management, and maintenance of their sanitation facilities.

''(f) OPERATION, MANAGEMENT, AND MAINTENANCE OF FACILITIES.—The Indian Tribe has the primary responsibility to establish, collect, and use reasonable user fees, or otherwise set aside funding, for the purpose of operating, managing, and maintaining sanitation facilities. If a sanitation facility serving a community that is operated by an Indian Tribe or Tribal Organization is threatened with imminent failure and such operator lacks capacity to maintain the integrity or the health benefits of the sanitation facility, then the Secretary is authorized to assist the Indian Tribe, Tribal Organization, or Indian community in the resolution of the problem on a short-term basis through cooperation with the emergency coordinator or by providing operation, management, and maintenance service.

''(g) ISDEAA PROGRAM FUNDED ON EQUAL BASIS.—Tribal Health Programs shall be eligible (on an equal basis with programs that are administered directly by the Service) for—

''(1) any funds appropriated pursuant to this section; and

''(2) any funds appropriated for the purpose of providing sanitation facilities.

''(h) REPORT.—

''(1) REQUIRED; CONTENTS.—The Secretary, in consultation with the Secretary of Housing and Urban Development, Indian Tribes, Tribal Organizations, and tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth—

''(A) the current Indian sanitation facility priority system of the Service;

''(B) the methodology for determining sanitation deficiencies and needs;

''(C) the criteria on which the deficiencies and needs will be evaluated;

''(D) the level of initial and final sanitation deficiency for each type of sanitation facility for each project of each Indian Tribe or Indian community;

''(E) the amount and most effective use of funds, derived from whatever source, necessary to accommodate the sanitation facilities needs of new homes assisted with funds under the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4101 et seq.), and to reduce the identified sanitation deficiency levels of all Indian Tribes and Indian communities to level I sanitation deficiency as defined in paragraph (3)(A); and

''(F) a 10-year plan to provide sanitation facilities to serve existing Indian homes and Indian communities and new and renovated Indian homes.

''(2) UNIFORM METHODOLOGY.—The methodology used by the Secretary in determining, preparing cost estimates for, and reporting sanitation deficiencies for purposes of paragraph (1) shall be applied uniformly to all Indian Tribes and Indian communities.

''(3) SANITATION DEFICIENCY LEVELS.—For purposes of this subsection, the sanitation deficiency levels for an individual, Indian Tribe, or Indian community sanitation facility to serve Indian homes are determined as follows:

''(A) A level I deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community—

''(i) complies with all applicable water supply, pollution control, and solid waste disposal laws; and

''(ii) deficiencies relate to routine replacement, repair, or maintenance needs.

''(B) A level II deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community substantially or recently complied with all applicable water supply, pollution control, and solid waste laws and any deficiencies relate to—

''(i) small or minor capital improvements needed to bring the facility back into compliance;

''(ii) capital improvements that are necessary to enlarge or improve the facilities in order to meet the current needs for domestic sanitation facilities; or

''(iii) the lack of equipment or training by an Indian Tribe, Tribal Organization, or an Indian community to properly operate and maintain the sanitation facilities.

''(C) A level III deficiency exists if a sanitation facility serving an individual, Indian Tribe or Indian community meets 1 or more of the following conditions—

''(i) water or sewer service in the home is provided by a haul system with holding tanks and interior plumbing;

''(ii) major significant interruptions to water supply or sewage disposal occur frequently, requiring major capital improvements to correct the deficiencies; or

''(iii) there is no access to or no approved or permitted solid waste facility available.

''(D) A level IV deficiency exists—

''(i) if a sanitation facility for an individual home, an Indian Tribe, or an Indian community exists but—

''(I) lacks—

''(aa) a safe water supply system; or

''(bb) a waste disposal system;

''(II) contains no piped water or sewer facilities; or

''(III) has become inoperable due to a major component failure; or

''(ii) if only a washeteria or central facility exists in the community.

''(E) A level V deficiency exists in the absence of a sanitation facility, where individual homes do not have access to safe drinking water or adequate wastewater (including sewage) disposal.

''(i) DEFINITIONS.—For purposes of this section, the following terms apply:

''(1) INDIAN COMMUNITY.—The term 'Indian community' means a geographic area, a significant proportion of whose inhabitants are Indians and which is served by or capable of being served by a facility described in this section.

''(2) SANITATION FACILITIES.—The terms 'sanitation facility' and 'sanitation facilities' mean safe and adequate water supply systems, sanitary sewage disposal systems, and sanitary solid waste systems (and all related equipment and support infrastructure).

''SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.

''(a) BUY INDIAN ACT.—The Secretary, acting through the Service, may use the negotiating authority of section 23 of the Act of June 25, 1910 (25 U.S.C. 47, commonly known as the 'Buy Indian Act'), to give preference to any Indian or any enterprise, partnership, corporation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian Tribes in the State of New York (hereinafter referred to as an 'Indian firm') in the construction and renovation of Service facilities pursuant to section 301 and in the construction of sanitation facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to regulations, that the project or function to be contracted for will not be satisfactory or such project or function cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such a finding, shall consider whether the Indian or Indian firm will be deficient with respect to—

''(1) ownership and control by Indians;

''(2) equipment;

''(3) bookkeeping and accounting procedures;

''(4) substantive knowledge of the project or function to be contracted for;

''(5) adequately trained personnel; or

''(6) other necessary components of contract performance.

''(b) LABOR STANDARDS.—

''(1) IN GENERAL.—For the purposes of implementing the provisions of this title, contracts for the construction or renovation of health care facilities, staff quarters, and sanitation facilities, and related support infrastructure, funded in whole or in part with funds made available pursuant to this title, shall contain a provision requiring compliance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the 'Davis-Bacon Act'), unless such construction or renovation—

''(A) is performed by a contractor pursuant to a contract with an Indian Tribe or Tribal Organization with funds supplied through a contract or compact authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other statutory authority; and

''(B) is subject to prevailing wage rates for similar construction or renovation in the locality as determined by the Indian Tribes or Tribal Organizations to be served by the construction or renovation.

''(2) EXCEPTION.—This subsection shall not apply to construction or renovation carried out by an Indian Tribe or Tribal Organization with its own employees.

''SEC. 304. EXPENDITURE OF NON-SERVICE FUNDS FOR RENOVATION.

''(a) IN GENERAL.—Notwithstanding any other provision of law, if the requirements of subsection (c) are met, the Secretary, acting through the Service, is authorized to accept any major expansion, renovation, or modernization by any Indian Tribe or Tribal Organization of any Service facility or of any other Indian health facility operated pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including—

''(1) any plans or designs for such expansion, renovation, or modernization; and

''(2) any expansion, renovation, or modernization for which funds appropriated under any Federal law were lawfully expended.

''(b) PRIORITY LIST.—

''(1) IN GENERAL.—The Secretary shall maintain a separate priority list to address the needs for increased operating expenses, personnel, or equipment for such facilities. The methodology for establishing priorities shall be developed through regulations. The list of priority facilities will be revised annually in consultation with Indian Tribes and Tribal Organizations.

''(2) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, the priority list maintained pursuant to paragraph (1).

''(c) REQUIREMENTS.—The requirements of this subsection are met with respect to any expansion, renovation, or modernization if—

''(1) the Indian Tribe or Tribal Organization—

''(A) provides notice to the Secretary of its intent to expand, renovate, or modernize; and

''(B) applies to the Secretary to be placed on a separate priority list to address the needs of such new facilities for increased operating expenses, personnel, or equipment; and

''(2) the expansion, renovation, or modernization—

''(A) is approved by the appropriate area director of the Service for Federal facilities; and

''(B) is administered by the Indian Tribe or Tribal Organization in accordance with any applicable regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

''(d) ADDITIONAL REQUIREMENT FOR EXPANSION.—In addition to the requirements under subsection (c), for any expansion, the Indian Tribe or Tribal Organization shall provide to the Secretary additional information pursuant to regulations, including additional staffing, equipment, and other costs associated with the expansion.

''(e) CLOSURE OR CONVERSION OF FACILITIES.—If any Service facility which has been expanded, renovated, or modernized by an Indian Tribe or Tribal Organization under this section ceases to be used as a Service facility during the 20-year period beginning on the date such expansion, renovation, or modernization is completed, such Indian Tribe or Tribal Organization shall be entitled to recover from the United States an amount which bears the same ratio to the value of such facility at the time of such cessation as the value of such expansion, renovation, or modernization (less the total amount of any funds provided specifically for such facility under any Federal program that were expended for such expansion, renovation, or modernization) bore to the value of such facility at the time of the completion of such expansion, renovation, or modernization.

''SEC. 305. FUNDING FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES.

''(a) GRANTS.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall make grants to Indian Tribes and Tribal Organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians (and noneligible persons pursuant to subsections (b)(2) and (c)(1)(C)). A grant made under this section may cover up to 100 percent of the costs of such construction, expansion, or modernization. For the purposes of this section, the term 'construction' includes the replacement of an existing facility.

''(2) GRANT AGREEMENT REQUIRED.—A grant under paragraph (1) may only be made available to a Tribal Health Program operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to an Indian Tribe or Tribal Organization).

''(b) USE OF GRANT FUNDS.—

''(1) ALLOWABLE USES.—A grant awarded under this section may be used for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

''(A) located apart from a hospital;

''(B) not funded under section 301 or section 307; and

''(C) which, upon completion of such construction or modernization will—

''(i) have a total capacity appropriate to its projected service population;

''(ii) provide annually no fewer than 150 patient visits by eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2); and

''(iii) provide ambulatory care in a Service Area (specified in the contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) with a population of no fewer than 1,500 eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2).

''(2) ADDITIONAL ALLOWABLE USE.—The Secretary may also reserve a portion of the funding provided under this section and use those reserved funds to reduce an outstanding debt incurred by Indian Tribes or Tribal Organizations for the construction, expansion, or modernization of an ambulatory care facility that meets the requirements under paragraph (1). The provisions of this section shall apply, except that such applications for funding under this paragraph

shall be considered separately from applications for funding under paragraph (1).

''(3) USE ONLY FOR CERTAIN PORTION OF COSTS.—A grant provided under this section may be used only for the cost of that portion of a construction, expansion, or modernization project that benefits the Service population identified above in subsection (b)(1)(C)(ii) and (iii). The requirements of clauses (ii) and (iii) of paragraph (1)(C) shall not apply to an Indian Tribe or Tribal Organization applying for a grant under this section for a health care facility located or to be constructed on an island or when such facility is not located on a road system providing direct access to an inpatient hospital where care is available to the Service population.

''(c) GRANTS.—

''(1) APPLICATION.—No grant may be made under this section unless an application or proposal for the grant has been approved by the Secretary in accordance with applicable regulations and has set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out using a grant received under this section—

''(A) adequate financial support will be available for the provision of services at such facility;

''(B) such facility will be available to eligible Indians without regard to ability to pay or source of payment; and

''(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible Indians, serve non-eligible persons on a cost basis.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to Indian Tribes and Tribal Organizations that demonstrate—

''(A) a need for increased ambulatory care services; and

''(B) insufficient capacity to deliver such services.

''(3) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications and proposals and to advise the Secretary regarding such applications using the criteria developed pursuant to subsection (a)(1).

''(d) REVERSION OF FACILITIES.—If any facility (or portion thereof) with respect to which funds have been paid under this section, ceases, at any time after completion of the construction, expansion, or modernization carried out with such funds, to be used for the purposes of providing health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian Tribe or Tribal Organization.

''(e) FUNDING NONRECURRING.—Funding provided under this section shall be nonrecurring and shall not be available for inclusion in any individual Indian Tribe's tribal share for an award under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or for reallocation or redesign thereunder.

''SEC. 306. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT.

''(a) HEALTH CARE DEMONSTRATION PROJECTS.—The Secretary, acting through the Service, is authorized to enter into construction agreements under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations for the purpose of carrying out a health care delivery demonstration project to test alternative means of delivering health care and services to Indians through facilities.

''(b) USE OF FUNDS.—The Secretary, in approving projects pursuant to this section, may authorize funding for the construction and renovation of hospitals, health centers, health stations, and other facilities to deliver health care services and is authorized to—

''(1) waive any leasing prohibition;

''(2) permit carryover of funds appropriated for the provision of health care services;

''(3) permit the use of other available funds;

''(4) permit the use of funds or property donated from any source for project purposes;

''(5) provide for the reversion of donated real or personal property to the donor; and

''(6) permit the use of Service funds to match other funds, including Federal funds.

''(c) REGULATIONS.—The Secretary shall develop and promulgate regulations, not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, for the review and approval of applications submitted under this section.

''(d) CRITERIA.—The Secretary may approve projects that meet the following criteria:

''(1) There is a need for a new facility or program or the reorientation of an existing facility or program.

''(2) A significant number of Indians, including those with low health status, will be served by the project.

''(3) The project has the potential to deliver services in an efficient and effective manner.

''(4) The project is economically viable.

''(5) The Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

''(6) The project is integrated with providers of related health and social services and is coordinated with, and avoids duplication of, existing services.

''(e) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications using the criteria developed pursuant to subsection (d).

''(f) PRIORITY.—The Secretary shall give priority to applications for demonstration projects in each of the following Service Units to the extent that such applications are timely filed and meet the criteria specified in subsection (d):

''(1) Cass Lake, Minnesota.

''(2) Clinton, Oklahoma.

''(3) Harlem, Montana.

''(4) Mescalero, New Mexico.

''(5) Owyhee, Nevada.

''(6) Parker, Arizona.

''(7) Schurz, Nevada.

''(8) Winnebago, Nebraska.

''(9) Ft. Yuma, California.

''(g) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

''(h) SERVICE TO INELIGIBLE PERSONS.—Subject to section 807, the authority to provide services to persons otherwise ineligible for the health care benefits of the Service and the authority to extend hospital privileges in Service facilities to non-Service health practitioners as provided in section 807 may be included, subject to the terms of such section, in any demonstration project approved pursuant to this section.

''(i) EQUITABLE TREATMENT.—For purposes of subsection (d)(1), the Secretary shall, in evaluating facilities operated under any contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), use the same criteria that the Secretary uses in evaluating facilities operated directly by the Service.

''(j) EQUITABLE INTEGRATION OF FACILITIES.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities which are the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for health services are fully and equitably integrated into the implementation of the health care delivery demonstration projects under this section.

''SEC. 307. LAND TRANSFER.

''Notwithstanding any other provision of law, the Bureau of Indian Affairs and all other agencies and departments of the United States are authorized to transfer, at no cost, land and improvements to the Service for the provision of health care services. The Secretary is authorized to accept such land and improvements for such purposes.

''SEC. 308. LEASES, CONTRACTS, AND OTHER AGREEMENTS.

''The Secretary, acting through the Service, may enter into leases, contracts, and other agreements with Indian Tribes and Tribal Organizations which hold (1) title to, (2) a leasehold interest in, or (3) a beneficial interest in (when title is held by the United States in trust for the benefit of an Indian Tribe) facilities used or to be used for the administration and delivery of health services by an Indian Health Program. Such leases, contracts, or agreements may include provisions for construction or renovation and provide for compensation to the Indian Tribe or Tribal Organization of rental and other costs consistent with section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(l)) and regulations thereunder.

''SEC. 309. STUDY ON LOANS, LOAN GUARANTEES, AND LOAN REPAYMENT.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Treasury, Indian Tribes, and Tribal Organizations, shall carry out a study to determine the feasibility of establishing a loan fund to provide to Indian Tribes and Tribal Organizations direct loans or guarantees for loans for the construction of health care facilities, including—

''(1) inpatient facilities;

''(2) outpatient facilities;

''(3) staff quarters;

''(4) hostels; and

''(5) specialized care facilities, such as behavioral health and elder care facilities.

''(b) DETERMINATIONS.—In carrying out the study under subsection (a), the Secretary shall determine—

''(1) the maximum principal amount of a loan or loan guarantee that should be offered to a recipient from the loan fund;

''(2) the percentage of eligible costs, not to exceed 100 percent, that may be covered by a loan or loan guarantee from the loan fund (including costs relating to planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, improvements, medical equipment and furnishings, and other facility-related costs and capital purchase (but excluding staffing));

''(3) the cumulative total of the principal of direct loans and loan guarantees, respectively, that may be outstanding at any 1 time;

''(4) the maximum term of a loan or loan guarantee that may be made for a facility from the loan fund;

''(5) the maximum percentage of funds from the loan fund that should be allocated for payment of costs associated with planning and applying for a loan or loan guarantee;

''(6) whether acceptance by the Secretary of an assignment of the revenue of an Indian Tribe or Tribal Organization as security for any direct loan or loan guarantee from the loan fund would be appropriate;

''(7) whether, in the planning and design of health facilities under this section, users eligible under section 807(c) may be included in any projection of patient population;

''(8) whether funds of the Service provided through loans or loan guarantees from the loan fund should be eligible for use in matching other Federal funds under other programs;

''(9) the appropriateness of, and best methods for, coordinating the loan fund with the health care priority system of the Service under section 301; and

''(10) any legislative or regulatory changes required to implement recommendations of the Secretary based on results of the study.

''(c) REPORT.—Not later than September 30, 2008, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources and the Committee on Energy and Commerce of the House of Representatives a report that describes—

''(1) the manner of consultation made as required by subsection (a); and

''(2) the results of the study, including any recommendations of the Secretary based on results of the study.

''SEC. 310. TRIBAL LEASING.

''A Tribal Health Program may lease permanent structures for the purpose of providing health care services without obtaining advance approval in appropriation Acts.

''SEC. 311. INDIAN HEALTH SERVICE/TRIBAL FACILITIES JOINT VENTURE PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Service, shall make arrangements with Indian Tribes and Tribal Organizations to establish joint venture demonstration projects under which an Indian Tribe or Tribal Organization shall expend tribal, private, or other available funds, for the acquisition or construction of a health facility for a minimum of 10 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of such a health facility. An Indian Tribe or Tribal Organization may use tribal funds, private sector, or other available resources, including loan guarantees, to fulfill its commitment under a joint venture entered into under this subsection. An Indian Tribe or Tribal Organization shall be eligible to establish a joint venture project if, when it submits a letter of intent, it—

''(1) has begun but not completed the process of acquisition or construction of a health facility to be used in the joint venture project; or

''(2) has not begun the process of acquisition or construction of a health facility for use in the joint venture project.

''(b) REQUIREMENTS.—The Secretary shall make such an arrangement with an Indian Tribe or Tribal Organization only if—

''(1) the Secretary first determines that the Indian Tribe or Tribal Organization has the administrative and financial capabilities necessary to complete the timely acquisition or construction of the relevant health facility; and

''(2) the Indian Tribe or Tribal Organization meets the need criteria determined using the criteria developed under the health care facility priority system under section 301, unless the Secretary determines, pursuant to regulations, that other criteria will result in a more cost-effective and efficient method of facilitating and completing construction of health care facilities.

''(c) CONTINUED OPERATION.—The Secretary shall negotiate an agreement with the Indian Tribe or Tribal Organization regarding the continued operation of the facility at the end of the initial 10 year no-cost lease period.

''(d) BREACH OF AGREEMENT.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this section, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid to the Indian Tribe or Tribal Organization, or paid to a third party on the Indian Tribe's or Tribal Organization's behalf, under the agreement. The Secretary has the right to recover tangible property (including supplies) and equipment, less depreciation, and any funds expended for operations and maintenance under this section. The preceding sentence does not apply to any funds expended for the delivery of health care services, personnel, or staffing.

''(e) RECOVERY FOR NONUSE.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this subsection shall be entitled to recover from the United States an amount that is proportional to the value of such facility if, at any time within the 10-year term of the agreement, the Service ceases to use the facility or otherwise breaches the agreement.

''(f) DEFINITION.—For the purposes of this section, the term 'health facility' or 'health facilities' includes quarters needed to provide housing for staff of the relevant Tribal Health Program.

''SEC. 312. LOCATION OF FACILITIES.

''(a) IN GENERAL.—In all matters involving the reorganization or development of Service facilities or in the establishment of related employment projects to address unemployment conditions in economically depressed areas, the Bureau of Indian Affairs and the Service shall give priority to locating such facilities and projects on Indian lands, or lands in Alaska owned by any Alaska Native village, or village or regional corporation under the Alaska Native Claims Settlement Act (25 U.S.C. 1601 et seq.), or any land allotted to any Alaska Native, if requested by the Indian owner and the Indian Tribe with jurisdiction over such lands or other lands owned or leased by the Indian Tribe or Tribal Organization. Top priority shall be given to Indian land owned by 1 or more Indian Tribes.

''(b) DEFINITION.—For purposes of this section, the term 'Indian lands' means—

''(1) all lands within the exterior boundaries of any reservation; and

''(2) any lands title to which is held in trust by the United States for the benefit of any Indian Tribe or individual Indian or held by any Indian Tribe or individual Indian subject to restriction by the United States against alienation.

''SEC. 313. MAINTENANCE AND IMPROVEMENT OF HEALTH CARE FACILITIES.

''(a) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which identifies the backlog of maintenance and repair work required at both Service and tribal health care facilities, including new health care facilities expected to be in operation in the next fiscal year. The report shall also identify the need for renovation and expansion of existing facilities to support the growth of health care programs.

''(b) MAINTENANCE OF NEWLY CONSTRUCTED SPACE.—The Secretary, acting through the Service, is authorized to expend maintenance and improvement funds to support maintenance of newly constructed space only if such space falls within the approved supportable space allocation for the Indian Tribe or Tribal Organization. Supportable space allocation shall be defined through the health care facility priority system under section 301(c).

''(c) REPLACEMENT FACILITIES.—In addition to using maintenance and improvement funds for renovation, modernization, and expansion of facilities, an Indian Tribe or Tribal Organization may use maintenance and improvement funds for construction of a replacement facility if the costs of renovation of such facility would exceed a maximum renovation cost threshold. The maximum renovation cost threshold shall be determined through the negotiated rulemaking process provided for under section 802.

''SEC. 314. TRIBAL MANAGEMENT OF FEDERALLY-OWNED QUARTERS.

''(a) RENTAL RATES.—

''(1) ESTABLISHMENT.—Notwithstanding any other provision of law, a Tribal Health Program which operates a hospital or other health facility and the federally-owned quarters associated therewith pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall have the authority to establish the rental rates charged to the occupants of such quarters by providing notice to the Secretary of its election to exercise such authority, provided that the method for establishing such rates be identified according to guidelines (such as OMB Circular A–45) which will ensure that rents shall be collected, that the rents are fair and reasonable, and that the tenants are not treated inequitably relative to other similar quarters, such as for the Bureau of Indian Affairs.

''(2) OBJECTIVES.—In establishing rental rates pursuant to authority of this subsection, a Tribal Health Program shall endeavor to achieve the following objectives:

''(A) To base such rental rates on the reasonable value of the quarters to the occupants thereof.

''(B) To generate sufficient funds to prudently provide for the operation and maintenance of the quarters, and subject to the discretion of the Tribal Health Program, to supply reserve funds for capital repairs and replacement of the quarters.

''(3) EQUITABLE FUNDING.—Any quarters whose rental rates are established by a Tribal Health Program pursuant to this subsection shall remain eligible for quarters improvement and repair funds to the same extent as all federally-owned quarters used to house personnel in Services-supported programs.

''(4) NOTICE OF RATE CHANGE.—A Tribal Health Program which exercises the authority provided under this subsection shall provide occupants with no less than 60 days notice of any change in rental rates.

''(b) DIRECT COLLECTION OF RENT.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, and subject to paragraph (2), a Tribal Health Program shall have the authority to collect rents directly from Federal employees who occupy such quarters in accordance with the following:

''(A) The Tribal Health Program shall notify the Secretary and the subject Federal employees of its election to exercise its authority to collect rents directly from such Federal employees.

''(B) Upon receipt of a notice described in subparagraph (A), the Federal employees shall pay rents for occupancy of such quarters directly to the Tribal Health Program and the Secretary shall have no further authority to collect rents from such employees through payroll deduction or otherwise.

''(C) Such rent payments shall be retained by the Tribal Health Program and shall not be made payable to or otherwise be deposited with the United States.

''(D) Such rent payments shall be deposited into a separate account which shall be used by the Tribal Health Program for the maintenance (including capital repairs and replacement) and operation of the quarters and

facilities as the Tribal Health Program shall determine.

''(2) RETROCESSION OF AUTHORITY.—If a Tribal Health Program which has made an election under paragraph (1) requests retrocession of its authority to directly collect rents from Federal employees occupying federally-owned quarters, such retrocession shall become effective on the earlier of—

''(A) the first day of the month that begins no less than 180 days after the Tribal Health Program notifies the Secretary of its desire to retrocede; or

''(B) such other date as may be mutually agreed by the Secretary and the Tribal Health Program.

''(c) RATES IN ALASKA.—To the extent that a Tribal Health Program, pursuant to authority granted in subsection (a), establishes rental rates for federally-owned quarters provided to a Federal employee in Alaska, such rents may be based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.

''SEC. 315. APPLICABILITY OF BUY AMERICAN ACT REQUIREMENT.

''(a) APPLICABILITY.—The Secretary shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to section 317. Indian Tribes and Tribal Organizations shall be exempt from these requirements.

''(b) EFFECT OF VIOLATION.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to section 317, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

''(c) DEFINITIONS.—For purposes of this section, the term 'Buy American Act' means title III of the Act entitled 'An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes', approved March 3, 1933 (41 U.S.C. 10a et seq.).

''SEC. 316. OTHER FUNDING FOR FACILITIES.

''(a) AUTHORITY TO ACCEPT FUNDS.—The Secretary is authorized to accept from any source, including Federal and State agencies, funds that are available for the construction of health care facilities and use such funds to plan, design, and construct health care facilities for Indians and to place such funds into a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Receipt of such funds shall have no effect on the priorities established pursuant to section 301.

''(b) INTERAGENCY AGREEMENTS.—The Secretary is authorized to enter into interagency agreements with other Federal agencies or State agencies and other entities and to accept funds from such Federal or State agencies or other sources to provide for the planning, design, and construction of health care facilities to be administered by Indian Health Programs in order to carry out the purposes of this Act and the purposes for which the funds were appropriated or for which the funds were otherwise provided.

''(c) ESTABLISHMENT OF STANDARDS.—The Secretary, through the Service, shall establish standards by regulation for the planning, design, and construction of health care facilities serving Indians under this Act.

''SEC. 317. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out this title.

''TITLE IV—ACCESS TO HEALTH SERVICES

''SEC. 401. TREATMENT OF PAYMENTS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.

''(a) DISREGARD OF MEDICARE, MEDICAID, AND SCHIP PAYMENTS IN DETERMINING APPROPRIATIONS.—Any payments received by an Indian Health Program or by an Urban Indian Organization under title XVIII, XIX, or XXI of the Social Security Act for services provided to Indians eligible for benefits under such respective titles shall not be considered in determining appropriations for the provision of health care and services to Indians.

''(b) NONPREFERENTIAL TREATMENT.—Nothing in this Act authorizes the Secretary to provide services to an Indian with coverage under title XVIII, XIX, or XXI of the Social Security Act in preference to an Indian without such coverage.

''(c) USE OF FUNDS.—

''(1) SPECIAL FUND.—

''(A) 100 PERCENT PASS-THROUGH OF PAYMENTS DUE TO FACILITIES.—Notwithstanding any other provision of law, but subject to paragraph (2), payments to which a facility of the Service is entitled by reason of a provision of the Social Security Act shall be placed in a special fund to be held by the Secretary. In making payments from such fund, the Secretary shall ensure that each Service Unit of the Service receives 100 percent of the amount to which the facilities of the Service, for which such Service Unit makes collections, are entitled by reason of a provision of the Social Security Act.

''(B) USE OF FUNDS.—Amounts received by a facility of the Service under subparagraph (A) shall first be used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the programs of the Service operated by or through such facility which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act. Any amounts so received that are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to consultation with the Indian Tribes being served by the Service Unit, be used for reducing the health resource deficiencies (as determined under section 201(d)) of such Indian Tribes.

''(2) DIRECT PAYMENT OPTION.—Paragraph (1) shall not apply to a Tribal Health Program upon the election of such Program under subsection (d) to receive payments directly. No payment may be made out of the special fund described in such paragraph with respect to reimbursement made for services provided by such Program during the period of such election.

''(d) DIRECT BILLING.—

''(1) IN GENERAL.—Subject to complying with the requirements of paragraph (2), a Tribal Health Program may elect to directly bill for, and receive payment for, health care items and services provided by such Program for which payment is made under title XVIII or XIX of the Social Security Act or from any other third party payor.

''(2) DIRECT REIMBURSEMENT.—

''(A) USE OF FUNDS.—Each Tribal Health Program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be reimbursed directly by that program for items and services furnished without regard to subsection (c)(1), but all amounts so reimbursed shall be used by the Tribal Health Program for the purpose of making any improvements in facilities of the Tribal Health Program that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to such items and services under the program under such title and to provide additional health care services, improvements in health care facilities and Tribal Health Programs, any health care related purpose, or otherwise to achieve the objectives provided in section 3 of this Act.

''(B) AUDITS.—The amounts paid to a Tribal Health Program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be subject to all auditing requirements applicable to the program under such title, as well as all auditing requirements applicable to programs administered by an Indian Health Program. Nothing in the preceding sentence shall be construed as limiting the application of auditing requirements applicable to amounts paid under title XVIII, XIX, or XXI of the Social Security Act.

''(C) IDENTIFICATION OF SOURCE OF PAYMENTS.—Any Tribal Health Program that receives reimbursements or payments under title XVIII, XIX, or XXI of the Social Security Act, shall provide to the Service a list of each provider enrollment number (or other identifier) under which such Program receives such reimbursements or payments.

''(3) EXAMINATION AND IMPLEMENTATION OF CHANGES.—

''(A) IN GENERAL.—The Secretary, acting through the Service and with the assistance of the Administrator of the Centers for Medicare & Medicaid Services, shall examine on an ongoing basis and implement any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this subsection, including any agreements with States that may be necessary to provide for direct billing under a program under a title of the Social Security Act.

''(B) COORDINATION OF INFORMATION.—The Service shall provide the Administrator of the Centers for Medicare & Medicaid Services with copies of the lists submitted to the Service under paragraph (2)(C), enrollment data regarding patients served by the Service (and by Tribal Health Programs, to the extent such data is available to the Service), and such other information as the Administrator may require for purposes of administering title XVIII, XIX, or XXI of the Social Security Act.

''(4) WITHDRAWAL FROM PROGRAM.—A Tribal Health Program that bills directly under the program established under this subsection may withdraw from participation in the same manner and under the same conditions that an Indian Tribe or Tribal Organization may retrocede a contracted program to the Secretary under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this subsection shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.

''(5) TERMINATION FOR FAILURE TO COMPLY WITH REQUIREMENTS.—The Secretary may terminate the participation of a Tribal Health Program or in the direct billing program established under this subsection if the Secretary determines that the Program has failed to comply with the requirements of paragraph (2). The Secretary shall provide a Tribal Health Program with notice of a determination that the Program has failed to comply with any such requirement and a reasonable opportunity to correct such noncompliance prior to terminating the Program's participation in the direct billing program established under this subsection.

''(e) RELATED PROVISIONS UNDER THE SOCIAL SECURITY ACT.—For provisions related to subsections (c) and (d), see sections 1880, 1911, and 2107(e)(1)(D) of the Social Security Act.

''SEC. 402. GRANTS TO AND CONTRACTS WITH THE SERVICE, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS TO FACILITATE OUTREACH, ENROLLMENT, AND COVERAGE OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS AND OTHER HEALTH BENEFITS PROGRAMS.

''(a) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—From funds appropriated to carry out this title in accordance with section 415, the Secretary, acting through the Service, shall make grants to or enter into contracts with Indian Tribes and Tribal Organizations to assist such Tribes and Tribal Organizations in establishing and administering programs on or near reservations and trust lands to assist individual Indians—

''(1) to enroll for benefits under a program established under title XVIII, XIX, or XXI of the Social Security Act and other health benefits programs; and

''(2) with respect to such programs for which the charging of premiums and cost sharing is not prohibited under such programs, to pay premiums or cost sharing for coverage for such benefits, which may be based on financial need (as determined by the Indian Tribe or Tribes or Tribal Organizations being served based on a schedule of income levels developed or implemented by such Tribe, Tribes, or Tribal Organizations).

''(b) CONDITIONS.—The Secretary, acting through the Service, shall place conditions as deemed necessary to effect the purpose of this section in any grant or contract which the Secretary makes with any Indian Tribe or Tribal Organization pursuant to this section. Such conditions shall include requirements that the Indian Tribe or Tribal Organization successfully undertake—

''(1) to determine the population of Indians eligible for the benefits described in subsection (a);

''(2) to educate Indians with respect to the benefits available under the respective programs;

''(3) to provide transportation for such individual Indians to the appropriate offices for enrollment or applications for such benefits; and

''(4) to develop and implement methods of improving the participation of Indians in receiving benefits under such programs.

''(c) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—

''(1) IN GENERAL.—The provisions of subsection (a) shall apply with respect to grants and other funding to Urban Indian Organizations with respect to populations served by such organizations in the same manner they apply to grants and contracts with Indian Tribes and Tribal Organizations with respect to programs on or near reservations.

''(2) REQUIREMENTS.—The Secretary shall include in the grants or contracts made or provided under paragraph (1) requirements that are—

''(A) consistent with the requirements imposed by the Secretary under subsection (b);

''(B) appropriate to Urban Indian Organizations and Urban Indians; and

''(C) necessary to effect the purposes of this section.

''(d) FACILITATING COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI of the Social Security Act.

''(e) AGREEMENTS RELATING TO IMPROVING ENROLLMENT OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.—For provisions relating to agreements between the Secretary, acting through the Service, and Indian Tribes, Tribal Organizations, and Urban Indian Organization for the collection, preparation, and submission of applications by Indians for assistance under the Medicaid and State children's health insurance programs established under titles XIX and XXI of the Social Security Act, and benefits under the Medicare program established under title XVIII of such Act, see subsections (a) and (b) of section 1139 of the Social Security Act.

''(f) DEFINITION OF PREMIUMS AND COST SHARING.—In this section:

''(1) PREMIUM.—The term 'premium' includes any enrollment fee or similar charge.

''(2) COST SHARING.—The term 'cost sharing' includes any deduction, deductible, copayment, coinsurance, or similar charge.

''SEC. 403. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.

''(a) RIGHT OF RECOVERY.—Except as provided in subsection (f), the United States, an Indian Tribe, or Tribal Organization shall have the right to recover from an insurance company, health maintenance organization, employee benefit plan, third-party tortfeasor, or any other responsible or liable third party (including a political subdivision or local governmental entity of a State) the reasonable expenses incurred and billed by the Secretary, an Indian Tribe, or Tribal Organization in providing health services through the Service, an Indian Tribe, or Tribal Organization to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive damages, reimbursement, or indemnification for such charges or expenses if—

''(1) such services had been provided by a nongovernmental provider; and

''(2) such individual had been required to pay such charges or expenses and did pay such charges or expenses.

''(b) LIMITATIONS ON RECOVERIES FROM STATES.—Subsection (a) shall provide a right of recovery against any State, only if the injury, illness, or disability for which health services were provided is covered under—

''(1) workers' compensation laws; or

''(2) a no-fault automobile accident insurance plan or program.

''(c) NONAPPLICATION OF OTHER LAWS.—No law of any State, or of any political subdivision of a State and no provision of any contract, insurance or health maintenance organization policy, employee benefit plan, self-insurance plan, managed care plan, or other health care plan or program entered into or renewed after the date of the enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery of the United States, an Indian Tribe, or Tribal Organization under subsection (a).

''(d) NO EFFECT ON PRIVATE RIGHTS OF ACTION.—No action taken by the United States, an Indian Tribe, or Tribal Organization to enforce the right of recovery provided under this section shall operate to deny to the injured person the recovery for that portion of the person's damage not covered hereunder.

''(e) ENFORCEMENT.—

''(1) IN GENERAL.—The United States, an Indian Tribe, or Tribal Organization may enforce the right of recovery provided under subsection (a) by—

''(A) intervening or joining in any civil action or proceeding brought—

''(i) by the individual for whom health services were provided by the Secretary, an Indian Tribe, or Tribal Organization; or

''(ii) by any representative or heirs of such individual, or

''(B) instituting a civil action, including a civil action for injunctive relief and other relief and including, with respect to a political subdivision or local governmental entity of a State, such an action against an official thereof.

''(2) NOTICE.—All reasonable efforts shall be made to provide notice of action instituted under paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendency of such action.

''(f) LIMITATION.—Absent specific written authorization by the governing body of an Indian Tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), the United States shall not have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian Tribe, Tribal Organization, or Urban Indian Organization. Where such authorization is provided, the Service may receive and expend such amounts for the provision of additional health services consistent with such authorization.

''(g) COSTS AND ATTORNEYS' FEES.—In any action brought to enforce the provisions of this section, a prevailing plaintiff shall be awarded its reasonable attorneys' fees and costs of litigation.

''(h) NONAPPLICATION OF CLAIMS FILING REQUIREMENTS.—An insurance company, health maintenance organization, self-insurance plan, managed care plan, or other health care plan or program (under the Social Security Act or otherwise) may not deny a claim for benefits submitted by the Service or by an Indian Tribe or Tribal Organization based on the format in which the claim is submitted if such format complies with the format required for submission of claims under title XVIII of the Social Security Act or recognized under section 1175 of such Act.

''(i) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—The previous provisions of this section shall apply to Urban Indian Organizations with respect to populations served by such Organizations in the same manner they apply to Indian Tribes and Tribal Organizations with respect to populations served by such Indian Tribes and Tribal Organizations.

''(j) STATUTE OF LIMITATIONS.—The provisions of section 2415 of title 28, United States Code, shall apply to all actions commenced under this section, and the references therein to the United States are deemed to include Indian Tribes, Tribal Organizations, and Urban Indian Organizations.

''(k) SAVINGS.—Nothing in this section shall be construed to limit any right of recovery available to the United States, an Indian Tribe, or Tribal Organization under the provisions of any applicable, Federal, State, or Tribal law, including medical lien laws and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.).

''SEC. 404. CREDITING OF REIMBURSEMENTS.

''(a) USE OF AMOUNTS.—

''(1) RETENTION BY PROGRAM.—Except as provided in section 202(g) (relating to the Catastrophic Health Emergency Fund) and section 807 (relating to health services for ineligible persons), all reimbursements received or recovered under any of the programs described in paragraph (2), including under section 807, by reason of the provision of health services by the Service, by an Indian Tribe or Tribal Organization, or by an

Urban Indian Organization, shall be credited to the Service, such Indian Tribe or Tribal Organization, or such Urban Indian Organization, respectively, and may be used as provided in section 401. In the case of such a service provided by or through a Service Unit, such amounts shall be credited to such unit and used for such purposes.

''(2) PROGRAMS COVERED.—The programs referred to in paragraph (1) are the following:

''(A) Titles XVIII, XIX, and XXI of the Social Security Act.

''(B) This Act, including section 807.

''(C) Public Law 87–693.

''(D) Any other provision of law.

''(b) NO OFFSET OF AMOUNTS.—The Service may not offset or limit any amount obligated to any Service Unit or entity receiving funding from the Service because of the receipt of reimbursements under subsection (a).

''SEC. 405. PURCHASING HEALTH CARE COVERAGE.

''(a) IN GENERAL.—Insofar as amounts are made available under law (including a provision of the Social Security Act, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other law, other than under section 402) to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for health benefits for Service beneficiaries, Indian Tribes, Tribal Organizations, and Urban Indian Organizations may use such amounts to purchase health benefits coverage for such beneficiaries in any manner, including through—

''(1) a tribally owned and operated health care plan;

''(2) a State or locally authorized or licensed health care plan;

''(3) a health insurance provider or managed care organization; or

''(4) a self-insured plan.

The purchase of such coverage by an Indian Tribe, Tribal Organization, or Urban Indian Organization may be based on the financial needs of such beneficiaries (as determined by the Indian Tribe or Tribes being served based on a schedule of income levels developed or implemented by such Indian Tribe or Tribes).

''(b) EXPENSES FOR SELF-INSURED PLAN.—In the case of a self-insured plan under subsection (a)(4), the amounts may be used for expenses of operating the plan, including administration and insurance to limit the financial risks to the entity offering the plan.

''(c) CONSTRUCTION.—Nothing in this section shall be construed as affecting the use of any amounts not referred to in subsection (a).

''SEC. 406. SHARING ARRANGEMENTS WITH FEDERAL AGENCIES.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary may enter into (or expand) arrangements for the sharing of medical facilities and services between the Service, Indian Tribes, and Tribal Organizations and the Department of Veterans Affairs and the Department of Defense.

''(2) CONSULTATION BY SECRETARY REQUIRED.—The Secretary may not finalize any arrangement between the Service and a Department described in paragraph (1) without first consulting with the Indian Tribes which will be significantly affected by the arrangement.

''(b) LIMITATIONS.—The Secretary shall not take any action under this section or under subchapter IV of chapter 81 of title 38, United States Code, which would impair—

''(1) the priority access of any Indian to health care services provided through the Service and the eligibility of any Indian to receive health services through the Service;

''(2) the quality of health care services provided to any Indian through the Service;

''(3) the priority access of any veteran to health care services provided by the Department of Veterans Affairs;

''(4) the quality of health care services provided by the Department of Veterans Affairs or the Department of Defense; or

''(5) the eligibility of any Indian who is a veteran to receive health services through the Department of Veterans Affairs.

''(c) REIMBURSEMENT.—The Service, Indian Tribe, or Tribal Organization shall be reimbursed by the Department of Veterans Affairs or the Department of Defense (as the case may be) where services are provided through the Service, an Indian Tribe, or a Tribal Organization to beneficiaries eligible for services from either such Department, notwithstanding any other provision of law.

''(d) CONSTRUCTION.—Nothing in this section may be construed as creating any right of a non-Indian veteran to obtain health services from the Service.

''SEC. 407. PAYOR OF LAST RESORT.

''Indian Health Programs and health care programs operated by Urban Indian Organizations shall be the payor of last resort for services provided to persons eligible for services from Indian Health Programs and Urban Indian Organizations, notwithstanding any Federal, State, or local law to the contrary.

''SEC. 408. NONDISCRIMINATION UNDER FEDERAL HEALTH CARE PROGRAMS IN QUALIFICATIONS FOR REIMBURSEMENT FOR SERVICES.

''(a) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

''(1) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

''(2) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

''(b) APPLICATION OF EXCLUSION FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS.—

''(1) EXCLUDED ENTITIES.—No entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment or reimbursement under any such program for health care services furnished to an Indian.

''(2) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension shall be eligible to receive payment or reimbursement under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

''(3) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, 'Federal health care program' has the meaning given that term in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.

''(c) RELATED PROVISIONS.—For provisions related to nondiscrimination against providers operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, see section 1139(c) of the Social Security Act (42 U.S.C. 1320b–9(c)).

''SEC. 409. CONSULTATION.

''For provisions related to consultation with representatives of Indian Health Programs and Urban Indian Organizations with respect to the health care programs established under titles XVIII, XIX, and XXI of the Social Security Act, see section 1139(d) of the Social Security Act (42 U.S.C. 1320b–9(d)).

''SEC. 410. STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP).

''For provisions relating to—

''(1) outreach to families of Indian children likely to be eligible for child health assistance under the State children's health insurance program established under title XXI of the Social Security Act, see sections 2105(c)(2)(C) and 1139(a) of such Act (42 U.S.C. 1397ee(c)(2), 1320b–9); and

''(2) ensuring that child health assistance is provided under such program to targeted low-income children who are Indians and that payments are made under such program to Indian Health Programs and Urban Indian Organizations operating in the State that provide such assistance, see sections 2102(b)(3)(D) and 2105(c)(6)(B) of such Act (42 U.S.C. 1397bb(b)(3)(D), 1397ee(c)(6)(B)).

''SEC. 411. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

''For provisions relating to—

''(1) exclusion waiver authority for affected Indian Health Programs under the Social Security Act, see section 1128(k) of the Social Security Act (42 U.S.C. 1320a–7(k)); and

''(2) certain transactions involving Indian Health Programs deemed to be in safe harbors under that Act, see section 1128B(b)(4) of the Social Security Act (42 U.S.C. 1320a–7b(b)(4)).

''SEC. 412. PREMIUM AND COST SHARING PROTECTIONS AND ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

''For provisions relating to—

''(1) premiums or cost sharing protections for Indians furnished items or services directly by Indian Health Programs or through referral under the contract health service under the Medicaid program established under title XIX of the Social Security Act, see sections 1916(j) and 1916A(a)(1) of the Social Security Act (42 U.S.C. 1396o(j), 1396o–1(a)(1));

''(2) rules regarding the treatment of certain property for purposes of determining eligibility under such programs, see sections 1902(e)(13) and 2107(e)(1)(B) of such Act (42 U.S.C. 1396a(e)(13), 1397gg(e)(1)(B)); and

''(3) the protection of certain property from estate recovery provisions under the Medicaid program, see section 1917(b)(3)(B) of such Act (42 U.S.C. 1396p(b)(3)(B)).

"SEC. 413. TREATMENT UNDER MEDICAID AND SCHIP MANAGED CARE.

''For provisions relating to the treatment of Indians enrolled in a managed care entity under the Medicaid program under title XIX of the Social Security Act and Indian Health Programs and Urban Indian Organizations that are providers of items or services to such Indian enrollees, see sections 1932(h) and 2107(e)(1)(H) of the Social Security Act (42 U.S.C. 1396u–2(h), 1397gg(e)(1)(H)).

"SEC. 414. NAVAJO NATION MEDICAID AGENCY FEASIBILITY STUDY.

''(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of treating the Navajo Nation as a State for the purposes of title XIX of the Social Security Act, to provide services to Indians living within the boundaries of the Navajo Nation through an entity established having the same authority and performing the same functions as single-State medicaid agencies responsible for the administration of the State plan under title XIX of the Social Security Act.

''(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider the feasibility of—

''(1) assigning and paying all expenditures for the provision of services and related administration funds, under title XIX of the Social Security Act, to Indians living within the boundaries of the Navajo Nation that are currently paid to or would otherwise be paid to the State of Arizona, New Mexico, or Utah;

''(2) providing assistance to the Navajo Nation in the development and implementation of such entity for the administration, eligibility, payment, and delivery of medical assistance under title XIX of the Social Security Act;

''(3) providing an appropriate level of matching funds for Federal medical assistance with respect to amounts such entity expends for medical assistance for services and related administrative costs; and

''(4) authorizing the Secretary, at the option of the Navajo Nation, to treat the Navajo Nation as a State for the purposes of title XIX of the Social Security Act (relating to the State children's health insurance program) under terms equivalent to those described in paragraphs (2) through (4).

''(c) REPORT.—Not later then 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary shall submit to the Committee on Indian Affairs and Committee on Finance of the Senate and the Committee on Resources and Committee on Energy and Commerce of the House of Representatives a report that includes—

''(1) the results of the study under this section;

''(2) a summary of any consultation that occurred between the Secretary and the Navajo Nation, other Indian Tribes, the States of Arizona, New Mexico, and Utah, counties which include Navajo Lands, and other interested parties, in conducting this study;

''(3) projected costs or savings associated with establishment of such entity, and any estimated impact on services provided as described in this section in relation to probable costs or savings; and

''(4) legislative actions that would be required to authorize the establishment of such entity if such entity is determined by the Secretary to be feasible.

"SEC. 415. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out this title.

"TITLE V—HEALTH SERVICES FOR URBAN INDIANS

"SEC. 501. PURPOSE.

''The purpose of this title is to establish and maintain programs in Urban Centers to make health services more accessible and available to Urban Indians.

"SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.

''Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, or make grants to, Urban Indian Organizations to assist such organizations in the establishment and administration, within Urban Centers, of programs which meet the requirements set forth in this title. Subject to section 506, the Secretary, acting through the Service, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract into which the Secretary enters with, or in any grant the Secretary makes to, any Urban Indian Organization pursuant to this title.

"SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES.

''(a) REQUIREMENTS FOR GRANTS AND CONTRACTS.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, and make grants to, Urban Indian Organizations for the provision of health care and referral services for Urban Indians. Any such contract or grant shall include requirements that the Urban Indian Organization successfully undertake to—

''(1) estimate the population of Urban Indians residing in the Urban Center or centers that the organization proposes to serve who are or could be recipients of health care or referral services;

''(2) estimate the current health status of Urban Indians residing in such Urban Center or centers;

''(3) estimate the current health care needs of Urban Indians residing in such Urban Center or centers;

''(4) provide basic health education, including health promotion and disease prevention education, to Urban Indians;

''(5) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of Urban Indians; and

''(6) where necessary, provide, or enter into contracts for the provision of, health care services for Urban Indians.

''(b) CRITERIA.—The Secretary, acting through the Service, shall, by regulation, prescribe the criteria for selecting Urban Indian Organizations to enter into contracts or receive grants under this section. Such criteria shall, among other factors, include—

''(1) the extent of unmet health care needs of Urban Indians in the Urban Center or centers involved;

''(2) the size of the Urban Indian population in the Urban Center or centers involved;

''(3) the extent, if any, to which the activities set forth in subsection (a) would duplicate any project funded under this title, or under any current public health service project funded in a manner other than pursuant to this title;

''(4) the capability of an Urban Indian Organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary or to meet the requirements for receiving a grant under this section;

''(5) the satisfactory performance and successful completion by an Urban Indian Organization of other contracts with the Secretary under this title;

''(6) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an Urban Center or centers; and

''(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

''(c) ACCESS TO HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS.—The Secretary, acting through the Service, shall facilitate access to or provide health promotion and disease prevention services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

''(d) IMMUNIZATION SERVICES.—

''(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, immunization services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under this section.

''(2) DEFINITION.—For purposes of this subsection, the term 'immunization services' means services to provide without charge immunizations against vaccine-preventable diseases.

''(e) BEHAVIORAL HEALTH SERVICES.—

''(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, behavioral health services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

''(2) ASSESSMENT REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment of the following:

''(A) The behavioral health needs of the Urban Indian population concerned.

''(B) The behavioral health services and other related resources available to that population.

''(C) The barriers to obtaining those services and resources.

''(D) The needs that are unmet by such services and resources.

''(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

''(A) To prepare assessments required under paragraph (2).

''(B) To provide outreach, educational, and referral services to Urban Indians regarding the availability of direct behavioral health services, to educate Urban Indians about behavioral health issues and services, and effect coordination with existing behavioral health providers in order to improve services to Urban Indians.

''(C) To provide outpatient behavioral health services to Urban Indians, including the identification and assessment of illness, therapeutic treatments, case management, support groups, family treatment, and other treatment.

''(D) To develop innovative behavioral health service delivery models which incorporate Indian cultural support systems and resources.

''(f) PREVENTION OF CHILD ABUSE.—

''(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to or provide services for Urban Indians through grants to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a) to prevent and treat child abuse (including sexual abuse) among Urban Indians.

''(2) EVALUATION REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment that documents the prevalence of child abuse in the Urban Indian population concerned and specifies the services and programs (which may not duplicate existing services and programs) for which the grant is requested.

''(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

''(A) To prepare assessments required under paragraph (2).

''(B) For the development of prevention, training, and education programs for Urban Indians, including child education, parent education, provider training on identification and intervention, education on reporting requirements, prevention campaigns, and establishing service networks of all those involved in Indian child protection.

''(C) To provide direct outpatient treatment services (including individual treatment, family treatment, group therapy, and support groups) to Urban Indians who are child victims of abuse (including sexual abuse) or adult survivors of child sexual abuse, to the families of such child victims, and to Urban Indian perpetrators of child abuse (including sexual abuse).

''(4) CONSIDERATIONS WHEN MAKING GRANTS.—In making grants to carry out this subsection, the Secretary shall take into consideration—

''(A) the support for the Urban Indian Organization demonstrated by the child protection authorities in the area, including committees or other services funded under the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), if any;

''(B) the capability and expertise demonstrated by the Urban Indian Organization to address the complex problem of child sexual abuse in the community; and

''(C) the assessment required under paragraph (2).

''(g) OTHER GRANTS.—The Secretary, acting through the Service, may enter into a contract with or make grants to an Urban Indian Organization that provides or arranges for the provision of health care services (through satellite facilities, provider networks, or otherwise) to Urban Indians in more than 1 Urban Center.

''SEC. 504. CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS.

''(a) GRANTS AND CONTRACTS AUTHORIZED.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, may enter into contracts with or make grants to Urban Indian Organizations situated in Urban Centers for which contracts have not been entered into or grants have not been made under section 503.

''(b) PURPOSE.—The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (c)(1) in order to assist the Secretary in assessing the health status and health care needs of Urban Indians in the Urban Center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the Urban Indian Organization which the Secretary has entered into a contract with, or made a grant to, under this section.

''(c) GRANT AND CONTRACT REQUIREMENTS.—Any contract entered into, or grant made, by the Secretary under this section shall include requirements that—

''(1) the Urban Indian Organization successfully undertakes to—

''(A) document the health care status and unmet health care needs of Urban Indians in the Urban Center involved; and

''(B) with respect to Urban Indians in the Urban Center involved, determine the matters described in paragraphs (2), (3), (4), and (7) of section 503(b); and

''(2) the Urban Indian Organization complete performance of the contract, or carry out the requirements of the grant, within 1 year after the date on which the Secretary and such organization enter into such contract, or within 1 year after such organization receives such grant, whichever is applicable.

''(d) NO RENEWALS.—The Secretary may not renew any contract entered into or grant made under this section.

''SEC. 505. EVALUATIONS; RENEWALS.

''(a) PROCEDURES FOR EVALUATIONS.—The Secretary, acting through the Service, shall develop procedures to evaluate compliance with grant requirements and compliance with and performance of contracts entered into by Urban Indian Organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

''(b) EVALUATIONS.—The Secretary, acting through the Service, shall evaluate the compliance of each Urban Indian Organization which has entered into a contract or received a grant under section 503 with the terms of such contract or grant. For purposes of this evaluation, the Secretary shall—

''(1) acting through the Service, conduct an annual onsite evaluation of the organization; or

''(2) accept in lieu of such onsite evaluation evidence of the organization's provisional or full accreditation by a private independent entity recognized by the Secretary for purposes of conducting quality reviews of providers participating in the Medicare program under title XVIII of the Social Security Act.

''(c) NONCOMPLIANCE; UNSATISFACTORY PERFORMANCE.—If, as a result of the evaluations conducted under this section, the Secretary determines that an Urban Indian Organization has not complied with the requirements of a grant or complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract or grant, attempt to resolve with the organization the areas of noncompliance or unsatisfactory performance and modify the contract or grant to prevent future occurrences of noncompliance or unsatisfactory performance. If the Secretary determines that the noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew the contract or grant with the organization and is authorized to enter into a contract or make a grant under section 503 with another Urban Indian Organization which is situated in the same Urban Center as the Urban Indian Organization whose contract or grant is not renewed under this section.

''(d) CONSIDERATIONS FOR RENEWALS.—In determining whether to renew a contract or grant with an Urban Indian Organization under section 503 which has completed performance of a contract or grant under section 504, the Secretary shall review the records of the Urban Indian Organization, the reports submitted under section 507, and shall consider the results of the onsite evaluations or accreditations under subsection (b).

''SEC. 506. OTHER CONTRACT AND GRANT REQUIREMENTS.

''(a) PROCUREMENT.—Contracts with Urban Indian Organizations entered into pursuant to this title shall be in accordance with all Federal contracting laws and regulations relating to procurement except that in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of sections 1304 and 3131 through 3133 of title 40, United States Code.

''(b) PAYMENTS UNDER CONTRACTS OR GRANTS.—

''(1) IN GENERAL.—Payments under any contracts or grants pursuant to this title, notwithstanding any term or condition of such contract or grant—

''(A) may be made in a single advance payment by the Secretary to the Urban Indian Organization by no later than the end of the first 30 days of the funding period with respect to which the payments apply, unless the Secretary determines through an evaluation under section 505 that the organization is not capable of administering such a single advance payment; and

''(B) if any portion thereof is unexpended by the Urban Indian Organization during the funding period with respect to which the payments initially apply, shall be carried forward for expenditure with respect to allowable or reimbursable costs incurred by the organization during 1 or more subsequent funding periods without additional justification or documentation by the organization as a condition of carrying forward the availability for expenditure of such funds.

''(2) SEMIANNUAL AND QUARTERLY PAYMENTS AND REIMBURSEMENTS.—If the Secretary determines under paragraph (1)(A) that an Urban Indian Organization is not capable of administering an entire single advance payment, on request of the Urban Indian Organization, the payments may be made—

''(A) in semiannual or quarterly payments by not later than 30 days after the date on which the funding period with respect to which the payments apply begins; or

''(B) by way of reimbursement.

''(c) REVISION OR AMENDMENT OF CONTRACTS.—Notwithstanding any provision of law to the contrary, the Secretary may, at the request and consent of an Urban Indian Organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title.

''(d) FAIR AND UNIFORM SERVICES AND ASSISTANCE.—Contracts with or grants to Urban Indian Organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to Urban Indians of services and assistance under such contracts or grants by such organizations.

''SEC. 507. REPORTS AND RECORDS.

''(a) REPORTS.—

''(1) IN GENERAL.—For each fiscal year during which an Urban Indian Organization receives or expends funds pursuant to a contract entered into or a grant received pursuant to this title, such Urban Indian Organization shall submit to the Secretary not more frequently than every 6 months, a report that includes the following:

''(A) In the case of a contract or grant under section 503, recommendations pursuant to section 503(a)(5).

''(B) Information on activities conducted by the organization pursuant to the contract or grant.

''(C) An accounting of the amounts and purpose for which Federal funds were expended.

''(D) A minimum set of data, using uniformly defined elements, as specified by the Secretary after consultation with Urban Indian Organizations.

''(2) HEALTH STATUS AND SERVICES.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the

Indian Health Care Improvement Act Amendments of 2006, the Secretary, acting through the Service, shall submit to Congress a report evaluating—

''(i) the health status of Urban Indians;

''(ii) the services provided to Indians pursuant to this title; and

''(iii) areas of unmet needs in the delivery of health services to Urban Indians.

''(B) CONSULTATION AND CONTRACTS.—In preparing the report under paragraph (1), the Secretary—

''(i) shall consult with Urban Indian Organizations; and

''(ii) may enter into a contract with a national organization representing Urban Indian Organizations to conduct any aspect of the report.

''(b) AUDIT.—The reports and records of the Urban Indian Organization with respect to a contract or grant under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

''(c) COSTS OF AUDITS.—The Secretary shall allow as a cost of any contract or grant entered into or awarded under section 502 or 503 the cost of an annual independent financial audit conducted by—

''(1) a certified public accountant; or

''(2) a certified public accounting firm qualified to conduct Federal compliance audits.

''SEC. 508. LIMITATION ON CONTRACT AUTHORITY.

''The authority of the Secretary to enter into contracts or to award grants under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

''SEC. 509. FACILITIES.

''(a) GRANTS.—The Secretary, acting through the Service, may make grants to contractors or grant recipients under this title for the lease, purchase, renovation, construction, or expansion of facilities, including leased facilities, in order to assist such contractors or grant recipients in complying with applicable licensure or certification requirements.

''(b) LOAN FUND STUDY.—The Secretary, acting through the Service, may carry out a study to determine the feasibility of establishing a loan fund to provide to Urban Indian Organizations direct loans or guarantees for loans for the construction of health care facilities in a manner consistent with section 309.

''SEC. 510. DIVISION OF URBAN INDIAN HEALTH.

''There is established within the Service a Division of Urban Indian Health, which shall be responsible for—

''(1) carrying out the provisions of this title;

''(2) providing central oversight of the programs and services authorized under this title; and

''(3) providing technical assistance to Urban Indian Organizations.

''SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE-RELATED SERVICES.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school- and community-based education regarding, alcohol and substance abuse in Urban Centers to those Urban Indian Organizations with which the Secretary has entered into a contract under this title or under section 201.

''(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

''(c) CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the following:

''(1) The size of the Urban Indian population.

''(2) Capability of the organization to adequately perform the activities required under the grant.

''(3) Satisfactory performance standards for the organization in meeting the goals set forth in such grant. The standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis.

''(4) Identification of the need for services.

''(d) ALLOCATION OF GRANTS.—The Secretary shall develop a methodology for allocating grants made pursuant to this section based on the criteria established pursuant to subsection (c).

''(e) GRANTS SUBJECT TO CRITERIA.—Any grant received by an Urban Indian Organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

''SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

''Notwithstanding any other provision of law, the Tulsa Clinic and Oklahoma City Clinic demonstration projects shall—

''(1) be permanent programs within the Service's direct care program;

''(2) continue to be treated as Service Units and Operating Units in the allocation of resources and coordination of care; and

''(3) continue to meet the requirements and definitions of an Urban Indian Organization in this Act, and shall not be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''SEC. 513. URBAN NIAAA TRANSFERRED PROGRAMS.

''(a) GRANTS AND CONTRACTS.—The Secretary, through the Division of Urban Indian Health, shall make grants or enter into contracts with Urban Indian Organizations, to take effect not later than September 30, 2008, for the administration of Urban Indian alcohol programs that were originally established under the National Institute on Alcoholism and Alcohol Abuse (hereafter in this section referred to as 'NIAAA') and transferred to the Service.

''(b) USE OF FUNDS.—Grants provided or contracts entered into under this section shall be used to provide support for the continuation of alcohol prevention and treatment services for Urban Indian populations and such other objectives as are agreed upon between the Service and a recipient of a grant or contract under this section.

''(c) ELIGIBILITY.—Urban Indian Organizations that operate Indian alcohol programs originally funded under the NIAAA and subsequently transferred to the Service are eligible for grants or contracts under this section.

''(d) REPORT.—The Secretary shall evaluate and report to Congress on the activities of programs funded under this section not less than every 5 years.

''SEC. 514. CONSULTATION WITH URBAN INDIAN ORGANIZATIONS.

''(a) IN GENERAL.—The Secretary shall ensure that the Service consults, to the greatest extent practicable, with Urban Indian Organizations.

''(b) DEFINITION OF CONSULTATION.—For purposes of subsection (a), consultation is the open and free exchange of information and opinions which leads to mutual understanding and comprehension and which emphasizes trust, respect, and shared responsibility.

''SEC. 515. URBAN YOUTH TREATMENT CENTER DEMONSTRATION.

''(a) CONSTRUCTION AND OPERATION.—The Secretary, acting through the Service, through grant or contract, is authorized to fund the construction and operation of at least 2 residential treatment centers in each State described in subsection (b) to demonstrate the provision of alcohol and substance abuse treatment services to Urban Indian youth in a culturally competent residential setting.

''(b) DEFINITION OF STATE.—A State described in this subsection is a State in which—

''(1) there resides Urban Indian youth with need for alcohol and substance abuse treatment services in a residential setting; and

''(2) there is a significant shortage of culturally competent residential treatment services for Urban Indian youth.

''SEC. 516. GRANTS FOR DIABETES PREVENTION, TREATMENT, AND CONTROL.

''(a) GRANTS AUTHORIZED.—The Secretary may make grants to those Urban Indian Organizations that have entered into a contract or have received a grant under this title for the provision of services for the prevention and treatment of, and control of the complications resulting from, diabetes among Urban Indians.

''(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished under the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

''(c) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a) relating to—

''(1) the size and location of the Urban Indian population to be served;

''(2) the need for prevention of and treatment of, and control of the complications resulting from, diabetes among the Urban Indian population to be served;

''(3) performance standards for the organization in meeting the goals set forth in such grant that are negotiated and agreed to by the Secretary and the grantee;

''(4) the capability of the organization to adequately perform the activities required under the grant; and

''(5) the willingness of the organization to collaborate with the registry, if any, established by the Secretary under section 204(e) in the Area Office of the Service in which the organization is located.

''(d) FUNDS SUBJECT TO CRITERIA.—Any funds received by an Urban Indian Organization under this Act for the prevention, treatment, and control of diabetes among Urban Indians shall be subject to the criteria developed by the Secretary under subsection (c).

''SEC. 517. COMMUNITY HEALTH REPRESENTATIVES.

''The Secretary, acting through the Service, may enter into contracts with, and make grants to, Urban Indian Organizations for the employment of Indians trained as health service providers through the Community Health Representatives Program under section 109 in the provision of health care, health promotion, and disease prevention services to Urban Indians.

''SEC. 518. EFFECTIVE DATE.

''The amendments made by the Indian Health Care Improvement Act Amendments of 2006 to this title shall take effect beginning on the date of enactment of that Act, regardless of whether the Secretary has promulgated regulations implementing such amendments.

''SEC. 519. ELIGIBILITY FOR SERVICES.

''Urban Indians shall be eligible and the ultimate beneficiaries for health care or referral services provided pursuant to this title.

''SEC. 520. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out this title.

"TITLE VI—ORGANIZATIONAL IMPROVEMENTS

"SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian Tribes, as are or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

''(2) DIRECTOR OF INDIAN HEALTH SERVICE.—The Service shall be administered by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Secretary. Effective with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 2006, the term of service of the Director shall be 4 years. A Director may serve more than 1 term.

''(3) INCUMBENT.—The individual serving in the position of Director of the Service on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2006 shall serve as Director.

''(4) ADVOCACY AND CONSULTATION.—The position of Director is established to, in a manner consistent with the government-to-government relationship between the United States and Indian Tribes—

''(A) facilitate advocacy for the development of appropriate Indian health policy; and

''(B) promote consultation on matters relating to Indian health.

''(b) AGENCY.—The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

''(c) DUTIES.—The Director shall—

''(1) perform all functions that were, on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, carried out by or under the direction of the individual serving as Director of the Service on that day;

''(2) perform all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and provision and utilization of, health services for Indians;

''(3) administer all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

''(A) this Act;

''(B) the Act of November 2, 1921 (25 U.S.C. 13);

''(C) the Act of August 5, 1954 (42 U.S.C. 2001 et seq.);

''(D) the Act of August 16, 1957 (42 U.S.C. 2005 et seq.); and

''(E) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

''(4) administer all scholarship and loan functions carried out under title I;

''(5) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

''(6) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

''(7) advise each Assistant Secretary of the Department concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

''(8) advise the heads of other agencies and programs of the Department concerning matters of Indian health with respect to which those heads have authority and responsibility;

''(9) coordinate the activities of the Department concerning matters of Indian health; and

''(10) perform such other functions as the Secretary may designate.

''(d) AUTHORITY.—

''(1) IN GENERAL.—The Secretary, acting through the Director, shall have the authority—

''(A) except to the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

''(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

''(C) to manage, expend, and obligate all funds appropriated for the Service.

''(2) PERSONNEL ACTIONS.—Notwithstanding any other provision of law, the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472), shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).

"SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYSTEM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish an automated management information system for the Service.

''(2) REQUIREMENTS OF SYSTEM.—The information system established under paragraph (1) shall include—

''(A) a financial management system;

''(B) a patient care information system for each area served by the Service;

''(C) a privacy component that protects the privacy of patient information held by, or on behalf of, the Service;

''(D) a services-based cost accounting component that provides estimates of the costs associated with the provision of specific medical treatments or services in each Area office of the Service;

''(E) an interface mechanism for patient billing and accounts receivable system; and

''(F) a training component.

''(b) PROVISION OF SYSTEMS TO TRIBES AND ORGANIZATIONS.—The Secretary shall provide each Tribal Health Program automated management information systems which—

''(1) meet the management information needs of such Tribal Health Program with respect to the treatment by the Tribal Health Program of patients of the Service; and

''(2) meet the management information needs of the Service.

''(c) ACCESS TO RECORDS.—Notwithstanding any other provision of law, each patient shall have reasonable access to the medical or health records of such patient which are held by, or on behalf of, the Service.

''(d) AUTHORITY TO ENHANCE INFORMATION TECHNOLOGY.—The Secretary, acting through the Service, shall have the authority to enter into contracts, agreements, or joint ventures with other Federal agencies, States, private and nonprofit organizations, for the purpose of enhancing information technology in Indian Health Programs and facilities.

"SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out this title.

"TITLE VII—BEHAVIORAL HEALTH PROGRAMS

"SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.

''(a) PURPOSES.—The purposes of this section are as follows:

''(1) To authorize and direct the Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, to develop a comprehensive behavioral health prevention and treatment program which emphasizes collaboration among alcohol and substance abuse, social services, and mental health programs.

''(2) To provide information, direction, and guidance relating to mental illness and dysfunction and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State, and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement, and judicial services.

''(3) To assist Indian Tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior.

''(4) To provide authority and opportunities for Indian Tribes and Tribal Organizations to develop, implement, and coordinate with community-based programs which include identification, prevention, education, referral, and treatment services, including through multidisciplinary resource teams.

''(5) To ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access.

''(6) To modify or supplement existing programs and authorities in the areas identified in paragraph (2).

''(b) PLANS.—

''(1) DEVELOPMENT.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall encourage Indian Tribes and Tribal Organizations to develop tribal plans, and Urban Indian Organizations to develop local plans, and for all such groups to participate in developing areawide plans for Indian Behavioral Health Services. The plans shall include, to the extent feasible, the following components:

''(A) An assessment of the scope of alcohol or other substance abuse, mental illness, and dysfunctional and self-destructive behavior, including suicide, child abuse, and family violence, among Indians, including—

''(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; or

''(ii) an estimate of the financial and human cost attributable to such illness or behavior.

''(B) An assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c).

''(C) An estimate of the additional funding needed by the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to meet their responsibilities under the plans.

''(2) NATIONAL CLEARINGHOUSE.—The Secretary, acting through the Service, shall coordinate with existing national clearinghouses and information centers to include at the clearinghouses and centers plans and reports on the outcomes of such plans developed by Indian Tribes, Tribal Organizations, Urban Indian Organizations, and Service Areas relating to behavioral health. The Secretary shall ensure access to these plans and outcomes by any Indian Tribe, Tribal Organization, Urban Indian Organization, or the Service.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in preparation of plans

under this section and in developing standards of care that may be used and adopted locally.

''(c) PROGRAMS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide, to the extent feasible and if funding is available, programs including the following:

''(1) COMPREHENSIVE CARE.—A comprehensive continuum of behavioral health care which provides—

''(A) community-based prevention, intervention, outpatient, and behavioral health aftercare;

''(B) detoxification (social and medical);

''(C) acute hospitalization;

''(D) intensive outpatient/day treatment;

''(E) residential treatment;

''(F) transitional living for those needing a temporary, stable living environment that is supportive of treatment and recovery goals;

''(G) emergency shelter;

''(H) intensive case management; and

''(I) diagnostic services.

''(2) CHILD CARE.—Behavioral health services for Indians from birth through age 17, including—

''(A) preschool and school age fetal alcohol disorder services, including assessment and behavioral intervention;

''(B) mental health and substance abuse services (emotional, organic, alcohol, drug, inhalant, and tobacco);

''(C) identification and treatment of co-occurring disorders and comorbidity;

''(D) prevention of alcohol, drug, inhalant, and tobacco use;

''(E) early intervention, treatment, and aftercare;

''(F) promotion of healthy approaches to risk and safety issues; and

''(G) identification and treatment of neglect and physical, mental, and sexual abuse.

''(3) ADULT CARE.—Behavioral health services for Indians from age 18 through 55, including—

''(A) early intervention, treatment, and aftercare;

''(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

''(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

''(D) promotion of healthy approaches for risk-related behavior;

''(E) treatment services for women at risk of giving birth to a child with a fetal alcohol disorder; and

''(F) sex specific treatment for sexual assault and domestic violence.

''(4) FAMILY CARE.—Behavioral health services for families, including—

''(A) early intervention, treatment, and aftercare for affected families;

''(B) treatment for sexual assault and domestic violence; and

''(C) promotion of healthy approaches relating to parenting, domestic violence, and other abuse issues.

''(5) ELDER CARE.—Behavioral health services for Indians 56 years of age and older, including—

''(A) early intervention, treatment, and aftercare;

''(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

''(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

''(D) promotion of healthy approaches to managing conditions related to aging;

''(E) sex specific treatment for sexual assault, domestic violence, neglect, physical and mental abuse and exploitation; and

''(F) identification and treatment of dementias regardless of cause.

''(d) COMMUNITY BEHAVIORAL HEALTH PLAN.—

''(1) ESTABLISHMENT.—The governing body of any Indian Tribe, Tribal Organization, or Urban Indian Organization may adopt a resolution for the establishment of a community behavioral health plan providing for the identification and coordination of available resources and programs to identify, prevent, or treat substance abuse, mental illness, or dysfunctional and self-destructive behavior, including child abuse and family violence, among its members or its service population. This plan should include behavioral health services, social services, intensive outpatient services, and continuing aftercare.

''(2) TECHNICAL ASSISTANCE.—At the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, the Bureau of Indian Affairs and the Service shall cooperate with and provide technical assistance to the Indian Tribe, Tribal Organization, or Urban Indian Organization in the development and implementation of such plan.

''(3) FUNDING.—The Secretary, acting through the Service, may make funding available to Indian Tribes and Tribal Organizations which adopt a resolution pursuant to paragraph (1) to obtain technical assistance for the development of a community behavioral health plan and to provide administrative support in the implementation of such plan.

''(e) COORDINATION FOR AVAILABILITY OF SERVICES.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall coordinate behavioral health planning, to the extent feasible, with other Federal agencies and with State agencies, to encourage comprehensive behavioral health services for Indians regardless of their place of residence.

''(f) MENTAL HEALTH CARE NEED ASSESSMENT.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary, acting through the Service, shall make an assessment of the need for inpatient mental health care among Indians and the availability and cost of inpatient mental health facilities which can meet such need. In making such assessment, the Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

''SEC. 702. MEMORANDA OF AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR.

''(a) CONTENTS.—Not later than 12 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary, acting through the Service, and the Secretary of the Interior shall develop and enter into a memoranda of agreement, or review and update any existing memoranda of agreement, as required by section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) under which the Secretaries address the following:

''(1) The scope and nature of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, among Indians.

''(2) The existing Federal, tribal, State, local, and private services, resources, and programs available to provide behavioral health services for Indians.

''(3) The unmet need for additional services, resources, and programs necessary to meet the needs identified pursuant to paragraph (1).

''(4)(A) The right of Indians, as citizens of the United States and of the States in which they reside, to have access to behavioral health services to which all citizens have access.

''(B) The right of Indians to participate in, and receive the benefit of, such services.

''(C) The actions necessary to protect the exercise of such right.

''(5) The responsibilities of the Bureau of Indian Affairs and the Service, including mental illness identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams), at the central, area, and agency and Service Unit, Service Area, and headquarters levels to address the problems identified in paragraph (1).

''(6) A strategy for the comprehensive coordination of the behavioral health services provided by the Bureau of Indian Affairs and the Service to meet the problems identified pursuant to paragraph (1), including—

''(A) the coordination of alcohol and substance abuse programs of the Service, the Bureau of Indian Affairs, and Indian Tribes and Tribal Organizations (developed under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.)) with behavioral health initiatives pursuant to this Act, particularly with respect to the referral and treatment of dually diagnosed individuals requiring behavioral health and substance abuse treatment; and

''(B) ensuring that the Bureau of Indian Affairs and Service programs and services (including multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services.

''(7) Directing appropriate officials of the Bureau of Indian Affairs and the Service, particularly at the agency and Service Unit levels, to cooperate fully with tribal requests made pursuant to community behavioral health plans adopted under section 701(c) and section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412).

''(8) Providing for an annual review of such agreement by the Secretaries which shall be provided to Congress and Indian Tribes and Tribal Organizations.

''(b) SPECIFIC PROVISIONS REQUIRED.—The memoranda of agreement updated or entered into pursuant to subsection (a) shall include specific provisions pursuant to which the Service shall assume responsibility for—

''(1) the determination of the scope of the problem of alcohol and substance abuse among Indians, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

''(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

''(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

''(c) PUBLICATION.—Each memorandum of agreement entered into or renewed (and amendments or modifications thereto) under subsection (a) shall be published in the Federal Register. At the same time as publication in the Federal Register, the Secretary shall provide a copy of such memoranda, amendment, or modification to each Indian Tribe, Tribal Organization, and Urban Indian Organization.

''SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PREVENTION AND TREATMENT PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide a program of

comprehensive behavioral health, prevention, treatment, and aftercare, which shall include—

''(A) prevention, through educational intervention, in Indian communities;

''(B) acute detoxification, psychiatric hospitalization, residential, and intensive outpatient treatment;

''(C) community-based rehabilitation and aftercare;

''(D) community education and involvement, including extensive training of health care, educational, and community-based personnel;

''(E) specialized residential treatment programs for high-risk populations, including pregnant and postpartum women and their children; and

''(F) diagnostic services.

''(2) TARGET POPULATIONS.—The target population of such programs shall be members of Indian Tribes. Efforts to train and educate key members of the Indian community shall also target employees of health, education, judicial, law enforcement, legal, and social service programs.

''(b) CONTRACT HEALTH SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may enter into contracts with public or private providers of behavioral health treatment services for the purpose of carrying out the program required under subsection (a).

''(2) PROVISION OF ASSISTANCE.—In carrying out this subsection, the Secretary shall provide assistance to Indian Tribes and Tribal Organizations to develop criteria for the certification of behavioral health service providers and accreditation of service facilities which meet minimum standards for such services and facilities.

''SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.

''(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary shall establish and maintain a mental health technician program within the Service which—

''(1) provides for the training of Indians as mental health technicians; and

''(2) employs such technicians in the provision of community-based mental health care that includes identification, prevention, education, referral, and treatment services.

''(b) PARAPROFESSIONAL TRAINING.—In carrying out subsection (a), the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide high-standard paraprofessional training in mental health care necessary to provide quality care to the Indian communities to be served. Such training shall be based upon a curriculum developed or approved by the Secretary which combines education in the theory of mental health care with supervised practical experience in the provision of such care.

''(c) SUPERVISION AND EVALUATION OF TECHNICIANS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall supervise and evaluate the mental health technicians in the training program.

''(d) TRADITIONAL HEALTH CARE PRACTICES.—The Secretary, acting through the Service, shall ensure that the program established pursuant to this subsection involves the use and promotion of the traditional health care practices of the Indian Tribes to be served.

''SEC. 705. LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.

''(a) IN GENERAL.—Subject to the provisions of section 221, and except as provided in subsection (b), any individual employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under this Act is required to be licensed as a psychologist, social worker, or marriage and family therapist, respectively.

''(b) TRAINEES.—An individual may be employed as a trainee in psychology, social work, or marriage and family therapy to provide mental health care services described in subsection (a) if such individual—

''(1) works under the direct supervision of a licensed psychologist, social worker, or marriage and family therapist, respectively;

''(2) is enrolled in or has completed at least 2 years of course work at a post-secondary, accredited education program for psychology, social work, marriage and family therapy, or counseling; and

''(3) meets such other training, supervision, and quality review requirements as the Secretary may establish.

''SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.

''(a) GRANTS.—The Secretary, consistent with section 701, may make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to develop and implement a comprehensive behavioral health program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the cultural, historical, social, and child care needs of Indian women, regardless of age.

''(b) USE OF GRANT FUNDS.—A grant made pursuant to this section may be used to—

''(1) develop and provide community training, education, and prevention programs for Indian women relating to behavioral health issues, including fetal alcohol disorders;

''(2) identify and provide psychological services, counseling, advocacy, support, and relapse prevention to Indian women and their families; and

''(3) develop prevention and intervention models for Indian women which incorporate traditional health care practices, cultural values, and community and family involvement.

''(c) CRITERIA.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall establish criteria for the review and approval of applications and proposals for funding under this section.

''(d) EARMARK OF CERTAIN FUNDS.—Twenty percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations.

''SEC. 707. INDIAN YOUTH PROGRAM.

''(a) DETOXIFICATION AND REHABILITATION.—The Secretary, acting through the Service, consistent with section 701, shall develop and implement a program for acute detoxification and treatment for Indian youths, including behavioral health services. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis and programs developed and implemented by Indian Tribes or Tribal Organizations at the local level under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

''(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTERS OR FACILITIES.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, at least 1 youth regional treatment center or treatment network in each area under the jurisdiction of an Area Office.

''(B) AREA OFFICE IN CALIFORNIA.—For the purposes of this subsection, the Area Office in California shall be considered to be 2 Area Offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

''(2) FUNDING.—For the purpose of staffing and operating such centers or facilities, funding shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).

''(3) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) agreed upon (by appropriate tribal resolution) by a majority of the Indian Tribes to be served by such center.

''(4) SPECIFIC PROVISION OF FUNDS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

''(i) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating, and maintaining a residential youth treatment facility in Fairbanks, Alaska; and

''(ii) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

''(B) PROVISION OF SERVICES TO ELIGIBLE YOUTHS.—Until additional residential youth treatment facilities are established in Alaska pursuant to this section, the facilities specified in subparagraph (A) shall make every effort to provide services to all eligible Indian youths residing in Alaska.

''(c) INTERMEDIATE ADOLESCENT BEHAVIORAL HEALTH SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide intermediate behavioral health services to Indian children and adolescents, including—

''(A) pretreatment assistance;

''(B) inpatient, outpatient, and aftercare services;

''(C) emergency care;

''(D) suicide prevention and crisis intervention; and

''(E) prevention and treatment of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence.

''(2) USE OF FUNDS.—Funds provided under this subsection may be used—

''(A) to construct or renovate an existing health facility to provide intermediate behavioral health services;

''(B) to hire behavioral health professionals;

''(C) to staff, operate, and maintain an intermediate mental health facility, group home, sober housing, transitional housing or similar facilities, or youth shelter where intermediate behavioral health services are being provided;

''(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units; and

''(E) for intensive home- and community-based services.

''(3) CRITERIA.—The Secretary, acting through the Service, shall, in consultation with Indian Tribes and Tribal Organizations, establish criteria for the review and approval of applications or proposals for funding made available pursuant to this subsection.

''(d) FEDERALLY-OWNED STRUCTURES.—

''(1) IN GENERAL.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall—

''(A) identify and use, where appropriate, federally-owned structures suitable for local residential or regional behavioral health treatment for Indian youths; and

''(B) establish guidelines for determining the suitability of any such federally-owned structure to be used for local residential or regional behavioral health treatment for Indian youths.

''(2) TERMS AND CONDITIONS FOR USE OF STRUCTURE.—Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure and any Indian Tribe or Tribal Organization operating the program.

''(e) REHABILITATION AND AFTERCARE SERVICES.—

''(1) IN GENERAL.—The Secretary, Indian Tribes, or Tribal Organizations, in cooperation with the Secretary of the Interior, shall develop and implement within each Service Unit, community-based rehabilitation and follow-up services for Indian youths who are having significant behavioral health problems, and require long-term treatment, community reintegration, and monitoring to support the Indian youths after their return to their home community.

''(2) ADMINISTRATION.—Services under paragraph (1) shall be provided by trained staff within the community who can assist the Indian youths in their continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff may include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

''(f) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youths authorized by this section, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide for the inclusion of family members of such youths in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (e) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

''(g) MULTIDRUG ABUSE PROGRAM.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall provide, consistent with section 701, programs and services to prevent and treat the abuse of multiple forms of substances, including alcohol, drugs, inhalants, and tobacco, among Indian youths residing in Indian communities, on or near reservations, and in urban areas and provide appropriate mental health services to address the incidence of mental illness among such youths.

''(h) INDIAN YOUTH MENTAL HEALTH.—The Secretary, acting through the Service, shall collect data for the report under section 801 with respect to—

''(1) the number of Indian youth who are being provided mental health services through the Service and Tribal Health Programs;

''(2) a description of, and costs associated with, the mental health services provided for Indian youth through the Service and Tribal Health Programs;

''(3) the number of youth referred to the Service or Tribal Health Programs for mental health services;

''(4) the number of Indian youth provided residential treatment for mental health and behavioral problems through the Service and Tribal Health Programs, reported separately for on- and off-reservation facilities; and

''(5) the costs of the services described in paragraph (4).

''SEC. 708. INDIAN YOUTH TELEMENTAL HEALTH DEMONSTRATION PROJECT.

''(a) PURPOSE.—The purpose of this section is to authorize the Secretary to carry out a demonstration project to test the use of telemental health services in suicide prevention, intervention and treatment of Indian youth, including through—

''(1) the use of psychotherapy, psychiatric assessments, diagnostic interviews, therapies for mental health conditions predisposing to suicide, and alcohol and substance abuse treatment;

''(2) the provision of clinical expertise to, consultation services with, and medical advice and training for frontline health care providers working with Indian youth;

''(3) training and related support for community leaders, family members and health and education workers who work with Indian youth;

''(4) the development of culturally-relevant educational materials on suicide; and

''(5) data collection and reporting.

''(b) DEFINITIONS.—For the purpose of this section, the following definitions shall apply:

''(1) DEMONSTRATION PROJECT.—The term 'demonstration project' means the Indian youth telemental health demonstration project authorized under subsection (c).

''(2) TELEMENTAL HEALTH.—The term 'telemental health' means the use of electronic information and telecommunications technologies to support long distance mental health care, patient and professional-related education, public health, and health administration.

''(c) AUTHORIZATION.—

''(1) IN GENERAL.—The Secretary is authorized to award grants under the demonstration project for the provision of telemental health services to Indian youth who—

''(A) have expressed suicidal ideas;

''(B) have attempted suicide; or

''(C) have mental health conditions that increase or could increase the risk of suicide.

''(2) ELIGIBILITY FOR GRANTS.—Such grants shall be awarded to Indian Tribes, Tribal Organizations, and Urban Indian Organizations that operate 1 or more facilities—

''(A) located in Alaska and part of the Alaska Federal Health Care Access Network;

''(B) reporting active clinical telehealth capabilities; or

''(C) offering school-based telemental health services relating to psychiatry to Indian youth.

''(3) GRANT PERIOD.—The Secretary shall award grants under this section for a period of up to 4 years.

''(4) AWARDING OF GRANTS.—Not more than 5 grants shall be provided under paragraph (1), with priority consideration given to Indian Tribes, Tribal Organizations, and Urban Indian Organizations that—

''(A) serve a particular community or geographic area where there is a demonstrated need to address Indian youth suicide;

''(B) enter in to collaborative partnerships with Indian Health Service or other Tribal Health Programs or facilities to provide services under this demonstration project;

''(C) serve an isolated community or geographic area which has limited or no access to behavioral health services; or

''(D) operate a detention facility at which youth are detained.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—An Indian Tribe, Tribal Organization, or Urban Indian Organization shall use a grant received under subsection (c) for the following purposes:

''(A) To provide telemental health services to Indian youth, including the provision of—

''(i) psychotherapy;

''(ii) psychiatric assessments and diagnostic interviews, therapies for mental health conditions predisposing to suicide, and treatment; and

''(iii) alcohol and substance abuse treatment.

''(B) To provide clinician-interactive medical advice, guidance and training, assistance in diagnosis and interpretation, crisis counseling and intervention, and related assistance to Service, tribal, or urban clinicians and health services providers working with youth being served under this demonstration project.

''(C) To assist, educate and train community leaders, health education professionals and paraprofessionals, tribal outreach workers, and family members who work with the youth receiving telemental health services under this demonstration project, including with identification of suicidal tendencies, crisis intervention and suicide prevention, emergency skill development, and building and expanding networks among these individuals and with State and local health services providers.

''(D) To develop and distribute culturally appropriate community educational materials on—

''(i) suicide prevention;

''(ii) suicide education;

''(iii) suicide screening;

''(iv) suicide intervention; and

''(v) ways to mobilize communities with respect to the identification of risk factors for suicide.

''(E) For data collection and reporting related to Indian youth suicide prevention efforts.

''(2) TRADITIONAL HEALTH CARE PRACTICES.—In carrying out the purposes described in paragraph (1), an Indian Tribe, Tribal Organization, or Urban Indian Organization may use and promote the traditional health care practices of the Indian Tribes of the youth to be served.

''(e) APPLICATIONS.—To be eligible to receive a grant under subsection (c), an Indian Tribe, Tribal Organization, or Urban Indian Organization shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of the project that the Indian Tribe, Tribal Organization, or Urban Indian Organization will carry out using the funds provided under the grant;

''(2) a description of the manner in which the project funded under the grant would—

''(A) meet the telemental health care needs of the Indian youth population to be served by the project; or

''(B) improve the access of the Indian youth population to be served to suicide prevention and treatment services;

''(3) evidence of support for the project from the local community to be served by the project;

''(4) a description of how the families and leadership of the communities or populations to be served by the project would be involved in the development and ongoing operations of the project;

''(5) a plan to involve the tribal community of the youth who are provided services by the project in planning and evaluating the mental health care and suicide prevention efforts provided, in order to ensure the integration of community, clinical, environmental, and cultural components of the treatment; and

''(6) a plan for sustaining the project after Federal assistance for the demonstration project has terminated.

''(f) COLLABORATION; REPORTING TO NATIONAL CLEARINGHOUSE.—

''(1) COLLABORATION.—The Secretary, acting through the Service, shall encourage Indian Tribes, Tribal Organizations, and Urban Indian Organizations receiving grants under this section to collaborate to enable comparisons about best practices across projects.

''(2) REPORTING TO NATIONAL CLEARINGHOUSE.—The Secretary, acting through the Service, shall also encourage Indian Tribes, Tribal Organizations, and Urban Indian Organizations receiving grants under this section to submit relevant, declassified project information to the national clearinghouse authorized under section 701(b)(2) in order to better facilitate program performance and improve suicide prevention, intervention, and treatment services.

''(g) ANNUAL REPORT.—Each grant recipient shall submit to the Secretary an annual report that—

''(1) describes the number of telemental health services provided; and

''(2) includes any other information that the Secretary may require.

''(h) REPORT TO CONGRESS.—Not later than 270 days after the termination of the demonstration project, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources and Committee on Energy and Commerce of the House of Representatives a final report, based on the annual reports provided by grant recipients under subsection (h), that—

''(1) describes the results of the projects funded by grants awarded under this section, including any data available which indicates the number of attempted suicides; and

''(2) evaluates the impact of the telemental health services funded by the grants in reducing the number of completed suicides among Indian youth.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for each of fiscal years 2007 through 2010.

''SEC. 709. INPATIENT AND COMMUNITY-BASED MENTAL HEALTH FACILITIES DESIGN, CONSTRUCTION, AND STAFFING.

''Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems. For the purposes of this subsection, California shall be considered to be 2 Area Offices, 1 office whose location shall be considered to encompass the northern area of the State of California and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California. The Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

''SEC. 710. TRAINING AND COMMUNITY EDUCATION.

''(a) PROGRAM.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement or assist Indian Tribes and Tribal Organizations to develop and implement, within each Service Unit or tribal program, a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education about behavioral health issues to political leaders, Tribal judges, law enforcement personnel, members of tribal health and education boards, health care providers including traditional practitioners, and other critical members of each tribal community. Such program may also include community-based training to develop local capacity and tribal community provider training for prevention, intervention, treatment, and aftercare.

''(b) INSTRUCTION.—The Secretary, acting through the Service, shall, either directly or through Indian Tribes and Tribal Organizations, provide instruction in the area of behavioral health issues, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, child sexual abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol disorders to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

''(c) TRAINING MODELS.—In carrying out the education and training programs required by this section, the Secretary, in consultation with Indian Tribes, Tribal Organizations, Indian behavioral health experts, and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

''(1) the elevated risk of alcohol and behavioral health problems faced by children of alcoholics;

''(2) the cultural, spiritual, and multigenerational aspects of behavioral health problem prevention and recovery; and

''(3) community-based and multidisciplinary strategies for preventing and treating behavioral health problems.

''SEC. 711. BEHAVIORAL HEALTH PROGRAM.

''(a) INNOVATIVE PROGRAMS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, consistent with section 701, may plan, develop, implement, and carry out programs to deliver innovative community-based behavioral health services to Indians.

''(b) AWARDS; CRITERIA.—The Secretary may award a grant for a project under subsection (a) to an Indian Tribe or Tribal Organization and may consider the following criteria:

''(1) The project will address significant unmet behavioral health needs among Indians.

''(2) The project will serve a significant number of Indians.

''(3) The project has the potential to deliver services in an efficient and effective manner.

''(4) The Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

''(5) The project may deliver services in a manner consistent with traditional health care practices.

''(6) The project is coordinated with, and avoids duplication of, existing services.

''(c) EQUITABLE TREATMENT.—For purposes of this subsection, the Secretary shall, in evaluating project applications or proposals, use the same criteria that the Secretary uses in evaluating any other application or proposal for such funding.

''SEC. 712. FETAL ALCOHOL DISORDER PROGRAMS.

''(a) PROGRAMS.—

''(1) ESTABLISHMENT.—The Secretary, consistent with section 701, acting through the Service, Indian Tribes, and Tribal Organizations, is authorized to establish and operate fetal alcohol disorder programs as provided in this section for the purposes of meeting the health status objectives specified in section 3.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—Funding provided pursuant to this section shall be used for the following:

''(i) To develop and provide for Indians community and in-school training, education, and prevention programs relating to fetal alcohol disorders.

''(ii) To identify and provide behavioral health treatment to high-risk Indian women and high-risk women pregnant with an Indian's child.

''(iii) To identify and provide appropriate psychological services, educational and vocational support, counseling, advocacy, and information to fetal alcohol disorder affected Indians and their families or caretakers.

''(iv) To develop and implement counseling and support programs in schools for fetal alcohol disorder affected Indian children.

''(v) To develop prevention and intervention models which incorporate practitioners of traditional health care practices, cultural values, and community involvement.

''(vi) To develop, print, and disseminate education and prevention materials on fetal alcohol disorder.

''(vii) To develop and implement, in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, culturally sensitive assessment and diagnostic tools including dysmorphology clinics and multidisciplinary fetal alcohol disorder clinics for use in Indian communities and Urban Centers.

''(B) ADDITIONAL USES.—In addition to any purpose under subparagraph (A), funding provided pursuant to this section may be used for 1 or more of the following:

''(i) Early childhood intervention projects from birth on to mitigate the effects of fetal alcohol disorder among Indians.

''(ii) Community-based support services for Indians and women pregnant with Indian children.

''(iii) Community-based housing for adult Indians with fetal alcohol disorder.

''(3) CRITERIA FOR APPLICATIONS.—The Secretary shall establish criteria for the review and approval of applications for funding under this section.

''(b) SERVICES.—The Secretary, acting through the Service and Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall—

''(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol disorder in Indian communities; and

''(2) provide supportive services, including services to meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol disorder.

''(c) TASK FORCE.—The Secretary shall establish a task force to be known as the Fetal Alcohol Disorder Task Force to advise the Secretary in carrying out subsection (b). Such task force shall be composed of representatives from the following:

''(1) The National Institute on Drug Abuse.

''(2) The National Institute on Alcohol and Alcoholism.

''(3) The Office of Substance Abuse Prevention.

''(4) The National Institute of Mental Health.

''(5) The Service.

''(6) The Office of Minority Health of the Department of Health and Human Services.

''(7) The Administration for Native Americans.

''(8) The National Institute of Child Health and Human Development (NICHD).

''(9) The Centers for Disease Control and Prevention.

''(10) The Bureau of Indian Affairs.

''(11) Indian Tribes.

''(12) Tribal Organizations.

''(13) Urban Indian Organizations.

''(14) Indian fetal alcohol disorder experts.

''(d) APPLIED RESEARCH PROJECTS.—The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and Urban Indians affected by fetal alcohol disorder.

''(e) FUNDING FOR URBAN INDIAN ORGANIZATIONS.—Ten percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations funded under title V.

''SEC. 713. CHILD SEXUAL ABUSE AND PREVENTION TREATMENT PROGRAMS.

''(a) ESTABLISHMENT.—The Secretary, acting through the Service, and the Secretary of the Interior, Indian Tribes, and Tribal Organizations, shall establish, consistent with section 701, in every Service Area, programs involving treatment for—

''(1) victims of sexual abuse who are Indian children or children in an Indian household; and

''(2) perpetrators of child sexual abuse who are Indian or members of an Indian household.

''(b) USE OF FUNDS.—Funding provided pursuant to this section shall be used for the following:

''(1) To develop and provide community education and prevention programs related to sexual abuse of Indian children or children in an Indian household.

''(2) To identify and provide behavioral health treatment to victims of sexual abuse who are Indian children or children in an Indian household, and to their family members who are affected by sexual abuse.

''(3) To develop prevention and intervention models which incorporate traditional health care practices, cultural values, and community involvement.

''(4) To develop and implement culturally sensitive assessment and diagnostic tools for use in Indian communities and Urban Centers.

''(5) To identify and provide behavioral health treatment to Indian perpetrators and perpetrators who are members of an Indian household—

''(A) making efforts to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated; and

''(B) providing treatment after the perpetrator is released, until it is determined that the perpetrator is not a threat to children.

''SEC. 714. BEHAVIORAL HEALTH RESEARCH.

''The Secretary, in consultation with appropriate Federal agencies, shall make grants to, or enter into contracts with, Indian Tribes, Tribal Organizations, and Urban Indian Organizations or enter into contracts with, or make grants to appropriate institutions for, the conduct of research on the incidence and prevalence of behavioral health problems among Indians served by the Service, Indian Tribes, or Tribal Organizations and among Indians in urban areas. Research priorities under this section shall include—

''(1) the multifactorial causes of Indian youth suicide, including—

''(A) protective and risk factors and scientific data that identifies those factors; and

''(B) the effects of loss of cultural identity and the development of scientific data on those effects;

''(2) the interrelationship and interdependence of behavioral health problems with alcoholism and other substance abuse, suicide, homicides, other injuries, and the incidence of family violence; and

''(3) the development of models of prevention techniques.

The effect of the interrelationships and interdependencies referred to in paragraph (2) on children, and the development of prevention techniques under paragraph (3) applicable to children, shall be emphasized.

''SEC. 715. DEFINITIONS.

''For the purpose of this title, the following definitions shall apply:

''(1) ASSESSMENT.—The term 'assessment' means the systematic collection, analysis, and dissemination of information on health status, health needs, and health problems.

''(2) ALCOHOL-RELATED NEURODEVELOPMENTAL DISORDERS OR ARND.—The term 'alcohol-related neurodevelopmental disorders' or 'ARND' means, with a history of maternal alcohol consumption during pregnancy, central nervous system involvement such as developmental delay, intellectual deficit, or neurologic abnormalities. Behaviorally, there can be problems with irritability, and failure to thrive as infants. As children become older there will likely be hyperactivity, attention deficit, language dysfunction, and perceptual and judgment problems.

''(3) BEHAVIORAL HEALTH AFTERCARE.—The term 'behavioral health aftercare' includes those activities and resources used to support recovery following inpatient, residential, intensive substance abuse, or mental health outpatient or outpatient treatment. The purpose is to help prevent or deal with relapse by ensuring that by the time a client or patient is discharged from a level of care, such as outpatient treatment, an aftercare plan has been developed with the client. An aftercare plan may use such resources as a community-based therapeutic group, transitional living facilities, a 12-step sponsor, a local 12-step or other related support group, and other community-based providers.

''(4) DUAL DIAGNOSIS.—The term 'dual diagnosis' means coexisting substance abuse and mental illness conditions or diagnosis. Such clients are sometimes referred to as mentally ill chemical abusers (MICAs).

''(5) FETAL ALCOHOL DISORDERS.—The term 'fetal alcohol disorders' means fetal alcohol syndrome, partial fetal alcohol syndrome and alcohol related neurodevelopmental disorder (ARND).

''(6) FETAL ALCOHOL SYNDROME OR FAS.—The term 'fetal alcohol syndrome' or 'FAS' means a syndrome in which, with a history of maternal alcohol consumption during pregnancy, the following criteria are met:

''(A) Central nervous system involvement such as developmental delay, intellectual deficit, microencephaly, or neurologic abnormalities.

''(B) Craniofacial abnormalities with at least 2 of the following: microophthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

''(C) Prenatal or postnatal growth delay.

''(7) PARTIAL FAS.—The term 'partial FAS' means, with a history of maternal alcohol consumption during pregnancy, having most of the criteria of FAS, though not meeting a minimum of at least 2 of the following: microophthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

''(8) REHABILITATION.—The term 'rehabilitation' means to restore the ability or capacity to engage in usual and customary life activities through education and therapy.

''(9) SUBSTANCE ABUSE.—The term 'substance abuse' includes inhalant abuse.

''SEC. 716. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out the provisions of this title.

''TITLE VIII—MISCELLANEOUS

''SEC. 801. REPORTS.

''For each fiscal year following the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary shall transmit to Congress a report containing the following:

''(1) A report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and assessments and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians and ensure a health status for Indians, which are at a parity with the health services available to and the health status of the general population.

''(2) A report on whether, and to what extent, new national health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act and any steps that the Secretary may have taken to consult with Indian Tribes, Tribal Organizations, and Urban Indian Organizations to address such impact, including a report on proposed changes in allocation of funding pursuant to section 808.

''(3) A report on the use of health services by Indians—

''(A) on a national and area or other relevant geographical basis;

''(B) by gender and age;

''(C) by source of payment and type of service;

''(D) comparing such rates of use with rates of use among comparable non-Indian populations; and

''(E) provided under contracts.

''(4) A report of contractors to the Secretary on Health Care Educational Loan Repayments every 6 months required by section 110.

''(5) A general audit report of the Secretary on the Health Care Educational Loan Repayment Program as required by section 110(n).

''(6) A report of the findings and conclusions of demonstration programs on development of educational curricula for substance abuse counseling as required in section 125(f).

''(7) A separate statement which specifies the amount of funds requested to carry out the provisions of section 201.

''(8) A report of the evaluations of health promotion and disease prevention as required in section 203(c).

''(9) A biennial report to Congress on infectious diseases as required by section 212.

''(10) A report on environmental and nuclear health hazards as required by section 215.

''(11) An annual report on the status of all health care facilities needs as required by section 301(c)(2)(B) and 301(d).

''(12) Reports on safe water and sanitary waste disposal facilities as required by section 302(h).

''(13) An annual report on the expenditure of non-Service funds for renovation as required by sections 304(b)(2).

''(14) A report identifying the backlog of maintenance and repair required at Service and tribal facilities required by section 313(a).

''(15) A report providing an accounting of reimbursement funds made available to the Secretary under titles XVIII, XIX, and XXI of the Social Security Act.

''(16) A report on any arrangements for the sharing of medical facilities or services, as authorized by section 406.

''(17) A report on evaluation and renewal of Urban Indian programs under section 505.

''(18) A report on the evaluation of programs as required by section 513(d).

''(19) A report on alcohol and substance abuse as required by section 701(f).

''(20) A report on Indian youth mental health services as required by section 707(h).

''(21) A report on the reallocation of base resources if required by section 808.

''SEC. 802. REGULATIONS.

''(a) DEADLINES.—

''(1) PROCEDURES.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations or amendments thereto that are necessary to carry out titles II (except section 202) and VII, the sections of title III for which negotiated rulemaking is specifically required, and sections 807 and 811. Unless otherwise required, the Secretary may promulgate regulations to carry out titles I, III, IV, and V, and section 202, using the procedures required by chapter V of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(2) PROPOSED REGULATIONS.—Proposed regulations to implement this Act shall be published in the Federal Register by the Secretary no later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006 and shall have no less than a 120-day comment period.

''(3) FINAL REGULATIONS.—The Secretary shall publish in the Federal Register final regulations to implement this Act by not later than 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006.

''(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and representatives of Indian Tribes, and Tribal Organizations, a majority of whom shall be nominated by and be representatives of Indian Tribes and Tribal Organizations from each Service Area.

''(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

''(d) LACK OF REGULATIONS.—The lack of promulgated regulations shall not limit the effect of this Act.

''(e) INCONSISTENT REGULATIONS.—The provisions of this Act shall supersede any conflicting provisions of law in effect on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.

''SEC. 803. PLAN OF IMPLEMENTATION.

''Not later than 9 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall submit to Congress a plan explaining the manner and schedule, by title and section, by which the Secretary will implement the provisions of this Act. This consultation may be conducted jointly with the annual budget consultation pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq).

''SEC. 804. AVAILABILITY OF FUNDS.

''The funds appropriated pursuant to this Act shall remain available until expended.

''SEC. 805. LIMITATIONS.

''(a) IN GENERAL.—Any limitation on the use of funds contained in an Act providing appropriations for the Department for a period with respect to the performance of abortions shall apply for that period with respect to the performance of abortions using funds contained in an Act providing appropriations for the Service.

''(b) NO LIABILITY.—Although the Secretary may promote traditional health care practices, consistent with the Service standards for the provision of health care, health promotion, and disease prevention under this Act, the United States is not liable for the acts or omissions of any person in providing traditional health care practices under this Act that result in damage, injury, death, or any other outcome to any patient.

''SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.

''(a) IN GENERAL.—The following California Indians shall be eligible for health services provided by the Service:

''(1) Any member of a federally recognized Indian Tribe.

''(2) Any descendant of an Indian who was residing in California on June 1, 1852, if such descendant—

''(A) is a member of the Indian community served by a local program of the Service; and

''(B) is regarded as an Indian by the community in which such descendant lives.

''(3) Any Indian who holds trust interests in public domain, national forest, or reservation allotments in California.

''(4) Any Indian in California who is listed on the plans for distribution of the assets of rancherias and reservations located within the State of California under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

''(b) CLARIFICATION.—Nothing in this section may be construed as expanding the eligibility of California Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

''SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.

''(a) CHILDREN.—Any individual who—

''(1) has not attained 19 years of age;

''(2) is the natural or adopted child, stepchild, foster child, legal ward, or orphan of an eligible Indian; and

''(3) is not otherwise eligible for health services provided by the Service,

shall be eligible for all health services provided by the Service on the same basis and subject to the same rules that apply to eligible Indians until such individual attains 19 years of age. The existing and potential health needs of all such individuals shall be taken into consideration by the Service in determining the need for, or the allocation of, the health resources of the Service. If such an individual has been determined to be legally incompetent prior to attaining 19 years of age, such individual shall remain eligible for such services until 1 year after the date of a determination of competency.

''(b) SPOUSES.—Any spouse of an eligible Indian who is not an Indian, or who is of Indian descent but is not otherwise eligible for the health services provided by the Service, shall be eligible for such health services if all such spouses or spouses who are married to members of each Indian Tribe being served are made eligible, as a class, by an appropriate resolution of the governing body of the Indian Tribe or Tribal Organization providing such services. The health needs of persons made eligible under this paragraph shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

''(c) PROVISION OF SERVICES TO OTHER INDIVIDUALS.—

''(1) IN GENERAL.—The Secretary is authorized to provide health services under this subsection through health programs operated directly by the Service to individuals who reside within the Service Unit and who are not otherwise eligible for such health services if—

''(A) the Indian Tribes served by such Service Unit request such provision of health services to such individuals; and

''(B) the Secretary and the served Indian Tribes have jointly determined that—

''(i) the provision of such health services will not result in a denial or diminution of health services to eligible Indians; and

''(ii) there is no reasonable alternative health facilities or services, within or without the Service Unit, available to meet the health needs of such individuals.

''(2) ISDEAA PROGRAMS.—In the case of health programs and facilities operated under a contract or compact entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the governing body of the Indian Tribe or Tribal Organization providing health services under such contract or compact is authorized to determine whether health services should be provided under such contract to individuals who are not eligible for such health services under any other subsection of this section or under any other provision of law. In making such determinations, the governing body of the Indian Tribe or Tribal Organization shall take into account the considerations described in paragraph (1)(B).

''(3) PAYMENT FOR SERVICES.—

''(A) IN GENERAL.—Persons receiving health services provided by the Service under this subsection shall be liable for payment of such health services under a schedule of charges prescribed by the Secretary which, in the judgment of the Secretary, results in reimbursement in an amount not less than the actual cost of providing the health services. Notwithstanding section 404 of this Act or any other provision of law, amounts collected under this subsection, including Medicare, Medicaid, or SCHIP reimbursements under titles XVIII, XIX, and XXI of the Social Security Act, shall be credited to the account of the program providing the service and shall be used for the purposes listed in section 401(d)(2) and amounts collected under this subsection shall be available for expenditure within such program.

''(B) INDIGENT PEOPLE.—Health services may be provided by the Secretary through the Service under this subsection to an indigent individual who would not be otherwise eligible for such health services but for the provisions of paragraph (1) only if an agreement has been entered into with a State or local government under which the State or local government agrees to reimburse the Service for the expenses incurred by the Service in providing such health services to such indigent individual.

''(4) REVOCATION OF CONSENT FOR SERVICES.—

''(A) SINGLE TRIBE SERVICE AREA.—In the case of a Service Area which serves only 1 Indian Tribe, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which the governing body of the Indian Tribe revokes its concurrence to the provision of such health services.

''(B) MULTITRIBAL SERVICE AREA.—In the case of a multitribal Service Area, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which at least 51 percent of the number of Indian Tribes in the Service Area revoke their concurrence to the provisions of such health services.

''(d) OTHER SERVICES.—The Service may provide health services under this subsection to individuals who are not eligible for health services provided by the Service under any other provision of law in order to—

''(1) achieve stability in a medical emergency;

''(2) prevent the spread of a communicable disease or otherwise deal with a public health hazard;

''(3) provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through postpartum; or

''(4) provide care to immediate family members of an eligible individual if such care is directly related to the treatment of the eligible individual.

''(e) HOSPITAL PRIVILEGES FOR PRACTITIONERS.—Hospital privileges in health facilities operated and maintained by the Service or operated under a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) may be extended to non-Service health care practitioners who provide services to individuals described in subsection (a), (b), (c), or (d). Such non-Service health care practitioners may, as part of the privileging process, be designated as employees of the Federal Government for purposes of section 1346(b) and chapter 171 of title 28, United States Code (relating to Federal tort claims) only with respect to acts or omissions which occur in the course of providing services to eligible individuals as a part of the conditions under which such hospital privileges are extended.

''(f) ELIGIBLE INDIAN.—For purposes of this section, the term 'eligible Indian' means any Indian who is eligible for health services provided by the Service without regard to the provisions of this section.

"SEC. 808. REALLOCATION OF BASE RESOURCES.

''(a) REPORT REQUIRED.—Notwithstanding any other provision of law, any allocation of Service funds for a fiscal year that reduces by 5 percent or more from the previous fiscal year the funding for any recurring program, project, or activity of a Service Unit may be implemented only after the Secretary has submitted to Congress, under section 801, a report on the proposed change in allocation of funding, including the reasons for the change and its likely effects.

''(b) EXCEPTION.—Subsection (a) shall not apply if the total amount appropriated to the Service for a fiscal year is at least 5 percent less than the amount appropriated to the Service for the previous fiscal year.

"SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.

''The Secretary shall provide for the dissemination to Indian Tribes, Tribal Organizations, and Urban Indian Organizations of the findings and results of demonstration projects conducted under this Act.

"SEC. 810. PROVISION OF SERVICES IN MONTANA.

''(a) CONSISTENT WITH COURT DECISION.—The Secretary, acting through the Service, shall provide services and benefits for Indians in Montana in a manner consistent with the decision of the United States Court of Appeals for the Ninth Circuit in McNabb for McNabb v. Bowen, 829 F.2d 787 (9th Cir. 1987).

''(b) CLARIFICATION.—The provisions of subsection (a) shall not be construed to be an expression of the sense of Congress on the application of the decision described in subsection (a) with respect to the provision of services or benefits for Indians living in any State other than Montana.

"SEC. 811. MORATORIUM.

''During the period of the moratorium imposed on implementation of the final rule published in the Federal Register on September 16, 1987, by the Health Resources and Services Administration of the Public Health Service, relating to eligibility for the health care services of the Indian Health Service, the Indian Health Service shall provide services pursuant to the criteria for eligibility for such services that were in effect on September 15, 1987, subject to the provisions of sections 806 and 807 until such time as new criteria governing eligibility for services are developed in accordance with section 802.

"SEC. 812. TRIBAL EMPLOYMENT.

''For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, chapter 372), an Indian Tribe or Tribal Organization carrying out a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not be considered an 'employer'.

"SEC. 813. SEVERABILITY PROVISIONS.

''If any provision of this Act, any amendment made by the Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the remaining amendments made by this Act, and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

"SEC. 814. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON INDIAN HEALTH CARE.

''(a) ESTABLISHMENT.—There is established the National Bipartisan Indian Health Care Commission (the 'Commission').

''(b) DUTIES OF COMMISSION.—The duties of the Commission are the following:

''(1) To establish a study committee composed of those members of the Commission appointed by the Director and at least 4 members of Congress from among the members of the Commission, the duties of which shall be the following:

''(A) To the extent necessary to carry out its duties, collect and compile data necessary to understand the extent of Indian needs with regard to the provision of health services, regardless of the location of Indians, including holding hearings and soliciting the views of Indians, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, which may include authorizing and making funds available for feasibility studies of various models for providing and funding health services for all Indian beneficiaries, including those who live outside of a reservation, temporarily or permanently. The study committee shall also evaluate utilization rates by Indians at Indian Health Programs and Urban Indian Organizations programs, existing or potential disincentives to any overutilization of health care services, existing or potential incentives to spend health care resources prudently, and the concepts of, and potential incentives to, achieving personal responsibility of Indians or a more direct role of Indians in their personal health care management plans or decisions.

''(B) To make legislative recommendations to the Commission regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

''(C) To determine the effect of the enactment of such recommendations on (i) the existing system of delivery of health services for Indians, and (ii) the sovereign status of Indian Tribes.

''(D) Not later than 12 months after the appointment of all members of the Commission, to submit a written report of its findings and recommendations to the full Commission. The report shall include a statement of the minority and majority position of the Committee and shall be disseminated, at a minimum, to every Indian Tribe, Tribal Organization, and Urban Indian Organization for comment to the Commission.

''(E) To report regularly to the full Commission regarding the findings and recommendations developed by the study committee in the course of carrying out its duties under this section.

''(2) To review and analyze the recommendations of the report of the study committee.

''(3) To make legislative recommendations to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

''(4) Not later than 18 months following the date of appointment of all members of the Commission, submit a written report to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

''(c) MEMBERS.—

''(1) APPOINTMENT.—The Commission shall be composed of 25 members, appointed as follows:

''(A) Ten members of Congress, including 3 from the House of Representatives and 2 from the Senate, appointed by their respective majority leaders, and 3 from the House of Representatives and 2 from the Senate, appointed by their respective minority leaders, and who shall be members of the standing committees of Congress that consider legislation affecting health care to Indians.

''(B) Twelve persons chosen by the congressional members of the Commission, 1 from each Service Area as currently designated by the Director to be chosen from among 3 nominees from each Service Area put forward by the Indian Tribes within the area, with due regard being given to the experience and expertise of the nominees in the provision of health care to Indians and to a reasonable representation on the commission of members who are familiar with various health care delivery modes and who represent Indian Tribes of various size populations.

''(C) Three persons appointed by the Director who are knowledgeable about the provision of health care to Indians, at least 1 of whom shall be appointed from among 3 nominees put forward by those programs whose funds are provided in whole or in part by the Service primarily or exclusively for the benefit of Urban Indians.

''(D) All those persons chosen by the congressional members of the Commission and by the Director shall be members of federally recognized Indian Tribes.

''(2) CHAIR; VICE CHAIR.—The Chair and Vice Chair of the Commission shall be selected by the congressional members of the Commission.

''(3) TERMS.—The terms of members of the Commission shall be for the life of the Commission.

''(4) DEADLINE FOR APPOINTMENTS.—Congressional members of the Commission shall be appointed not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, and the remaining members of the Commission shall be appointed not later than 60 days following the appointment of the congressional members.

''(5) VACANCY.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

''(d) COMPENSATION.—

''(1) CONGRESSIONAL MEMBERS.—Each congressional member of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission and shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

''(2) OTHER MEMBERS.—Remaining members of the Commission, while serving on the business of the Commission (including travel time), shall be entitled to receive compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Chairman of the Commission. For purpose of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the United States Senate.

''(e) MEETINGS.—The Commission shall meet at the call of the Chair.

''(f) QUORUM.—A quorum of the Commission shall consist of not less than 15 members, provided that no less than 6 of the members of Congress who are Commission members are present and no less than 9 of the members who are Indians are present.

''(g) EXECUTIVE DIRECTOR; STAFF; FACILITIES.—

''(1) APPOINTMENT; PAY.—The Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay for level V of the Executive Schedule.

''(2) STAFF APPOINTMENT.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.

''(3) STAFF PAY.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

''(4) TEMPORARY SERVICES.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(5) FACILITIES.—The Administrator of General Services shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

''(h) HEARINGS.—(1) For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, provided that at least 6 regional hearings are held in different areas of the United States in which large numbers of Indians are present. Such hearings are to be held to solicit the views of Indians regarding the delivery of health care services to them. To constitute a hearing under this subsection, at least 5 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established in this section may count toward the number of regional hearings required by this subsection.

''(2) Upon request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

''(3)(A) The Director of the Congressional Budget Office or the Chief Actuary of the Centers for Medicare & Medicaid Services, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

''(B) The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of that Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

''(4) Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

''(5) Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

''(6) The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

''(7) The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 4, United States Code. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

''(8) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

''(9) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of Congress.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 to carry out the provisions of this section, which sum shall not be deducted from or affect any other appropriation for health care for Indian persons.

''(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

''SEC. 815. APPROPRIATIONS; AVAILABILITY.

''Any new spending authority (described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (Public Law 93–344; 88 Stat. 317)) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

''SEC. 816. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out this title.''.

SEC. 102. SOBOBA SANITATION FACILITIES.

The Act of December 17, 1970 (84 Stat. 1465), is amended by adding at the end the following:

''SEC. 9. Nothing in this Act shall preclude the Soboba Band of Mission Indians and the Soboba Indian Reservation from being provided with sanitation facilities and services under the authority of section 7 of the Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267).''.

SEC. 103. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

(a) IN GENERAL.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

''TITLE VIII—NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION

''SEC. 801. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the Board of Directors of the Foundation.

''(2) COMMITTEE.—The term 'Committee' means the Committee for the Establishment of Native American Health and Wellness Foundation established under section 802(f).

''(3) FOUNDATION.—The term 'Foundation' means the Native American Health and Wellness Foundation established under section 802.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(5) SERVICE.—The term 'Service' means the Indian Health Service of the Department of Health and Human Services.

''SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, the Native American Health and Wellness Foundation.

''(2) FUNDING DETERMINATIONS.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

''(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of health care and services to Indians; or

''(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of health care and services to Indians.

''(b) PERPETUAL EXISTENCE.—The Foundation shall have perpetual existence.

''(c) NATURE OF CORPORATION.—The Foundation—

''(1) shall be a charitable and nonprofit federally chartered corporation; and

''(2) shall not be an agency or instrumentality of the United States.

''(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

''(e) DUTIES.—The Foundation shall—

''(1) encourage, accept, and administer private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, the mission of the Service;

''(2) undertake and conduct such other activities as will further the health and wellness activities and opportunities of Native Americans; and

''(3) participate with and assist Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the health and wellness activities and opportunities of Native Americans.

''(f) COMMITTEE FOR THE ESTABLISHMENT OF NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.—

''(1) IN GENERAL.—The Secretary shall establish the Committee for the Establishment of Native American Health and Wellness Foundation to assist the Secretary in establishing the Foundation.

''(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

''(A) carry out such activities as are necessary to incorporate the Foundation under

the laws of the District of Columbia, including acting as incorporators of the Foundation;

''(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the Board is established;

''(C) establish the constitution and initial bylaws of the Foundation;

''(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

''(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

''(g) BOARD OF DIRECTORS.—

''(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation.

''(2) POWERS.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

''(3) SELECTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

''(B) REQUIREMENTS.—

''(i) NUMBER OF MEMBERS.—The Board shall have at least 11 members, who shall have staggered terms.

''(ii) INITIAL VOTING MEMBERS.—The initial voting members of the Board—

''(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

''(II) shall have staggered terms.

''(iii) QUALIFICATION.—The members of the Board shall be United States citizens who are knowledgeable or experienced in Native American health care and related matters.

''(C) COMPENSATION.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

''(h) OFFICERS.—

''(1) IN GENERAL.—The officers of the Foundation shall be—

''(A) a secretary, elected from among the members of the Board; and

''(B) any other officers provided for in the constitution and bylaws of the Foundation.

''(2) CHIEF OPERATING OFFICER.—The secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation, or the Board may appoint a chief operating officer, who shall serve at the direction of the Board.

''(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

''(i) POWERS.—The Foundation—

''(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

''(2) may adopt and alter a corporate seal;

''(3) may enter into contracts;

''(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

''(5) may sue and be sued; and

''(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

''(j) PRINCIPAL OFFICE.—

''(1) IN GENERAL.—The principal office of the Foundation shall be in the District of Columbia.

''(2) ACTIVITIES; OFFICES.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

''(k) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

''(l) LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.—

''(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of their authority.

''(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

''(m) RESTRICTIONS.—

''(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed the percentage described in paragraph (2) of the sum of—

''(A) the amounts transferred to the Foundation under subsection (o) during the preceding fiscal year; and

''(B) donations received from private sources during the preceding fiscal year.

''(2) PERCENTAGES.—The percentages referred to in paragraph (1) are—

''(A) for the first fiscal year described in that paragraph, 20 percent;

''(B) for the following fiscal year, 15 percent; and

''(C) for each fiscal year thereafter, 10 percent.

''(3) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

''(4) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

''(n) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

''(o) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (e)(1) $500,000 for each fiscal year, as adjusted to reflect changes in the Consumer Price Index for all-urban consumers published by the Department of Labor.

''(2) TRANSFER OF DONATED FUNDS.—The Secretary shall transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), if the transfer or use of the funds is not prohibited by any term under which the funds were donated.

''SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.

''(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

''(1) may provide personnel, facilities, and other administrative support services to the Foundation;

''(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

''(3) shall require and accept reimbursements from the Foundation for—

''(A) services provided under paragraph (1); and

''(B) funds provided under paragraph (2).

''(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

''(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

''(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

''(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services—

''(1) are available; and

''(2) are provided on reimbursable cost basis.''.

(b) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (25 U.S.C. 458bbb et seq.) as title VII;

(2) by redesignating sections 501, 502, and 503 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sections 701, 702, and 703, respectively; and

(3) in subsection (a)(2) of section 702 and paragraph (2) of section 703 (as redesignated by paragraph (2)), by striking ''section 501'' and inserting ''section 701''.

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

SEC. 201. EXPANSION OF PAYMENTS UNDER MEDICARE, MEDICAID, AND SCHIP FOR ALL COVERED SERVICES FURNISHED BY INDIAN HEALTH PROGRAMS.

(a) MEDICAID.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended—

(A) by amending the heading to read as follows:

''SEC. 1911. INDIAN HEALTH PROGRAMS.''; and

(B) by amending subsection (a) to read as follows:

''(a) ELIGIBILITY FOR PAYMENT FOR MEDICAL ASSISTANCE.—The Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payment for medical assistance provided under a State plan or under waiver authority with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title and under such plan or waiver authority.''.

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—A facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title and under a State plan or waiver authority which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.''.

(3) REVISION OF AUTHORITY TO ENTER INTO AGREEMENTS.—Subsection (c) of such section is amended to read as follows:

''(c) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into an agreement with a State for the purpose of reimbursing the State for medical assistance provided by the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization (as so defined), directly, through referral, or under contracts or other arrangements between the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization and another health care provider to Indians who are eligible for medical assistance under the State plan or under waiver authority.''.

(4) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—Such section is further amended by striking subsection (d) and adding at the end the following new subsections:

''(d) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

''(e) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.

''(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe','Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

(b) MEDICARE.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1880 of such Act (42 U.S.C. 1395qq) is amended—

(A) by amending the heading to read as follows:

''SEC. 1880. INDIAN HEALTH PROGRAMS.''; and

(B) by amending subsection (a) to read as follows:

''(a) ELIGIBILITY FOR PAYMENTS.—Subject to subsection (e), the Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payments under this title with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title.''.

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subject to subsection (e), a facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.''.

(3) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—

(A) IN GENERAL.—Such section is further amended by striking subsections (c) and (d) and inserting the following new subsections:

''(c) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

''(d) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.''.

(B) CONFORMING AMENDMENT.—Paragraph (3) of section 1880(e) of such Act (42 U.S.C. 1395qq(e)) is amended by inserting ''and section 401(c)(1) of the Indian Health Care Improvement Act'' after ''Subsection (c)''.

(4) DEFINITIONS.—Such section is further amended by amending subsection (f) to read as follows:

''(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe', 'Service Unit', 'Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

(c) APPLICATION TO SCHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C), the following new subparagraph:

''(D) Section 1911 (relating to Indian Health Programs, other than subsection (d) of such section).''.

SEC. 202. INCREASED OUTREACH TO INDIANS UNDER MEDICAID AND SCHIP AND IMPROVED COOPERATION IN THE PROVISION OF ITEMS AND SERVICES TO INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9) is amended to read as follows:

''SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XVIII, XIX, AND XXI.

''(a) AGREEMENTS WITH STATES FOR MEDICAID AND SCHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

''(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

''(2) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

''(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI.

''(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

SEC. 203. ADDITIONAL PROVISIONS TO INCREASE OUTREACH TO, AND ENROLLMENT OF, INDIANS IN SCHIP AND MEDICAID.

(a) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) NONAPPLICATION TO EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—The limitation under subparagraph (A) on expenditures for items described in subsection (a)(1)(D) shall not apply in the case of expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).''.

(b) ASSURANCE OF PAYMENTS TO INDIAN HEALTH CARE PROVIDERS FOR CHILD HEALTH ASSISTANCE.—Section 2102(b)(3)(D) of such Act (42 U.S.C. 1397bb(b)(3)(D)) is amended by striking ''(as defined in section 4(c) of the Indian Health Care Improvement Act, 25 U.S.C. 1603(c))'' and inserting '', including how the State will ensure that payments are made to Indian Health Programs and Urban Indian Organizations operating in the State for the provision of such assistance''.

(c) INCLUSION OF OTHER INDIAN FINANCED HEALTH CARE PROGRAMS IN EXEMPTION FROM PROHIBITION ON CERTAIN PAYMENTS.—Section 2105(c)(6)(B) of such Act (42 U.S.C. 1397ee(c)(6)(B)) is amended by striking ''insurance program, other than an insurance program operated or financed by the Indian Health Service'' and inserting ''program, other than a health care program operated or financed by the Indian Health Service or by an Indian Tribe, Tribal Organization, or Urban Indian Organization''.

(d) SATISFACTION OF MEDICAID DOCUMENTATION REQUIREMENTS.—

(1) IN GENERAL.—Section 1903(x)(3)(B) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

''(v)(I) Except as provided in subclause (II), a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe.

''(II) With respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.''.

(2) TRANSITION RULE.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by paragraph (1)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

(e) DEFINITIONS.—Section 2110(c) of such Act (42 U.S.C. 1397jj(c)) is amended by adding at the end the following new paragraph:

''(9) INDIAN; INDIAN HEALTH PROGRAM; INDIAN TRIBE; ETC.—The terms 'Indian', 'Indian Health Program', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

SEC. 204. PREMIUMS AND COST SHARING PROTECTIONS UNDER MEDICAID, ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP, AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

(a) PREMIUMS AND COST SHARING PROTECTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''and (i)'' and inserting '', (i), and (j)''; and

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

''(j) NO PREMIUMS OR COST SHARING FOR INDIANS FURNISHED ITEMS OR SERVICES DIRECTLY BY INDIAN HEALTH PROGRAMS OR THROUGH REFERRAL UNDER THE CONTRACT HEALTH SERVICE.—

''(1) NO COST SHARING FOR ITEMS OR SERVICES FURNISHED TO INDIANS THROUGH INDIAN HEALTH PROGRAMS.—

''(A) IN GENERAL.—No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing, or similar charge shall be imposed against an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under the contract health service for which payment may be made under this title.

''(B) NO REDUCTION IN AMOUNT OF PAYMENT TO INDIAN HEALTH PROVIDERS.—Payment due under this title to the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, or a health care provider through referral under the contract health service for the furnishing of an item or service to an Indian who is eligible for assistance under such title, may not be reduced by the amount of any enrollment fee, premium, or similar charge, or any deduction, copayment, cost sharing, or similar charge that would be due from the Indian but for the operation of subparagraph (A).

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as restricting the application of any other limitations on the imposition of premiums or cost sharing that may apply to an individual receiving medical assistance under this title who is an Indian.

''(3) DEFINITIONS.—In this subsection, the terms 'contract health service', 'Indian', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

(2) CONFORMING AMENDMENT.—Section 1916A (a)(1) of such Act (42 U.S.C. 1396o–1(a)(1)) is amended by striking ''section 1916(g)'' and inserting ''subsections (g), (i), or (j) of section 1916''.

(b) TREATMENT OF CERTAIN PROPERTY FOR MEDICAID AND SCHIP ELIGIBILITY.—

(1) MEDICAID.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new paragraph:

''(13) Notwithstanding any other requirement of this title or any other provision of Federal or State law, a State shall disregard the following property for purposes of determining the eligibility of an individual who is an Indian (as defined in section 4 of the Indian Health Care Improvement Act) for medical assistance under this title:

''(A) Property, including real property and improvements, that is held in trust, subject to Federal restrictions, or otherwise under the supervision of the Secretary of the Interior, located on a reservation, including any federally recognized Indian Tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established by the Alaska Native Claims Settlement Act, and Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs of the Department of the Interior.

''(B) For any federally recognized Tribe not described in subparagraph (A), property located within the most recent boundaries of a prior Federal reservation.

''(C) Ownership interests in rents, leases, royalties, or usage rights related to natural resources (including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish, and shellfish) resulting from the exercise of federally protected rights.

''(D) Ownership interests in or usage rights to items not covered by subparagraphs (A) through (C) that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.''.

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended—

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

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

''(B) Section 1902(e)(13) (relating to disregard of certain property for purposes of making eligibility determinations).''.

(c) CONTINUATION OF CURRENT LAW PROTECTIONS OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.—Section 1917(b)(3) of the Social Security Act (42 U.S.C. 1396p(b)(3)) is amended—

(1) by inserting ''(A)'' after ''(3)''; and

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

''(B) The standards specified by the Secretary under subparagraph (A) shall require that the procedures established by the State agency under subparagraph (A) exempt income, resources, and property that are exempt from the application of this subsection as of April 1, 2003, under manual instructions issued to carry out this subsection (as in effect on such date) because of the Federal responsibility for Indian Tribes and Alaska Native Villages. Nothing in this subparagraph shall be construed as preventing the Secretary from providing additional estate recovery exemptions under this title for Indians.''.

SEC. 205. NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by section 202, is amended by redesignating subsection (c) as subsection (d), and inserting after subsection (b) the following new subsection:

''(c) NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.—

''(1) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

''(A) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

''(B) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221 of the Indian Health Care Improvement Act, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

''(2) PROHIBITION ON FEDERAL PAYMENTS TO ENTITIES OR INDIVIDUALS EXCLUDED FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS OR WHOSE STATE LICENSES ARE UNDER SUSPENSION OR HAVE BEEN REVOKED.—

''(A) EXCLUDED ENTITIES.—No entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment under any such program for health care services furnished to an Indian.

''(B) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension or has been revoked shall be eligible to receive payment under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible

to receive payment for health care services, to an Indian.

''(C) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, 'Federal health care program' has the meaning given that term in section 1128B(f), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.''.

SEC. 206. CONSULTATION ON MEDICAID, SCHIP, AND OTHER HEALTH CARE PROGRAMS FUNDED UNDER THE SOCIAL SECURITY ACT INVOLVING INDIAN HEALTH PROGRAMS AND URBAN INDIAN ORGANIZATIONS.

(a) IN GENERAL.—Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by sections 202 and 205, is amended by redesignating subsection (d) as subsection (e), and inserting after subsection (c) the following new subsection:

''(d) CONSULTATION WITH TRIBAL TECHNICAL ADVISORY GROUP (TTAG).—The Secretary shall maintain within the Centers for Medicaid & Medicare Services (CMS) a Tribal Technical Advisory Group, established in accordance with requirements of the charter dated September 30, 2003, and in such group shall include a representative of the Urban Indian Organizations and the Service. The representative of the Urban Indian Organization shall be deemed to be an elected officer of a tribal government for purposes of applying section 204(b) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534(b)).''.

(b) SOLICITATION OF ADVICE UNDER MEDICAID AND SCHIP.—

(1) MEDICAID STATE PLAN AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69), by striking ''and'' at the end;

(B) in paragraph (70)(B)(iv), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70)(B)(iv), the following new paragraph:

''(71) in the case of any State in which the Indian Health Service operates or funds health care programs, or in which 1 or more Indian Health Programs or Urban Indian Organizations (as such terms are defined in section 4 of the Indian Health Care Improvement Act) provide health care in the State for which medical assistance is available under such title, provide for a process under which the State seeks advice on a regular, ongoing basis from designees of such Indian Health Programs and Urban Indian Organizations on matters relating to the application of this title that are likely to have a direct effect on such Indian Health Programs and Urban Indian Organizations and that—

''(A) shall include solicitation of advice prior to submission of any plan amendments, waiver requests, and proposals for demonstration projects likely to have a direct effect on Indians, Indian Health Programs, or Urban Indian Organizations; and

''(B) may include appointment of an advisory committee and of a designee of such Indian Health Programs and Urban Indian Organizations to the medical care advisory committee advising the State on its State plan under this title.''.

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 204(b)(2), is amended—

(A) by redesignating subparagraphs (B) through (F) as subparagraphs (C) through (G), respectively; and

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

''(B) Section 1902(a)(71) (relating to the option of certain States to seek advice from designees of Indian Health Programs and Urban Indian Organizations).''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as superseding existing advisory committees, working groups, guidance, or other advisory procedures established by the Secretary of Health and Human Services or by any State with respect to the provision of health care to Indians.

SEC. 207. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

(a) EXCLUSION WAIVER AUTHORITY.—Section 1128 of the Social Security Act (42 U.S.C. 1320a–7) is amended by adding at the end the following new subsection:

''(k) ADDITIONAL EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS.—In addition to the authority granted the Secretary under subsections (c)(3)(B) and (d)(3)(B) to waive an exclusion under subsection (a)(1), (a)(3), (a)(4), or (b), the Secretary may, in the case of an Indian Health Program, waive such an exclusion upon the request of the administrator of an affected Indian Health Program (as defined in section 4 of the Indian Health Care Improvement Act) who determines that the exclusion would impose a hardship on individuals entitled to benefits under or enrolled in a Federal health care program.''.

(b) CERTAIN TRANSACTIONS INVOLVING INDIAN HEALTH CARE PROGRAMS DEEMED TO BE IN SAFE HARBORS.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended by adding at the end the following new paragraph:

''(4) Subject to such conditions as the Secretary may promulgate from time to time as necessary to prevent fraud and abuse, for purposes of paragraphs (1) and (2) and section 1128A(a), the following transfers shall not be treated as remuneration:

''(A) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS.—Transfers of anything of value between or among an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that are made for the purpose of providing necessary health care items and services to any patient served by such Program, Tribe, or Organization and that consist of—

''(i) services in connection with the collection, transport, analysis, or interpretation of diagnostic specimens or test data;

''(ii) inventory or supplies;

''(iii) staff; or

''(iv) a waiver of all or part of premiums or cost sharing.

''(B) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, OR URBAN INDIAN ORGANIZATIONS AND PATIENTS.—Transfers of anything of value between an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization and any patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, including any patient served or eligible for service pursuant to section 807 of the Indian Health Care Improvement Act, but only if such transfers—

''(i) consist of expenditures related to providing transportation for the patient for the provision of necessary health care items or services, provided that the provision of such transportation is not advertised, nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided);

''(ii) consist of expenditures related to providing housing to the patient (including a pregnant patient) and immediate family members or an escort necessary to assuring the timely provision of health care items and services to the patient, provided that the provision of such housing is not advertised nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided); or

''(iii) are for the purpose of paying premiums or cost sharing on behalf of such a patient, provided that the making of such payment is not subject to conditions other than conditions agreed to under a contract for the delivery of contract health services.

''(C) CONTRACT HEALTH SERVICES.—A transfer of anything of value negotiated as part of a contract entered into between an Indian Health Program, Indian Tribe, Tribal Organization, Urban Indian Organization, or the Indian Health Service and a contract care provider for the delivery of contract health services authorized by the Indian Health Service, provided that—

''(i) such a transfer is not tied to volume or value of referrals or other business generated by the parties; and

''(ii) any such transfer is limited to the fair market value of the health care items or services provided or, in the case of a transfer of items or services related to preventative care, the value of the future health care costs reasonably expected to be avoided.

''(D) OTHER TRANSFERS.—Any other transfer of anything of value involving an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, or a patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that the Secretary, in consultation with the Attorney General, determines is appropriate, taking into account the special circumstances of such Indian Health Programs, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, and of patients served by such Programs, Tribes, and Organizations.''.

SEC. 208. RULES APPLICABLE UNDER MEDICAID AND SCHIP TO MANAGED CARE ENTITIES WITH RESPECT TO INDIAN ENROLLEES AND INDIAN HEALTH CARE PROVIDERS AND INDIAN MANAGED CARE ENTITIES.

(a) IN GENERAL.—Section 1932 of the Social Security Act (42 U.S.C. 1396u–2) is amended by adding at the end the following new subsection:

''(h) SPECIAL RULES WITH RESPECT TO INDIAN ENROLLEES, INDIAN HEALTH CARE PROVIDERS, AND INDIAN MANAGED CARE ENTITIES.—

''(1) ENROLLEE OPTION TO SELECT AN INDIAN HEALTH CARE PROVIDER AS PRIMARY CARE PROVIDER.—In the case of a non-Indian Medicaid managed care entity that—

''(A) has an Indian enrolled with the entity; and

''(B) has an Indian health care provider that is participating as a primary care provider within the network of the entity,

insofar as the Indian is otherwise eligible to receive services from such Indian health care provider and the Indian health care provider has the capacity to provide primary care services to such Indian, the contract with the entity under section 1903(m) or under section 1905(t)(3) shall require, as a condition of receiving payment under such contract, that the Indian shall be allowed to choose such Indian health care provider as the Indian's primary care provider under the entity.

''(2) ASSURANCE OF PAYMENT TO INDIAN HEALTH CARE PROVIDERS FOR PROVISION OF COVERED SERVICES.—Each contract with a

managed care entity under section 1903(m) or under section 1905(t)(3) shall require any such entity that has a significant percentage of Indian enrollees (as determined by the Secretary), as a condition of receiving payment under such contract to satisfy the following requirements:

''(A) DEMONSTRATION OF PARTICIPATING INDIAN HEALTH CARE PROVIDERS OR APPLICATION OF ALTERNATIVE PAYMENT ARRANGEMENTS.—Subject to subparagraph (E), to—

''(i) demonstrate that the number of Indian health care providers that are participating providers with respect to such entity are sufficient to ensure timely access to covered Medicaid managed care services for those enrollees who are eligible to receive services from such providers; or

''(ii) agree to pay Indian health care providers who are not participating providers with the entity for covered Medicaid managed care services provided to those enrollees who are eligible to receive services from such providers at a rate equal to the rate negotiated between such entity and the provider involved or, if such a rate has not been negotiated, at a rate that is not less than the level and amount of payment which the entity would make for the services if the services were furnished by a participating provider which is not an Indian health care provider.

''(B) PROMPT PAYMENT.—To agree to make prompt payment (in accordance with rules applicable to managed care entities) to Indian health care providers that are participating providers with respect to such entity or, in the case of an entity to which subparagraph (A)(ii) or (E) applies, that the entity is required to pay in accordance with that subparagraph.

''(C) SATISFACTION OF CLAIM REQUIREMENT.—To deem any requirement for the submission of a claim or other documentation for services covered under subparagraph (A) by the enrollee to be satisfied through the submission of a claim or other documentation by an Indian health care provider that is consistent with section 403(h) of the Indian Health Care Improvement Act.

''(D) COMPLIANCE WITH GENERALLY APPLICABLE REQUIREMENTS.—

''(i) IN GENERAL.—Subject to clause (ii), as a condition of payment under subparagraph (A), an Indian health care provider shall comply with the generally applicable requirements of this title, the State plan, and such entity with respect to covered Medicaid managed care services provided by the Indian health care provider to the same extent that non-Indian providers participating with the entity must comply with such requirements.

''(ii) LIMITATIONS ON COMPLIANCE WITH MANAGED CARE ENTITY GENERALLY APPLICABLE REQUIREMENTS.—An Indian health care provider—

''(I) shall not be required to comply with a generally applicable requirement of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) if such compliance would conflict with any other statutory or regulatory requirements applicable to the Indian health care provider; and

''(II) shall only need to comply with those generally applicable requirements of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) that are necessary for the entity's compliance with the State plan, such as those related to care management, quality assurance, and utilization management.

''(E) APPLICATION OF SPECIAL PAYMENT REQUIREMENTS FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—

''(i) FEDERALLY-QUALIFIED HEALTH CENTERS.—

''(I) MANAGED CARE ENTITY PAYMENT REQUIREMENT.—To agree to pay any Indian health care provider that is a Federally-qualified health center but not a participating provider with respect to the entity, for the provision of covered Medicaid managed care services by such provider to an Indian enrollee of the entity at a rate equal to the amount of payment that the entity would pay a Federally-qualified health center that is a participating provider with respect to the entity but is not an Indian health care provider for such services.

''(II) CONTINUED APPLICATION OF STATE REQUIREMENT TO MAKE SUPPLEMENTAL PAYMENT.—Nothing in subclause (I) or subparagraph (A) or (B) shall be construed as waiving the application of section 1902(bb)(5) regarding the State plan requirement to make any supplemental payment due under such section to a Federally-qualified health center for services furnished by such center to an enrollee of a managed care entity (regardless of whether the Federally-qualified health center is or is not a participating provider with the entity).

''(ii) CONTINUED APPLICATION OF ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—If the amount paid by a managed care entity to an Indian health care provider that is not a Federally-qualified health center and that has elected to receive payment under this title as an Indian Health Service provider under the July 11, 1996, Memorandum of Agreement between the Health Care Financing Administration (now the Centers for Medicare & Medicaid Services) and the Indian Health Service for services provided by such provider to an Indian enrollee with the managed care entity is less than the encounter rate that applies to the provision of such services under such memorandum, the State plan shall provide for payment to the Indian health care provider of the difference between the applicable encounter rate under such memorandum and the amount paid by the managed care entity to the provider for such services.

''(F) CONSTRUCTION.—Nothing in this paragraph shall be construed as waiving the application of section 1902(a)(30)(A) (relating to application of standards to assure that payments are consistent with efficiency, economy, and quality of care).

''(3) OFFERING OF MANAGED CARE THROUGH INDIAN MEDICAID MANAGED CARE ENTITIES.—If—

''(A) a State elects to provide services through Medicaid managed care entities under its Medicaid managed care program; and

''(B) an Indian health care provider that is funded in whole or in part by the Indian Health Service, or a consortium composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Indian Health Service, has established an Indian Medicaid managed care entity in the State that meets generally applicable standards required of such an entity under such Medicaid managed care program,

the State shall offer to enter into an agreement with the entity to serve as a Medicaid managed care entity with respect to eligible Indians served by such entity under such program.

''(4) SPECIAL RULES FOR INDIAN MANAGED CARE ENTITIES.—The following are special rules regarding the application of a Medicaid managed care program to Indian Medicaid managed care entities:

''(A) ENROLLMENT.—

''(i) LIMITATION TO INDIANS.—An Indian Medicaid managed care entity may restrict enrollment under such program to Indians and to members of specific Tribes in the same manner as Indian Health Programs may restrict the delivery of services to such Indians and tribal members.

''(ii) NO LESS CHOICE OF PLANS.—Under such program the State may not limit the choice of an Indian among Medicaid managed care entities only to Indian Medicaid managed care entities or to be more restrictive than the choice of managed care entities offered to individuals who are not Indians.

''(iii) DEFAULT ENROLLMENT.—

''(I) IN GENERAL.—If such program of a State requires the enrollment of Indians in a Medicaid managed care entity in order to receive benefits, the State, taking into consideration the criteria specified in subsection (a)(4)(D)(ii)(I), shall provide for the enrollment of Indians described in subclause (II) who are not otherwise enrolled with such an entity in an Indian Medicaid managed care entity described in such clause.

''(II) INDIAN DESCRIBED.—An Indian described in this subclause, with respect to an Indian Medicaid managed care entity, is an Indian who, based upon the service area and capacity of the entity, is eligible to be enrolled with the entity consistent with subparagraph (A).

''(iv) EXCEPTION TO STATE LOCK-IN.—A request by an Indian who is enrolled under such program with a non-Indian Medicaid managed care entity to change enrollment with that entity to enrollment with an Indian Medicaid managed care entity shall be considered cause for granting such request under procedures specified by the Secretary.

''(B) FLEXIBILITY IN APPLICATION OF SOLVENCY.—In applying section 1903(m)(1) to an Indian Medicaid managed care entity—

''(i) any reference to a 'State' in subparagraph (A)(ii) of that section shall be deemed to be a reference to the 'Secretary'; and

''(ii) the entity shall be deemed to be a public entity described in subparagraph (C)(ii) of that section.

''(C) EXCEPTIONS TO ADVANCE DIRECTIVES.—The Secretary may modify or waive the requirements of section 1902(w) (relating to provision of written materials on advance directives) insofar as the Secretary finds that the requirements otherwise imposed are not an appropriate or effective way of communicating the information to Indians.

''(D) FLEXIBILITY IN INFORMATION AND MARKETING.—

''(i) MATERIALS.—The Secretary may modify requirements under subsection (a)(5) to ensure that information described in that subsection is provided to enrollees and potential enrollees of Indian Medicaid managed care entities in a culturally appropriate and understandable manner that clearly communicates to such enrollees and potential enrollees their rights, protections, and benefits.

''(ii) DISTRIBUTION OF MARKETING MATERIALS.—The provisions of subsection (d)(2)(B) requiring the distribution of marketing materials to an entire service area shall be deemed satisfied in the case of an Indian Medicaid managed care entity that distributes appropriate materials only to those Indians who are potentially eligible to enroll with the entity in the service area.

''(5) MALPRACTICE INSURANCE.—Insofar as, under a Medicaid managed care program, a health care provider is required to have medical malpractice insurance coverage as a condition of contracting as a provider with a Medicaid managed care entity, an Indian health care provider that is—

''(A) a Federally-qualified health center that is covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

''(B) providing health care services pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.); or

''(C) the Indian Health Service providing health care services that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

are deemed to satisfy such requirement.

''(6) DEFINITIONS.—For purposes of this subsection:

''(A) INDIAN HEALTH CARE PROVIDER.—The term 'Indian health care provider' means an Indian Health Program or an Urban Indian Organization.

''(B) INDIAN; INDIAN HEALTH PROGRAM; SERVICE; TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian Health Program', 'Service', 'Tribe', 'tribal organization', 'Urban Indian Organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.

''(C) INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'Indian Medicaid managed care entity' means a managed care entity that is controlled (within the meaning of the last sentence of section 1903(m)(1)(C)) by the Indian Health Service, a Tribe, Tribal Organization, or Urban Indian Organization, or a consortium, which may be composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Service.

''(D) NON-INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'non-Indian Medicaid managed care entity' means a managed care entity that is not an Indian Medicaid managed care entity.

''(E) COVERED MEDICAID MANAGED CARE SERVICES.—The term 'covered Medicaid managed care services' means, with respect to an individual enrolled with a managed care entity, items and services that are within the scope of items and services for which benefits are available with respect to the individual under the contract between the entity and the State involved.

''(F) MEDICAID MANAGED CARE PROGRAM.—The term 'Medicaid managed care program' means a program under sections 1903(m) and 1932 and includes a managed care program operating under a waiver under section 1915(b) or 1115 or otherwise.''.

(b) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(1)), as amended by section 206(b)(2), is amended by adding at the end the following new subparagraph:

''(H) Subsections (a)(2)(C) and (h) of section 1932.''.

SEC. 209. ANNUAL REPORT ON INDIANS SERVED BY SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by the sections 202, 205, and 206, is amended by redesignating subsection (e) as subsection (f), and inserting after subsection (d) the following new subsection:

''(e) ANNUAL REPORT ON INDIANS SERVED BY HEALTH BENEFIT PROGRAMS FUNDED UNDER THIS ACT.—Beginning January 1, 2007, and annually thereafter, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Indian Health Service, shall submit a report to Congress regarding the enrollment and health status of Indians receiving items or services under health benefit programs funded under this Act during the preceding year. Each such report shall include the following:

''(1) The total number of Indians enrolled in, or receiving items or services under, such programs, disaggregated with respect to each such program.

''(2) The number of Indians described in paragraph (1) that also received health benefits under programs funded by the Indian Health Service.

''(3) General information regarding the health status of the Indians described in paragraph (1), disaggregated with respect to specific diseases or conditions and presented in a manner that is consistent with protections for privacy of individually identifiable health information under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(4) A detailed statement of the status of facilities of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization with respect to such facilities' compliance with the applicable conditions and requirements of titles XVIII, XIX, and XXI, and, in the case of title XIX or XXI, under a State plan under such title or under waiver authority, and of the progress being made by such facilities (under plans submitted under section 1880(b), 1911(b) or otherwise) toward the achievement and maintenance of such compliance.

''(5) Such other information as the Secretary determines is appropriate.''.

Mr. ENZI. Mr. President, today my good colleague Senator MCCAIN and I are reintroducing the Indian Health Care Improvement Act Amendments of 2006. This legislation is a reflection of our dedication to the health care of American Indians and Alaskan Natives. It also is a reflection of the work that has been done by Members and the many stakeholders to move this legislation forward.

I want to thank Chairman MCCAIN and his staff, as well as Senator DORGAN and the rest of the members on the Indian Affairs Committee and their staff for their effort and commitment to the health care and well being of every American Indian and Alaskan Native. Their hard work has not gone unnoticed.

The Indian Health Care Improvement Act is the fundamental statutory framework for the delivery of health care services to American Indians and Alaskan Natives. Since 1992, this law has been expired. This means that for the past 14 years there has been no comprehensive change to the Federal Government's approach to delivering health care to approximately 1.8 million American Indians and Alaskan Natives.

This troubles me. When I talk to members of the Northern Arapaho tribe and Eastern Shoshone tribe from my home State of Wyoming, they tell me that quality health care is a top priority for them. For me, as chairman of the Committee on Health, Education, Labor and Pensions, I believe that our health care systems should grow as science and technologies grow and that our Federal Government programs also should be kept current in line with today's health care quality standards in the private sector.

Last spring, Chairman MCCAIN and I held a joint hearing about this legislation, at which time Mr. Richard Brannan, the chairman of the Northern Arapaho Business Council of Fort Washakie testified about the problems those living on reservations face. He spoke about how they rely on these health care services. He also discussed the progress that has been made in reducing health disparities experienced by American Indians, and how this legislation can support such progress.

Since 1992, there have been many advances made in health care, especially in mental health. In the past 14 years we have come to better understand how to prevent, diagnose, and treat individuals with a behavioral health problem. We have learned that individuals have the best chance of recovery when a comprehensive, integrated approach is taken. This legislation authorizes programs to provide such services. This is especially important as we better understand the interconnectedness of alcohol, substance abuse, child welfare and suicide prevention.

This legislation also recognizes the alarming suicide rates among Indian youth. According to the Centers for Disease Control and Prevention, American Indian and Alaskan Native suicide rates in some areas are five to seven times higher than the overall United States rates. This is not acceptable. This legislation aims to change that by encouraging more Indian people to enter into the psychology profession. Through such provisions youth have access to culturally competent professionals in a familiar environment.

Recruiting and retaining qualified health professionals—Indian health professionals, in particular—to work in Indian communities is difficult. Secretary Michael Leavitt of the Department of Health and Human Services recognizes this challenge. Thanks to his efforts, this bill ensures that tribes can better rely on the services of health care professionals. Currently, a health care professional who receives a scholarship through the Indian Health Service may provide their services equal to the number of terms they received a scholarship. Thus some health care professionals are only required to work in a service area for one term. Most people understand it usually takes an individual anywhere from 3 months to one year to become accustomed to a job. Thus, it is not fair to those tribal communities to have a health care professional leave as soon as they become acclimated. This legislation would ensure that individuals serve a length of time that will allow their services to be depended on. Health care professionals will be more reliably available in areas where such professionals are scarce.

There are many other recommendations that the Department of Health and Human Services has made that I think will strengthen this legislation and improve the quality of care provided through the Indian Health Service. I look forward to working with Secretary Leavitt next Congress.

I believe that by the working together along with other members of the HELP Committee, the Indian Affairs Committee, the tribal community

and any others interested in this legislation, we can maximize the funds available to the Indian Health Service and coordinate resources at the local and State level to provide tribes the tools they need to be self sufficient.

I would also like to thank the Department of Justice for their tireless work on this bill. This is truly a reflection of their commitment to ensuring every Native American and Alaskan Native who is an employee of the Indian Health Service is held to a high standard, and thus every individual who receives services through this program receives quality care.

I hope that this legislation can be a starting point next Congress. I also strongly encourage my colleagues to continue to work to get this invaluable piece of legislation signed into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 630—ALLOWING THE SENIOR SENATOR FROM KENTUCKY TO REASSIGN THE HENRY CLAY DESK WHEN SERVING AS PARTY LEADER

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

S. RES. 630

Resolved, That S. Res. 89 (106th Congress) is amended by—

(1) inserting ''(a)'' after ''That''; and

(2) adding at the end the following:

''(b) If, in any Congress, the senior Senator from the State of Kentucky is serving as party leader, the desk referred to in subsection (a) may be assigned to the junior Senator from Kentucky upon the request of the senior Senator.''.

SENATE RESOLUTION 631—URGING THE GOVERNMENT OF SUDAN AND THE INTERNATIONAL COMMUNITY TO IMPLEMENT THE AGREEMENT FOR A PEACEKEEPING FORCE UNDER THE COMMAND AND CONTROL OF THE UNITED NATIONS IN DARFUR

Mr. DURBIN (for himself, Mr. BROWNBACK, Mr. KENNEDY, Mr. BIDEN, Mr. REID, Mr. FEINGOLD, Mr. FRIST, Mrs. DOLE, Mr. COLEMAN, Mr. SMITH, Mr. CORNYN, Mr. MENENDEZ, Mr. LEVIN, Mr. HAGEL, Mr. MARTINEZ, Mrs. CLINTON, and Ms. SNOWE) submitted the following resolution; which was:

S. RES. 631

Whereas Congress declared on July 22, 2004 that the atrocities in Darfur were genocide;

Whereas, on September 9, 2004, Secretary of State Colin Powell testified that ''genocide has been committed in Darfur'';

Whereas, on June 30, 2005, President Bush confirmed that ''the violence in Darfur region is clearly genocide [and t]he human cost is beyond calculation'';

Whereas, on May 8, 2006, President Bush stated, ''We will call genocide by its rightful name, and we will stand up for the innocent until the peace of Darfur is secured.'';

Whereas hundreds of thousands of people have died and over 2,500,000 have been displaced in Darfur since 2003;

Whereas the Government of Sudan has failed in its responsibility to protect the many peoples of Darfur;

Whereas the international community has failed to hold persons responsible for crimes against humanity in Darfur accountable;

Whereas, on May 5, 2006, the Government of Sudan and the largest rebel faction in Darfur, the Sudan Liberation Movement, led by Minni Minnawi, signed the Darfur Peace Agreement (DPA);

Whereas the Government of Sudan has not disarmed and demobilized the Janjaweed despite repeated pledges to do so, including in the DPA;

Whereas violence in Darfur escalated in the months following the signing of the DPA, with increased attacks against civilians and humanitarian workers;

Whereas violence has spread to the neighboring states of Chad and the Central African Republic, threatening regional peace and security;

Whereas, in July 2006, more humanitarian aid workers were killed than in the previous 3 years combined;

Whereas increased violence has forced some humanitarian organizations to suspend operations, leaving 40 percent of the population of Darfur inaccessible to aid workers;

Whereas, on August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), asserting that the existing United Nations Mission in Sudan (UNMIS) ''shall take over from [African Mission in Sudan] AMIS responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006'', and that UNMIS ''shall be strengthened by up to 17,300 military personnel . . . up to 3,300 civilian police personnel and up to 16 Formed Police Units'', which ''shall begin to be deployed [to Darfur] no later than 1 October 2006'';

Whereas, on September 19, 2006, President Bush announced the appointment of Andrew Natsios as Presidential Special Envoy to Sudan to lead United States efforts to bring peace to the Darfur region in Sudan;

Whereas, on November 16, 2006, high-level consultations led by Kofi Annan, Secretary General of the United Nations, and Alpha Oumar Konare, Chairperson of the African Union Commission, and including representatives of the Arab League, the European Union, the Government of Sudan, and other national governments, produced the ''Addis Ababa Agreement'';

Whereas the Agreement stated that the Darfur conflict could be resolved only through an all-inclusive political process;

Whereas the Agreement stated that the DPA must be made more inclusive, and ''called upon all parties—Government and DPA non-signatories—to immediately commit to a cessation of hostilities in Darfur in order to give [the peace process] the best chances for success'';

Whereas the Agreement included a plan to establish a United Nations–African Union peacekeeping operation;

Whereas the Agreement stated that the peacekeeping operation would consist of 17,000 military troops and 3,000 police, and would have a primarily African character;

Whereas the Agreement stated that the peacekeeping operation must be logistically and financially sustainable, with support coming from the United Nations;

Whereas the Agreement stated that command and control structures for the United Nations–African Union force would be provided by the United Nations;

Whereas the Government of Sudan's Foreign Minister agreed to the conclusions of the High Level Consultation on the Situation in Darfur, though the Foreign Minister indicated that he would need to consult with his government on the size of the peacekeeping mission;

Whereas, at an international press conference on November 27, 2006, Sudanese President Omar Hassan Al-Bashir rejected the Addis Ababa Agreement and reiterated his objections to any substantive United Nations involvement in Darfur, saying, ''Troops in Darfur should be part of the [African Union] AU and under command of the AU'';

Whereas it is imperative that a peacekeeping force in Darfur have the sufficient strength and mandate to provide adequate security to the people of Darfur; and

Whereas Presidential Special Envoy Andrew Natsios set December 31, 2006 as the deadline for the Government of Sudan to comply with the demands of the international community or face serious consequences: Now, therefore, be it

Resolved, That the Senate—

(1) supports, given the rapidly deteriorating situation on the ground in Darfur, the principles of the Addis Ababa Agreement in order to increase security and stability for the people of Darfur;

(2) declares that the deployment of a United Nations–African Union peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement, is the minimum acceptable effort on the part of the international community to protect the people of Darfur;

(3) further supports the strengthening of the African Union peacekeeping mission in Sudan so that it may improve its performance with regards to civilian protection as the African Union peacekeeping mission begins to transfer responsibility for protecting the people of Darfur to the United Nations–African Union peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement;

(4) calls upon the Government of Sudan to immediately—

(A) allow the implementation of the United Nations light and heavy support packages as provided for in the Addis Ababa Agreement; and

(B) work with the United Nations and the international community to deploy United Nations peacekeepers to Darfur in keeping with United Nations Security Council Resolution 1706 (2006);

(5) calls upon all parties to the conflict to immediately—

(A) adhere to the 2004 N'Djamena ceasefire; and

(B) respect the impartiality and neutrality of humanitarian agencies so that relief workers can have unfettered access to their beneficiary populations and deliver desperately needed assistance;

(6) urges the President to—

(A) continue to work with other members of the international community, including the permanent members of the United Nations Security Council, the African Union, the European Union, the Arab League, Sudan's trading partners, and the Government of Sudan to facilitate the urgently needed deployment of the peacekeeping force called for by United Nations Security Council Resolution 1706;

(B) ensure the ability of any peacekeeping force deployed to Darfur to carry out its mandate by providing adequate funding and working with our international partners to provide technical assistance, logistical support, intelligence gathering capabilities, and military assets;

(D) work with members of the United Nations Security Council and the international community to develop and impose a set of meaningful economic and diplomatic sanctions against the Government of Sudan should the Government of Sudan continue to

refuse to cooperate with the implementation of United Nations Security Council Resolution 1706 and the principles contained in the Addis Ababa Agreement; and

(E) work with members of the United Nations Security Council and the international community to address escalating insecurity in Chad and the Central African Republic; and

(7) strongly supports United Nations Security Council Resolution 1706 and the principles embedded therein.

SENATE RESOLUTION 632—URGING THE UNITED STATES AND THE EUROPEAN UNION TO WORK TOGETHER TO STRENGTHEN THE TRANSATLANTIC MARKET

Mr. BENNETT submitted the following resolution; which was:

S. RES. 632

Whereas a robust and cooperative transatlantic economic relationship is in the mutual interest of the United States and the European Union;

Whereas the strength of the transatlantic economic relationship underpins global economic stability and resiliency;

Whereas the United States–European Union economic relationship is the largest bilateral trade and investment relationship in the world, generating roughly $3,000,000,000,000 in total commercial sales annually and providing employment for up to 14,000,000 people in the United States and the European Union;

Whereas, at the 2004 United States–European Union Summit, President George W. Bush and the leadership of the European Union jointly pledged to strengthen the transatlantic economic relationship by improving regulatory cooperation through the Roadmap for United States–European Union Regulatory Cooperation and Transparency;

Whereas, at the 2005 United States–European Union Summit, the United States and the European Union agreed upon numerous measures to expand economic ties, including the establishment of an official dialogue on regulatory cooperation between the Office of Management and Budget of the United States and the European Commission;

Whereas, at the 2006 United States–European Union Summit, President George W. Bush, European Union Council President Wolfgang Schuessel, and European Commission President Jose Manuel Barroso declared in a joint statement, ''We will redouble our efforts to promote economic growth and innovation and reduce the barriers to transatlantic trade and investment by implementing all aspects of the Transatlantic Economic Initiative . . . .'';

Whereas, on November 9, 2006, the United States and the European Union held the second economic ministerial meeting to further the implementation of the agreements of the 2005 and 2006 United States–European Union Summits, focusing on regulatory cooperation, intellectual property rights, energy security, and innovation; and

Whereas non-tariff trade barriers such as regulatory divergence continue to pose the most significant obstacles to transatlantic trade, including in areas such as pharmaceuticals, automobile safety, information and communications technology standards, cosmetics, consumer product safety, consumer protection enforcement cooperation, unfair commercial practices, nutritional labeling, food safety, maritime equipment, eco-design, chemicals, energy efficiency, telecommunications and radiocommunications equipment, and medical devices: Now, therefore, be it

Resolved, That the Senate—

(1) supports efforts by the United States and the European Union to fulfill commitments made in recent United States–European Union Summits to implement all aspects of the United States–European Union Initiative to Enhance Transatlantic Economic Integration and Growth;

(2) calls upon the leadership of the United States and the European Union to identify and eliminate unnecessary regulatory compliance costs and non-tariff barriers to trade and investment at an accelerated pace; and

(3) urges the leadership of the United States and the European Union at the 2007 United States–European Union Summit to agree to—

(A) a target date of 2015 for completing the transatlantic market; and

(B) a jointly funded, cooperatively led study of existing obstacles to creating a transatlantic market, including sector-by-sector estimates of the costs of existing barriers to trade and investment, the costs and benefits of removing the barriers identified, and a timetable for removing those barriers.

SENATE RESOLUTION 633—CONDEMNING THE CONFERENCE DENYING THAT THE HOLOCAUST OCCURRED TO BE HELD BY THE GOVERNMENT OF IRAN AND ITS PRESIDENT, MAHMOUD AHMADINEJAD

Mr. LAUTENBERG (for himself, Mr. BIDEN, Mrs. CLINTON, and Mr. NELSON of Florida) submitted the following resolution; which was:

S. RES. 633

Whereas, on December 11 and 12, 2006, the Foreign Ministry of Iran will convene a conference in Tehran to provide Holocaust deniers a public platform from which to espouse their hatred;

Whereas 11,000,000 people, including 6,000,000 Jews, were viciously murdered in Nazi death camps during World War II;

Whereas President Dwight Eisenhower stated unequivocally, after visiting Nazi death camps in 1945, ''The things I saw beggar description . . . The visual evidence and the verbal testimony of starvation, cruelty, and bestiality were . . . overpowering . . . I made the visit deliberately in order to be in a position to give first-hand evidence of these things if ever, in the future, there develops a tendency to charge these allegations merely to 'propaganda'.'';

Whereas the Holocaust is an undeniable fact of history and the upcoming conference in Tehran will serve only to perpetuate intolerance and hatred;

Whereas Mahmoud Ahmadinejad, the President of Iran, has repeatedly said that Israel must be ''wiped off the map'' and that ''[a]nybody who recognizes Israel will burn in the fire of the Islamic nation's fury'';

Whereas the Secretary of State has identified Iran as a state sponsor of terrorism that has repeatedly provided support for acts of international terror;

Whereas the Government of Iran sponsors terrorist organizations such as Hezbollah, Hamas, Islamic Jihad, the al-Aqsa Martyrs Brigades, and the Popular Front for the Liberation of Palestine–General Command by providing funding, training, weapons, and safe haven to such organizations;

Whereas the Government of Iran has continually defied international demands to curtail its uranium enrichment programs and development of nuclear weapons;

Whereas the Government of Iran has provided resources, material, and support to organizations whose goal is to destabilize Iraq and Lebanon; and

Whereas the outrageous statements of Mr. Ahmadinejad do not represent the beliefs of Muslims worldwide: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the conference denying that the Holocaust occured that will take place in Tehran, Iran, under the aegis of the Foreign Ministry of Iran, on December 11 and 12, 2006; and

(2) calls on the President, on behalf of the United States, to thoroughly repudiate, in the strongest terms possible, the conference and its goal of denying that the Holocaust occured.

SENATE RESOLUTION 634—HONORING THE LIFE AND ACHIEVEMENTS OF TOM CARR, CONGRESSIONAL RESEARCH SERVICE ANALYST, AND EXTENDING THE CONDOLENCES OF THE SENATE ON THE OCCASION OF HIS DEATH

Mr. STEVENS submitted the following resolution; which was:

S. RES. 634

Whereas Tom Carr served Congress with distinction for 31 years at the Library of Congress as an analyst for the Congressional Research Service;

Whereas Mr. Carr held a bachelor's degree in history from Catholic University in Washington, D.C., and a master's degree in information systems from Strayer University in Fredericksburg, Virginia;

Whereas Mr. Carr was born in Jacksonville, Illinois, and grew up in Atlanta, Georgia;

Whereas Mr. Carr was an expert on congressional committees, House and Senate floor procedure, and congressionally created commissions;

Whereas Mr. Carr was an enthusiastic teacher of congressional procedure to staff, helping them to do their jobs better;

Whereas Mr. Carr was an accomplished and entertaining public speaker who founded the Library of Congress chapter of the Toastmasters and was president of the Capitol Hill Toastmasters;

Whereas Mr. Carr worked tirelessly and cheerfully in service to Congress and set a high example for his colleagues;

Whereas Mr. Carr was distinguished for the generous enthusiasm with which he met the needs of colleagues and clients alike, as well as for his persistent and expansive good humor and wit; and

Whereas Mr. Carr faithfully discharged his duties and responsibilities in a wide variety of demanding positions in public life with honesty, integrity, loyalty, and humility: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and achievements of Congressional Research Service Analyst Tom Carr;

(2) expresses profound sorrow upon the occasion of Mr. Carr's death and extends heartful condolences to those who survive him: his wife Mary (Mimi), his sons Thomas and John, his mother Carswella, and his 9 brothers and sisters; and

(3) expresses its appreciation and respect for Mr. Carr's exemplary record as an analyst for Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5231. Mr. WYDEN (for himself, Mr. SMITH, Mrs. MURRAY, Mrs. BOXER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R.

6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending; which was ordered to lie on the table.

SA 5232. Mr. WYDEN (for himself, Mr. SMITH, Mrs. MURRAY, Mrs. BOXER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 6111, supra; which was ordered to lie on the table.

SA 5233. Mr. DEWINE (for Mr. DURBIN) proposed an amendment to the bill S. 1120, to reduce hunger in the United States, and for other purposes.

SA 5234. Mr. DEWINE (for Mr. DURBIN) proposed an amendment to the bill S. 1120, supra.

SA 5235. Mr. ENZI proposed an amendment to the bill H.R. 1245, to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

SA 5236. Mr. FRIST proposed an amendment to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

SA 5237. Mr. FRIST proposed an amendment to amendment SA 5236 proposed by Mr. FRIST to the bill H.R. 6111, supra.

SA 5238. Mr. FRIST (for Mr. ENZI) proposed an amendment to the bill H.R. 6164, to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

SA 5239. Mr. FRIST (for Mr. SMITH) proposed an amendment to the bill H.R. 798, to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

SA 5240. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 4055, to address the effect of the death of a defendant in Federal criminal proceedings; which was referred to the Committee on the Judiciary.

TEXT OF AMENDMENTS

SA 5231. Mr. WYDEN (for himself, Mr. SMITH, Mrs. MURRAY, Mrs. BOXER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. FUNDING SOURCE FOR RURAL SCHOOLS AND COMMUNITIES PAYMENTS.

(a) RURAL SCHOOLS AND COMMUNITIES TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 9511. RURAL SCHOOLS AND COMMUNITIES TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Rural Schools and Communities Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Rural Schools and Communities Trust Fund amounts equivalent to the amounts estimated by the Secretary by which Federal revenues are increased, before January 1, 2011, as a result of the provisions of section 3402(t).

''(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Rural Schools and Communities Trust Fund shall be available only for—

''(1) payments to eligible States under section 102(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000; and

''(2) payments to eligible counties under section 103(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000.''.

(2) CONFORMING AMENDMENTS.—

(A) PAYMENTS TO STATES.—Paragraph (3) of section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended by striking ''out of any funds in the Treasury not otherwise appropriated'' and inserting ''out of the Rural Schools and Communities Trust Fund under section 9511 of the Internal Revenue Code of 1986''.

(B) PAYMENTS TO COUNTIES.—Paragraph (2) of section 103(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended by striking ''out of any funds in the Treasury not otherwise appropriated'' and inserting ''out of the Rural Schools and Communities Trust Fund under section 9511 of the Internal Revenue Code of 1986''.

(3) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 9511. Rural Schools and Communities Trust Fund.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2007.

(b) IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

(1) ACCELERATION OF EFFECTIVE DATE.—Section 511(b) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''December 31, 2010'' and inserting ''December 31, 2006''.

(2) EXCLUSION FOR PAYMENTS TO SMALL BUSINESSES BEFORE 2011.—Paragraph (2) of section 3402(t) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting '', and'', and by adding at the end the following :

''(J) made before January 1, 2011, to any business which employed fewer than 50 employees during the preceding taxable year.

For purposes of subparagraph (J), rules similar to the rules of paragraphs (2)(A) and (6) of section 44(d) shall apply.''.

(3) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the Tax Increase Prevention and Reconciliation Act of 2005.

(c) EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT.—The Secure Rural Schools and Community Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended—

(1) in sections 208 and 303, by striking ''2007'' both places it appears and inserting ''2008''; and

(2) in sections 101(a), 102(b)(2), 103(b)(1), 203(a)(1), 207(a), 208, 303, and 401, by striking ''2006'' each place it appears and inserting ''2007''.

SA 5232. Mr. WYDEN (for himself, Mr. SMITH, Mrs. MURRAY, Mrs. BOXER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT.

The Secure Rural Schools and Community Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended—

(1) in sections 208 and 303, by striking ''2007'' both places it appears and inserting ''2008''; and

(2) in sections 101(a), 102(b)(2), 103(b)(1), 203(a)(1), 207(a), 208, 303, and 401, by striking ''2006'' each place it appears and inserting ''2007''.

SA 5233. Mr. DEWINE (for Mr. DURBIN) proposed an amendment to the bill S. 1120, to reduce hunger in the United States, and for other purposes; as follows:

On page 1, line 5, strike ''2005'' and insert ''2006''.

On page 2, strike lines 3 through 10.

On page 2, line 11, strike ''(4)'' and insert ''(1)''.

Beginning on page 2, strike line 19 and all that follows through page 3, line 21.

On page 3, line 22, strike ''(8)(A)'' and insert ''(2)''.

On page 4, line 2, strike ''and''.

Beginning on page 4, strike line 3 and all that follows through page 5, line 2.

On page 5, line 3, strike ''(10)'' and insert ''(3)''.

On page 5, line 5, insert ''and'' after the semicolon.

On page 5, line 6, strike ''(11)'' and insert ''(4)''.

On page 5, line 18, strike the semicolon and insert a period.

Beginning on page 5, strike line 19 and all that follows through page 6, line 9.

Beginning on page 7, strike line 12 and all that follows through page 8, line 12.

On page 8, strike line 13 and insert the following:

SEC. 101. HUNGER REPORTS.

On page 8, line 16, strike '', and annual updates of the study,'' and insert ''not later than 1 year after the date of enactment of this Act, and an update of the study not later than 5 years thereafter,''.

On page 8, strike lines 21 and 22 and insert the following:

(A) data on hunger and food insecurity in the United States;

On page 9, line 14, strike '', and annually thereafter,'' and insert ''and 5 years thereafter,''.

On page 10, line 14, strike ''50 percent'' and insert ''90 percent''.

Beginning on page 15, strike line 6 and all that follows through page 17, line 19, and insert the following:

SEC. 202. HUNGER-FREE COMMUNITIES TRAINING AND TECHNICAL ASSISTANCE GRANTS.

On page 19, line 10, strike ''or 202''.

On page 20, line 14, strike ''or 202''.

On page 20, strike line 15 and insert the following:

SEC. 203. REPORT.

SA 5234. Mr. DEWINE (for Mr. DURBIN) proposed an amendment to the bill

S. 1120, to reduce hunger in the United States, and for other purposes; as follows:

Amend the title so as to read: ''To reduce hunger in the United States, and for other purposes.''

SA 5235. Mr. ENZI proposed an amendment to the bill H.R. 1245, to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gynecologic Cancer Education and Awareness Act of 2005'' or ''Johanna's Law''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 317P of the Public Health Service Act (42 U.S.C. 247b–17) is amended—

(1) in the section heading by adding ''(JOHANNA'S LAW)'' at the end; and

(2) by adding at the end the following:

''(d) JOHANNA'S LAW.—

''(1) NATIONAL PUBLIC AWARENESS CAMPAIGN.—

''(A) IN GENERAL.—The Secretary shall carry out a national campaign to increase the awareness and knowledge of health care providers and women with respect to gynecologic cancers.

''(B) WRITTEN MATERIALS.—Activities under the national campaign under subparagraph (A) shall include—

''(i) maintaining a supply of written materials that provide information to the public on gynecologic cancers; and

''(ii) distributing the materials to members of the public upon request.

''(C) PUBLIC SERVICE ANNOUNCEMENTS.—Activities under the national campaign under subparagraph (A) shall, in accordance with applicable law and regulations, include developing and placing, in telecommunications media, public service announcements intended to encourage women to discuss with their physicians their risks of gynecologic cancers. Such announcements shall inform the public on the manner in which the written materials referred to in subparagraph (B) can be obtained upon request, and shall call attention to early warning signs and risk factors based on the best available medical information.

''(2) REPORT AND STRATEGY.—

''(A) REPORT.—Not later than 6 months after the date of the enactment of this subsection, the Secretary shall submit to the Congress a report including the following:

''(i) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of the public with respect to different types of cancer, including gynecologic cancers.

''(ii) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of health care providers with respect to different types of cancer, including gynecologic cancers.

''(iii) For each activity described pursuant to clauses (i) or (ii), a description of the following:

''(I) The funding for such activity for fiscal year 2006 and the cumulative funding for such activity for previous fiscal years.

''(II) The background and history of such activity, including—

''(aa) the goals of such activity;

''(bb) the communications objectives of such activity;

''(cc) the identity of each agency within the Department of Health and Human Services responsible for any aspect of the activity; and

''(dd) how such activity is or was expected to result in change.

''(III) How long the activity lasted or is expected to last.

''(IV) The outcomes observed and the evaluation methods, if any, that have been, are being, or will be used with respect to such activity.

''(V) For each such outcome or evaluation method, a description of the associated results, analyses, and conclusions.

''(B) STRATEGY.—

''(i) DEVELOPMENT; SUBMISSION TO CONGRESS.—Not later than 3 months after submitting the report required by subparagraph (A), the Secretary shall develop and submit to the Congress a strategy for improving efforts to increase awareness and knowledge of the public and health care providers with respect to different types of cancer, including gynecological cancers.

''(ii) CONSULTATION.—In developing the strategy under clause (i), the Secretary should consult with qualified private sector groups, including nonprofit organizations.

''(3) FULL COMPLIANCE.—

''(A) IN GENERAL.—Not later than March 1, 2008, the Secretary shall ensure that all provisions of this section, including activities directed to be carried out by the Centers for Disease Control and Prevention and the Food and Drug Administration, are fully implemented and being complied with. Not later than April 30, 2008, the Secretary shall submit to Congress a report that certifies compliance with the preceding sentence and that contains a description of all activities undertaken to achieve such compliance.

''(B) If the Secretary fails to submit the certification as provided for under subparagraph (A), the Secretary shall, not later than 3 months after the date on which the report is to be submitted under subparagraph (A), and every 3 months thereafter, submit to Congress an explanation as to why the Secretary has not yet complied with the first sentence of subparagraph (A), a detailed description of all actions undertaken within the month for which the report is being submitted to bring the Secretary into compliance with such sentence, and the anticipated date the Secretary expects to be in full compliance with such sentence.

''(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated $16,500,000 for the period of fiscal years 2007 through 2009.''.

SA 5236. Mr. FRIST proposed an amendment to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending; as follows:

At the end of the House amendment, add the following:

This Act shall become effective 2 days after the date of enactment.

SA 5237. Mr. FRIST proposed an amendment to amendment SA 5236 proposed by Mr. FRIST to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending; as follows:

Strike ''2 days'' and insert ''1 day''.

SA 5238. Mr. FRIST (for Mr. ENZI) proposed an amendment to the bill H.R. 6164, to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes; as follows:

TITLE I—NIH REFORM

SEC. 101. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Section 401 of the Public Health Service Act (42 U.S.C. 281) is amended to read as follows:

''SEC. 401. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

''(a) RELATION TO PUBLIC HEALTH SERVICE.—The National Institutes of Health is an agency of the Service.

''(b) NATIONAL RESEARCH INSTITUTES AND NATIONAL CENTERS.—The following agencies of the National Institutes of Health are national research institutes or national centers:

''(1) The National Cancer Institute.

''(2) The National Heart, Lung, and Blood Institute.

''(3) The National Institute of Diabetes and Digestive and Kidney Diseases.

''(4) The National Institute of Arthritis and Musculoskeletal and Skin Diseases.

''(5) The National Institute on Aging.

''(6) The National Institute of Allergy and Infectious Diseases.

''(7) The National Institute of Child Health and Human Development.

''(8) The National Institute of Dental and Craniofacial Research.

''(9) The National Eye Institute.

''(10) The National Institute of Neurological Disorders and Stroke.

''(11) The National Institute on Deafness and Other Communication Disorders.

''(12) The National Institute on Alcohol Abuse and Alcoholism.

''(13) The National Institute on Drug Abuse.

''(14) The National Institute of Mental Health.

''(15) The National Institute of General Medical Sciences.

''(16) The National Institute of Environmental Health Sciences.

''(17) The National Institute of Nursing Research.

''(18) The National Institute of Biomedical Imaging and Bioengineering.

''(19) The National Human Genome Research Institute.

''(20) The National Library of Medicine.

''(21) The National Center for Research Resources.

''(22) The John E. Fogarty International Center for Advanced Study in the Health Sciences.

''(23) The National Center for Complementary and Alternative Medicine.

''(24) The National Center on Minority Health and Health Disparities.

''(25) Any other national center that, as an agency separate from any national research institute, was established within the National Institutes of Health as of the day before the date of the enactment of the National Institutes of Health Reform Act of 2006.

''(c) DIVISION OF PROGRAM COORDINATION, PLANNING, AND STRATEGIC INITIATIVES.—

''(1) IN GENERAL.—Within the Office of the Director of the National Institutes of Health, there shall be a Division of Program Coordination, Planning, and Strategic Initiatives (referred to in this subsection as the 'Division').

''(2) OFFICES WITHIN DIVISION.—

''(A) OFFICES.—The following offices are within the Division: The Office of AIDS Research, the Office of Research on Women's

Health, the Office of Behavioral and Social Sciences Research, the Office of Disease Prevention, the Office of Dietary Supplements, the Office of Rare Diseases, and any other office located within the Office of the Director of NIH as of the day before the date of the enactment of the National Institutes of Health Reform Act of 2006. In addition to such offices, the Director of NIH may establish within the Division such additional offices or other administrative units as the Director determines to be appropriate.

''(B) AUTHORITIES.—Each office in the Division—

''(i) shall continue to carry out the authorities that were in effect for the office before the date of enactment referred to in subparagraph (A); and

''(ii) shall, as determined appropriate by the Director of NIH, support the Division with respect to the authorities described in section 402(b)(7).

''(d) ORGANIZATION.—

''(1) NUMBER OF INSTITUTES AND CENTERS.—In the National Institutes of Health, the number of national research institutes and national centers may not exceed a total of 27, including any such institutes or centers established under authority of paragraph (2) or under authority of this title as in effect on the day before the date of the enactment of the National Institutes of Health Reform Act of 2006.''.

(b) ADDITIONAL PROVISIONS REGARDING ORGANIZATION.—Section 401 of the Public Health Service Act, as added by subsection (a) of this section, is amended—

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

''(3) REORGANIZATION OF OFFICE OF DIRECTOR.—Notwithstanding subsection (c), the Director of NIH may, after a series of public hearings, and with the approval of the Secretary, reorganize the offices within the Office of the Director, including the addition, removal, or transfer of functions of such offices, and the establishment or termination of such offices, if the Director determines that the overall management and operation of programs and activities conducted or supported by such offices would be more efficiently carried out under such a reorganization.

''(4) INTERNAL REORGANIZATION OF INSTITUTES AND CENTERS.—Notwithstanding any conflicting provisions of this title, the director of a national research institute or a national center may, after a series of public hearings and with the approval of the Director of NIH, reorganize the divisions, centers, or other administrative units within such institute or center, including the addition, removal, or transfer of functions of such units, and the establishment or termination of such units, if the director of such institute or center determines that the overall management and operation of programs and activities conducted or supported by such divisions, centers, or other units would be more efficiently carried out under such a reorganization.''; and

(2) by adding after subsection (d) the following:

''(e) SCIENTIFIC MANAGEMENT REVIEW BOARD FOR PERIODIC ORGANIZATIONAL REVIEWS.—

''(1) IN GENERAL.—Not later than 60 days after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Secretary shall establish an advisory council within the National Institutes of Health to be known as the Scientific Management Review Board (referred to in this subsection as the 'Board').

''(2) DUTIES.—

''(A) REPORTS ON ORGANIZATIONAL ISSUES.—The Board shall provide advice to the appropriate officials under subsection (d) regarding the use of the authorities established in paragraphs (2), (3), and (4) of such subsection to reorganize the National Institutes of Health (referred to in this subsection as 'organizational authorities'). Not less frequently than once each 7 years, the Board shall—

''(i) determine whether and to what extent the organizational authorities should be used; and

''(ii) issue a report providing the recommendations of the Board regarding the use of the authorities and the reasons underlying the recommendations.

''(B) CERTAIN RESPONSIBILITIES REGARDING REPORTS.—The activities of the Board with respect to a report under subparagraph (A) shall include the following:

''(i) Reviewing the research portfolio of the National Institutes of Health (referred to in this subsection as 'NIH') in order to determine the progress and effectiveness and value of the portfolio and the allocation among the portfolio activities of the resources of NIH.

''(ii) Determining pending scientific opportunities, and public health needs, with respect to research within the jurisdiction of NIH.

''(iii) For any proposal for organizational changes to which the Board gives significant consideration as a possible recommendation in such report—

''(I) analyzing the budgetary and operational consequences of the proposed changes;

''(II) taking into account historical funding and support for research activities at national research institutes and centers that have been established recently relative to national research institutes and centers that have been in existence for more than two decades;

''(III) estimating the level of resources needed to implement the proposed changes;

''(IV) assuming the proposed changes will be made and making a recommendation for the allocation of the resources of NIH among the national research institutes and national centers; and

''(V) analyzing the consequences for the progress of research in the areas affected by the proposed changes.

''(C) CONSULTATION.—In carrying out subparagraph (A), the Board shall consult with—

''(i) the heads of national research institutes and national centers whose directors are not members of the Board;

''(ii) other scientific leaders who are officers or employees of NIH and are not members of the Board;

''(iii) advisory councils of the national research institutes and national centers;

''(iv) organizations representing the scientific community; and

''(v) organizations representing patients.

''(3) COMPOSITION OF BOARD.—The Board shall consist of the Director of NIH, who shall be a permanent nonvoting member on an ex officio basis, and an odd number of additional members, not to exceed 21, all of whom shall be voting members. The voting members of the Board shall be the following:

''(A) Not fewer than 9 officials who are directors of national research institutes or national centers. The Secretary shall designate such officials for membership and shall ensure that the group of officials so designated includes directors of—

''(i) national research institutes whose budgets are substantial relative to a majority of the other institutes;

''(ii) national research institutes whose budgets are small relative to a majority of the other institutes;

''(iii) national research institutes that have been in existence for a substantial period of time without significant organizational change under subsection (d);

''(iv) as applicable, national research institutes that have undergone significant organization changes under such subsection, or that have been established under such subsection, other than national research institutes for which such changes have been in place for a substantial period of time; and

''(v) national centers.

''(B) Members appointed by the Secretary from among individuals who are not officers or employees of the United States. Such members shall include—

''(i) individuals representing the interests of public or private institutions of higher education that have historically received funds from NIH to conduct research; and

''(ii) individuals representing the interests of private entities that have received funds from NIH to conduct research or that have broad expertise regarding how the National Institutes of Health functions, exclusive of private entities to which clause (i) applies.

''(4) CHAIR.—The Chair of the Board shall be selected by the Secretary from among the members of the Board appointed under paragraph (3)(B). The term of office of the Chair shall be 2 years.

''(5) MEETINGS.—

''(A) IN GENERAL.—The Board shall meet at the call of the Chair or upon the request of the Director of NIH, but not fewer than 5 times with respect to issuing any particular report under paragraph (2)(A). The location of the meetings of the Board is subject to the approval of the Director of NIH.

''(B) PARTICULAR FORUMS.—Of the meetings held under subparagraph (A) with respect to a report under paragraph (2)(A)—

''(i) one or more shall be directed toward the scientific community to address scientific needs and opportunities related to proposals for organizational changes under subsection (d), or as the case may be, related to a proposal that no such changes be made; and

''(ii) one or more shall be directed toward consumer organizations to address the needs and opportunities of patients and their families with respect to proposals referred to in clause (i).

''(C) AVAILABILITY OF INFORMATION FROM FORUMS.—For each meeting under subparagraph (B), the Director of NIH shall post on the Internet site of the National Institutes of Health a summary of the proceedings.

''(6) COMPENSATION; TERM OF OFFICE.—The provisions of subsections (b)(4) and (c) of section 406 apply with respect to the Board to the same extent and in the same manner as such provisions apply with respect to an advisory council referred to in such subsections, except that the reference in such subsection (c) to 4 years regarding the term of an appointed member is deemed to be a reference to 5 years.

''(7) REPORTS.—

''(A) RECOMMENDATIONS FOR CHANGES.—Each report under paragraph (2)(A) shall be submitted to—

''(i) the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives;

''(ii) the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate;

''(iii) the Secretary; and

''(iv) officials with organizational authorities, other than any such official who served as a member of the Board with respect to the report involved.

''(B) AVAILABILITY TO PUBLIC.—The Director of NIH shall post each report under paragraph (2) on the Internet site of the National Institutes of Health.

''(C) REPORT ON BOARD ACTIVITIES.—Not later than 18 months after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Board shall submit to the committees specified in subparagraph (A) a report describing the activities of the Board.

''(f) ORGANIZATIONAL CHANGES PER RECOMMENDATION OF SCIENTIFIC MANAGEMENT REVIEW BOARD.—

''(1) IN GENERAL.—With respect to an official who has organizational authorities within the meaning of subsection (e)(2)(A), if a recommendation to the official for an organizational change is made in a report under such subsection, the official shall, except as provided in paragraphs (2), (3), and (4) of this subsection, make the change in accordance with the following:

''(A) Not later than 100 days after the report is submitted under subsection (e)(7)(A), the official shall initiate the applicable public process required in subsection (d) toward making the change.

''(B) The change shall be fully implemented not later than the expiration of the 3-year period beginning on the date on which such process is initiated.

''(2) INAPPLICABILITY TO CERTAIN REORGANIZATIONS.—Paragraph (1) does not apply to a recommendation made in a report under subsection (e)(2)(A) if the recommendation is for—

''(A) an organizational change under subsection (d)(2) that constitutes the establishment, termination, or consolidation of one or more national research institutes or national centers; or

''(B) an organizational change under subsection (d)(3).

''(3) OBJECTION BY DIRECTOR OF NIH.—

''(A) IN GENERAL.—Paragraph (1) does not apply to a recommendation for an organizational change made in a report under subsection (e)(2)(A) if, not later than 90 days after the report is submitted under subsection (e)(7)(A), the Director of NIH submits to the committees specified in such subsection a report providing that the Director objects to the change, which report includes the reasons underlying the objection.

''(B) SCOPE OF OBJECTION.—For purposes of subparagraph (A), an objection by the Director of NIH may be made to the entirety of a recommended organizational change or to 1 or more aspects of the change. Any aspect of a change not objected to by the Director in a report under subparagraph (A) shall be implemented in accordance with paragraph (1).

''(4) CONGRESSIONAL REVIEW.—An organizational change under subsection (d)(2) that is initiated pursuant to paragraph (1) shall be carried out by regulation in accordance with the procedures for substantive rules under section 553 of title 5, United States Code. A rule under the preceding sentence shall be considered a major rule for purposes of chapter 8 of such title (relating to congressional review of agency rulemaking).

''(g) DEFINITIONS.—For purposes of this title:

''(1) The term 'Director of NIH' means the Director of the National Institutes of Health.

''(2) The terms 'national research institute' and 'national center' mean an agency of the National Institutes of Health that is—

''(A) listed in subsection (b) and not terminated under subsection (d)(2)(A); or

''(B) established by the Director of NIH under such subsection.

''(h) REFERENCES TO NIH.—For purposes of this title, a reference to the National Institutes of Health includes its agencies.''.

(c) CONFORMING AMENDMENTS.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by redesignating subpart 3 of part E as subpart 19;

(2) by transferring subpart 19, as so redesignated, to part C of such title IV;

(3) by inserting subpart 19, as so redesignated, after subpart 18 of such part C; and

(4) in subpart 19, as so redesignated—

(A) by redesignating section 485B as section 464z–1;

(B) by striking ''National Center for Human Genome Research'' each place such term appears and inserting ''National Human Genome Research Institute''; and

(C) by striking ''Center'' each place such term appears and inserting ''Institute''.

SEC. 102. AUTHORITY OF DIRECTOR OF NIH.

(a) SECRETARY ACTING THROUGH THE DIRECTOR.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) by redesignating paragraph (14) as paragraph (22);

(2) by striking paragraphs (12) and (13);

(3) by redesignating paragraphs (4) through (11) as paragraphs (14) through (21);

(4) in paragraph (21) (as so redesignated), by inserting ''and'' after the semicolon at the end;

(5) in the matter after and below paragraph (22) (as so redesignated), by striking ''paragraph (6)'' and inserting ''paragraph (16)''; and

(6) by striking ''the Secretary'' in the matter preceding paragraph (1) and all that follows through paragraph (1) and inserting the following: ''the Secretary, acting through the Director of NIH—

''(1) shall carry out this title, including being responsible for the overall direction of the National Institutes of Health and for the establishment and implementation of general policies respecting the management and operation of programs and activities within the National Institutes of Health;''.

(b) ADDITIONAL AUTHORITIES.—Section 402(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) shall coordinate and oversee the operation of the national research institutes, national centers, and administrative entities within the National Institutes of Health;

''(3) shall, in consultation with the heads of the national research institutes and national centers, be responsible for program coordination across the national research institutes and national centers, including conducting priority-setting reviews, to ensure that the research portfolio of the National Institutes of Health is balanced and free of unnecessary duplication, and takes advantage of collaborative, cross-cutting research;

''(4) shall assemble accurate data to be used to assess research priorities, including information to better evaluate scientific opportunity, public health burdens, and progress in reducing health disparities;

''(5) shall ensure that scientifically based strategic planning is implemented in support of research priorities as determined by the agencies of the National Institutes of Health;

''(6) shall ensure that the resources of the National Institutes of Health are sufficiently allocated for research projects identified in strategic plans;

''(7)(A) shall, through the Division of Program Coordination, Planning, and Strategic Initiatives—

''(i) identify research that represents important areas of emerging scientific opportunities, rising public health challenges, or knowledge gaps that deserve special emphasis and would benefit from conducting or supporting additional research that involves collaboration between 2 or more national research institutes or national centers, or would otherwise benefit from strategic coordination and planning;

''(ii) include information on such research in reports under section 403; and

''(iii) in the case of such research supported with funds referred to in subparagraph (B)—

''(I) require as appropriate that proposals include milestones and goals for the research;

''(II) require that the proposals include timeframes for funding of the research; and

''(III) ensure appropriate consideration of proposals for which the principal investigator is an individual who has not previously served as the principal investigator of research conducted or supported by the National Institutes of Health;

''(B) may, with respect to funds reserved under section 402A(c)(1) for the Common Fund, allocate such funds to the national research institutes and national centers for conducting and supporting research that is identified under subparagraph (A); and

''(C) may assign additional functions to the Division in support of responsibilities identified in subparagraph (A), as determined appropriate by the Director;

''(8) shall, in coordination with the heads of the national research institutes and national centers, ensure that such institutes and centers—

''(A) preserve an emphasis on investigator-initiated research project grants, including with respect to research involving collaboration between 2 or more such institutes or centers; and

''(B) when appropriate, maximize investigator-initiated research project grants in their annual research portfolios;

''(9) shall ensure that research conducted or supported by the National Institutes of Health is subject to review in accordance with section 492 and that, after such review, the research is reviewed in accordance with section 492A(a)(2) by the appropriate advisory council under section 406 before the research proposals are approved for funding;

''(10) shall have authority to review and approve the establishment of all centers of excellence recommended by the national research institutes;

''(11)(A) shall oversee research training for all of the national research institutes and National Research Service Awards in accordance with section 487; and

''(B) may conduct and support research training—

''(i) for which fellowship support is not provided under section 487; and

''(ii) that does not consist of residency training of physicians or other health professionals;

''(12) may, from funds appropriated under section 402A(b), reserve funds to provide for research on matters that have not received significant funding relative to other matters, to respond to new issues and scientific emergencies, and to act on research opportunities of high priority;

''(13) may, subject to appropriations Acts, collect and retain registration fees obtained from third parties to defray expenses for scientific, educational, and research-related conferences;''.

(c) CERTAIN AUTHORITIES.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended—

(1) by striking subsections (i) and (l); and

(2) by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(d) ADVISORY COUNCIL FOR DIRECTOR OF NIH.—Section 402 of the Public Health Service Act, as amended by subsection (c) of this section, is amended by adding after subsection (j) the following subsection:

''(k) COUNCIL OF COUNCILS.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Director of NIH shall establish within the Office of the Director an advisory

council to be known as the 'Council of Councils' (referred to in this subsection as the 'Council') for the purpose of advising the Director on matters related to the policies and activities of the Division of Program Coordination, Planning, and Strategic Initiatives, including making recommendations with respect to the conduct and support of research described in subsection (b)(7).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Council shall be composed of 27 members selected by the Director of NIH with approval from the Secretary from among the list of nominees under subparagraph (C).

''(B) CERTAIN REQUIREMENTS.—In selecting the members of the Council, the Director of NIH shall ensure—

''(i) the representation of a broad range of disciplines and perspectives; and

''(ii) the ongoing inclusion of at least 1 representative from each national research institute whose budget is substantial relative to a majority of the other institutes.

''(C) NOMINATION.—The Director of NIH shall maintain an updated list of individuals who have been nominated to serve on the Council, which list shall consist of the following:

''(i) For each national research institute and national center, 3 individuals nominated by the head of such institute or center from among the members of the advisory council of the institute or center, of which—

''(I) two shall be scientists; and

''(II) one shall be from the general public or shall be a leader in the field of public policy, law, health policy, economics, or management.

''(ii) For each office within the Division of Program Coordination, Planning, and Strategic Initiatives, 1 individual nominated by the head of such office.

''(iii) Members of the Council of Public Representatives.

''(3) TERMS.—

''(A) IN GENERAL.—The term of service for a member of the Council shall be 6 years, except as provided in subparagraphs (B) and (C).

''(B) TERMS OF INITIAL APPOINTEES.—Of the initial members selected for the Council, the Director of NIH shall designate—

''(i) nine for a term of 6 years;

''(ii) nine for a term of 4 years; and

''(iii) nine for a term of 2 years.

''(C) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.''.

(e) REVIEW BY ADVISORY COUNCILS OF RESEARCH PROPOSALS.—Section 492A(a)(2) of the Public Health Service Act (42 U.S.C. 289a–1(a)(2)) is amended by inserting before the period the following: '', and unless a majority of the voting members of the appropriate advisory council under section 406, or as applicable, of the advisory council under section 402(k), has recommended the proposal for approval''.

(f) CONFORMING AMENDMENTS.—

(1) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(A) in section 402(a), by striking ''Director of the National Institutes of Health'' and all that follows through ''who shall'' and inserting ''Director of NIH who shall''; and

(B) in sections 405(c)(3)(A), 452(c)(1)(E)(i), and 492(a)(2), by striking the term ''402(b)(6)'' each place such term appears and inserting ''402(b)(16)''.

(2) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Section 561(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb) is amended in the matter following paragraph (7) by striking ''402(j)(3)'' and inserting ''402(i)(3)''.

(g) RULE OF CONSTRUCTION REGARDING AUTHORITIES OF NATIONAL RESEARCH INSTITUTES AND NATIONAL CENTERS.—This Act and the amendments made by this Act may not be construed as affecting the authorities of the national research institutes and national centers that were in effect under the Public Health Service Act on the day before the date of the enactment of this Act, subject to the authorities of the Secretary of Health and Human Services and the Director of NIH under section 401 of the Public Health Service Act (as amended by section 101 of this Act). For purposes of the preceding sentence, the terms ''national research institute'', ''national center'', and ''Director of NIH'' have the meanings given such terms in such section 401.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDING.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by inserting after section 402 the following:

''SEC. 402A. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this title, there are authorized to be appropriated—

''(1) $30,331,309,000 for fiscal year 2007;

''(2) $32,831,309,000 for fiscal year 2008; and

''(3) such sums as may be necessary for fiscal year 2009.

''(b) OFFICE OF THE DIRECTOR.—Of the amount authorized to be appropriated under subsection (a) for a fiscal year, there are authorized to be appropriated for programs and activities under this title carried out through the Office of the Director of NIH such sums as may be necessary for each of the fiscal years 2007 through 2009.

''(c) TRANS-NIH RESEARCH.—

''(1) COMMON FUND.—

''(A) ACCOUNT.—For the purpose of allocations under section 402(b)(7)(B) (relating to research identified by the Division of Program Coordination, Planning, and Strategic Initiatives), there is established an account to be known as the Common Fund.

''(B) RESERVATION.—

''(i) IN GENERAL.—Of the total amount appropriated under subsection (a) for fiscal year 2007 or any subsequent fiscal year, the Director of NIH shall reserve an amount for the Common Fund, subject to any applicable provisions in appropriations Acts.

''(ii) MINIMUM AMOUNT.—For each fiscal year, the percentage constituted by the amount reserved under clause (i) relative to the total amount appropriated under subsection (a) for such year may not be less than the percentage constituted by the amount so reserved for the preceding fiscal year relative to the total amount appropriated under subsection (a) for such preceding fiscal year, subject to any applicable provisions in appropriations Acts.

''(C) COMMON FUND STRATEGIC PLANNING REPORT.—Not later than June 1, 2007, and every 2 years thereafter, the Secretary, acting through the Director of NIH, shall submit a report to the Congress containing a strategic plan for funding research described in section 402(b)(7)(A)(i) (including personnel needs) through the Common Fund. Each such plan shall include the following:

''(i) An estimate of the amounts determined by the Director of NIH to be appropriate for maximizing the potential of such research.

''(ii) An estimate of the amounts determined by the Director of NIH to be sufficient only for continuing to fund research activities previously identified by the Division of Program Coordination, Planning, and Strategic Initiatives.

''(iii) An estimate of the amounts determined by the Director of NIH to be necessary to fund research described in section 402(b)(7)(A)(i)—

''(I) that is in addition to the research activities described in clause (ii); and

''(II) for which there is the most substantial need.

''(D) EVALUATION.—During the 6-month period following the end of the first fiscal year for which the total amount reserved under subparagraph (B) is equal to 5 percent of the total amount appropriated under subsection (a) for such fiscal year, the Secretary, acting through the Director of NIH, in consultation with the advisory council established under section 402(k), shall submit recommendations to the Congress for changes regarding amounts for the Common Fund.

''(2) TRANS-NIH RESEARCH REPORTING.—

''(A) LIMITATION.—With respect to the total amount appropriated under subsection (a) for fiscal year 2008 or any subsequent fiscal year, if the head of a national research institute or national center fails to submit the report required by subparagraph (B) for the preceding fiscal year, the amount made available for the institute or center for the fiscal year involved may not exceed the amount made available for the institute or center for fiscal year 2006.

''(B) REPORTING.—Not later than January 1, 2008, and each January 1st thereafter—

''(i) the head of each national research institute or national center shall submit to the Director of NIH a report on the amount made available by the institute or center for conducting or supporting research that involves collaboration between the institute or center and 1 or more other national research institutes or national centers; and

''(ii) the Secretary shall submit a report to the Congress identifying the percentage of funds made available by each national research institute and national center with respect to such fiscal year for conducting or supporting research described in clause (i).

''(C) DETERMINATION.—For purposes of determining the amount or percentage of funds to be reported under subparagraph (B), any amounts made available to an institute or center under section 402(b)(7)(B) shall be included.

''(D) VERIFICATION OF AMOUNTS.—Upon receipt of each report submitted under subparagraph (B)(i), the Director of NIH shall review and, in cases of discrepancy, verify the accuracy of the amounts specified in the report.

''(E) WAIVER.—At the request of any national research institute or national center, the Director of NIH may waive the application of this paragraph to such institute or center if the Director finds that the conduct or support of research described in subparagraph (B)(i) is inconsistent with the mission of such institute or center.

''(d) TRANSFER AUTHORITY.—Of the total amount appropriated under subsection (a) for a fiscal year, the Director of NIH may (in addition to the reservation under subsection (c)(1) for such year) transfer not more than 1 percent for programs or activities that are authorized in this title and identified by the Director to receive funds pursuant to this subsection. In making such transfers, the Director may not decrease any appropriation account under subsection (a) by more than 1 percent.

''(e) RULE OF CONSTRUCTION.—This section may not be construed as affecting the authorities of the Director of NIH under section 401.''.

(b) ELIMINATION OF OTHER AUTHORIZATIONS OF APPROPRIATIONS.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by striking the first sentence of paragraph (5) of section 402(i) (as redesignated by section 102(b));

(2) by striking subsection (e) of section 403A;

(3) by striking subsection (c) of section 404B;

(4) by striking subsection (h) of section 404E;

(5) by striking subsection (d) of section 404F;

(6) by striking subsection (e) of section 404G;

(7) by striking subsection (d) of section 409A;

(8) in section 409B—

(A) in subsection (a), by striking ''under subsection (e)'' and inserting ''to carry out this section''; and

(B) by striking subsection (e);

(9) by striking subsection (e) of section 409C;

(10) in section 409D—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d);

(11) by striking subsection (e) of section 409E;

(12) by striking subsection (c) of section 409F;

(13) in section 409H, by striking—

(A) paragraph (3) of subsection (a);

(B) paragraph (3) of subsection (b);

(C) paragraph (5) of subsection (c); and

(D) paragraph (4) of subsection (d);

(14) by striking subsection (d) of section 409I;

(15) by striking section 417B;

(16) by striking subsection (g) of section 417C;

(17) in section 417D, by striking—

(A) paragraph (3) of subsection (a); and

(B) paragraph (3) of subsection (b);

(18) by striking subsection (d) of section 424A;

(19) by striking subsection (c) of section 424B;

(20) by striking section 425;

(21) by striking subsection (d) of section 434A;

(22) by striking subsection (d) of section 441A;

(23) by striking subsection (c) of section 442A;

(24) in section 445H—

(A) by striking subsection (b); and

(B) in subsection (a), by striking ''(a)'';

(25) by striking subsection (d) of section 445I;

(26) by striking section 445J;

(27) in section 447A—

(A) by striking subsection (b); and

(B) in subsection (a), by striking ''(a)'';

(28) by striking subsection (d) of section 447B;

(29) by striking subsection (g) in section 452A;

(30) by striking paragraph (7) in section 452E(b);

(31) in section 452G—

(A) by striking subsection (b); and

(B) in subsection (a), by striking ''(a) ENHANCED SUPPORT.—'';

(32) by striking subsection (d) of section 464H;

(33) by striking subsection (d) of section 464L;

(34) by striking paragraph (4) of section 464N(c);

(35) by striking subsection (e) of section 464P;

(36) by striking subsection (f) of section 464R;

(37) by striking subsection (d) of section 464z;

(38) in section 467—

(A) by striking the first sentence;

(B) by striking ''for such buildings and facilities'' and inserting ''for suitable and adequate buildings and facilities for use of the Library''; and

(C) by striking ''The amounts authorized to be appropriated by this section include'' and inserting ''Amounts appropriated to carry out this section may be used for'';

(39) by striking section 468;

(40) in section 481A—

(A) in the matter preceding subparagraph (A) of subsection (c)(2)—

(i) by striking the term ''under subsection (i)(1)'' and inserting ''to carry out this section''; and

(ii) by striking ''under such subsection'' and inserting ''to carry out this section''; and

(B) by striking subsection (i);

(41) in subsection (a) of section 481B, by striking ''under section 481A(h)'' and inserting ''to carry out section 481A'';

(42) by striking subsection (c) in the section 481C that relates to general clinical research centers;

(43) by striking subsection (e) in section 485C;

(44) by striking subsection (l) in section 485E;

(45) by striking subsection (h) in section 485F;

(46) by striking subsection (e) in section 485G;

(47) by striking subsection (d) of section 487;

(48) by striking subsection (c) of section 487A; and

(49) by striking subsection (c) in the section 487F that relates to a loan repayment program regarding clinical researchers.

(c) RULE OF CONSTRUCTION REGARDING CONTINUATION OF PROGRAMS.—The amendment of a program by a provision of subsection (b) may not be construed as terminating the authority of the Federal agency involved to carry out the program.

SEC. 104. REPORTS.

(a) REPORT OF DIRECTOR OF NIH.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 103(a) of this Act, is amended—

(1) by redesignating section 403A as section 403C;

(2) in section 1710(a), by striking ''section 403A'' and inserting ''section 403C''; and

(3) by striking section 403 and inserting the following sections:

''SEC. 402B. ELECTRONIC CODING OF GRANTS AND ACTIVITIES.

''The Secretary, acting through the Director of NIH, shall establish an electronic system to uniformly code research grants and activities of the Office of the Director and of all the national research institutes and national centers. The electronic system shall be searchable by a variety of codes, such as the type of research grant, the research entity managing the grant, and the public health area of interest. When permissible, the Secretary, acting through the Director of NIH, shall provide information on relevant literature and patents that are associated with research activities of the National Institutes of Health.

''SEC. 403. BIENNIAL REPORTS OF DIRECTOR OF NIH.

''(a) IN GENERAL.—The Director of NIH shall submit to the Congress on a biennial basis a report in accordance with this section. The first report shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006. Each such report shall include the following information:

''(1) An assessment of the state of biomedical and behavioral research.

''(2) A description of the activities conducted or supported by the agencies of the National Institutes of Health and policies respecting the programs of such agencies.

''(3) Classification and justification for the priorities established by the agencies, including a strategic plan and recommendations for future research initiatives to be carried out under section 402(b)(7) through the Division of Program Coordination, Planning, and Strategic Initiatives.

''(4) A catalog of all the research activities of the agencies, prepared in accordance with the following:

''(A) The catalog shall, for each such activity—

''(i) identify the agency or agencies involved;

''(ii) state whether the activity was carried out directly by the agencies or was supported by the agencies and describe to what extent the agency was involved; and

''(iii) identify whether the activity was carried out through a center of excellence.

''(B) In the case of clinical research, the catalog shall, as appropriate, identify study populations by demographic variables and other variables that contribute to research on minority health and health disparities.

''(C) Research activities listed in the catalog shall include, where applicable, the following:

''(i) Epidemiological studies and longitudinal studies.

''(ii) Disease registries, information clearinghouses, and other data systems.

''(iii) Public education and information campaigns.

''(iv) Training activities, including—

''(I) National Research Service Awards and Clinical Transformation Science Awards;

''(II) graduate medical education programs, including information on the number and type of graduate degrees awarded during the period in which the programs received funding under this title;

''(III) investigator-initiated awards for postdoctoral training;

''(IV) a breakdown by demographic variables and other appropriate categories; and

''(V) an evaluation and comparison of outcomes and effectiveness of various training programs.

''(v) Clinical trials, including a breakdown of participation by study populations and demographic variables and such other information as may be necessary to demonstrate compliance with section 492B (regarding inclusion of women and minorities in clinical research).

''(vi) Translational research activities with other agencies of the Public Health Service.

''(5) A summary of the research activities throughout the agencies, which summary shall be organized by the following categories, where applicable:

''(A) Cancer.

''(B) Neurosciences.

''(C) Life stages, human development, and rehabilitation.

''(D) Organ systems.

''(E) Autoimmune diseases.

''(F) Genomics.

''(G) Molecular biology and basic science.

''(H) Technology development.

''(I) Chronic diseases, including pain and palliative care.

''(J) Infectious diseases and bioterrorism.

''(K) Minority health and health disparities.

''(L) Such additional categories as the Director determines to be appropriate.

''(6) A review of each entity receiving funding under this title in its capacity as a center of excellence (in this paragraph referred to as a 'center of excellence'), including the following:

''(A) An evaluation of the performance and research outcomes of each center of excellence.

''(B) Recommendations for promoting coordination of information among the centers of excellence.

''(C) Recommendations for improving the effectiveness, efficiency, and outcomes of the centers of excellence.

''(D) If no additional centers of excellence have been funded under this title since the previous report under this section, an explanation of the reasons for not funding any additional centers.

''(b) REQUIREMENT REGARDING DISEASE-SPECIFIC RESEARCH ACTIVITIES.—In a report under subsection (a), the Director of NIH, when reporting on research activities relating to a specific disease, disorder, or other adverse health condition, shall—

''(1) present information in a standardized format;

''(2) identify the actual dollar amounts obligated for such activities; and

''(3) include a plan for research on the specific disease, disorder, or other adverse health condition, including a statement of objectives regarding the research, the means for achieving the objectives, a date by which the objectives are expected to be achieved, and justifications for revisions to the plan.

''(c) ADDITIONAL REPORTS.—In addition to reports required by subsections (a) and (b), the Director of NIH or the head of a national research institute or national center may submit to the Congress such additional reports as the Director or the head of such institute or center determines to be appropriate.

''SEC. 403A. ANNUAL REPORTING TO INCREASE INTERAGENCY COLLABORATION AND COORDINATION.

''(a) COLLABORATION WITH OTHER HHS AGENCIES.—On an annual basis, the Director of NIH shall submit to the Secretary a report on the activities of the National Institutes of Health involving collaboration with other agencies of the Department of Health and Human Services.

''(b) CLINICAL TRIALS.—Each calendar year, the Director of NIH shall submit to the Commissioner of Food and Drugs a report that identifies each clinical trial that is registered during such calendar year in the databank of information established under section 402(i).

''(c) HUMAN TISSUE SAMPLES.—On an annual basis, the Director of NIH shall submit to the Congress a report that describes how the National Institutes of Health and its agencies store and track human tissue samples.

''(d) FIRST REPORT.—The first report under subsections (a), (b), and (c) shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006.

''SEC. 403B. ANNUAL REPORTING TO PREVENT FRAUD AND ABUSE.

''(a) WHISTLEBLOWER COMPLAINTS.—

''(1) IN GENERAL.—On an annual basis, the Director of NIH shall submit to the Inspector General of the Department of Health and Human Services, the Secretary, the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate a report summarizing the activities of the National Institutes of Health relating to whistleblower complaints.

''(2) CONTENTS.—For each whistleblower complaint pending during the year for which a report is submitted under this subsection, the report shall identify the following:

''(A) Each agency of the National Institutes of Health involved.

''(B) The status of the complaint.

''(C) The resolution of the complaint to date.

''(b) EXPERTS AND CONSULTANTS.—On an annual basis, the Director of NIH shall submit to the Inspector General of the Department of Health and Human Services, the Secretary, the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate a report that—

''(1) identifies the number of experts and consultants, including any special consultants, whose services are obtained by the National Institutes of Health or its agencies;

''(2) specifies whether such services were obtained under section 207(f), section 402(d), or other authority;

''(3) describes the qualifications of such experts and consultants;

''(4) describes the need for hiring such experts and consultants; and

''(5) if such experts and consultants make financial disclosures to the National Institutes of Health or any of its agencies, specifies the income, gifts, assets, and liabilities so disclosed.

''(c) FIRST REPORT.—The first report under subsections (a) and (b) shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006.

''SEC. 403C. ANNUAL REPORTING REGARDING TRAINING OF GRADUATE STUDENTS FOR DOCTORAL DEGREES.

''(a) IN GENERAL.—Each institution receiving an award under this title for the training of graduate students for doctoral degrees shall annually report to the Director of NIH, with respect to each degree-granting program at such institution—

''(1) the percentage of students admitted for study who successfully attain a doctoral degree; and

''(2) for students described in paragraph (1), the average time between the beginning of graduate study and the receipt of a doctoral degree.

''(3) PROVISION OF INFORMATION TO APPLICANTS.—Each institution described in subsection (a) shall provide to each student submitting an application for a program of graduate study at such institution the information described in paragraphs (1) and (2) of such subsection with respect to the program or programs to which such student has applied.''.

(b) STRIKING OF OTHER REPORTING REQUIREMENTS FOR NIH.—

(1) PUBLIC HEALTH SERVICE ACT; TITLE IV.—Title IV of the Public Health Service Act, as amended by section 103(b) of this Act, is amended—

(A) in section 404E(b)—

(i) by amending paragraph (3) to read as follows:

''(3) COORDINATION OF CENTERS.—The Director of NIH shall, as appropriate, provide for the coordination of information among centers under paragraph (1) and ensure regular communication between such centers.''; and

(ii) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(B) in section 404F(b)(1), by striking subparagraphs (F) and (G);

(C) by striking section 407;

(D) in section 409C(b), by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(E) in section 409E, by striking subsection (d);

(F) in section 417C, by striking subsection (f);

(G) in section 424B(a)—

(i) in paragraph (1), by adding ''and'' after the semicolon at the end;

(ii) in paragraph (2), by striking ''; and'' and inserting a period; and

(iii) by striking paragraph (3);

(H) in section 429, by striking subsections (c) and (d);

(I) in section 442, by striking subsection (j) and redesignating subsection (k) as subsection (j);

(J) in section 464D, by striking subsection (j);

(K) in section 464E, by striking subsection (e);

(L) in section 464T, by striking subsection (e);

(M) in section 481A, by striking subsection (h);

(N) in section 485E, by striking subsection (k);

(O) in section 485H—

(i) by striking ''(a)'' and all that follows through ''The Secretary,'' and inserting ''The Secretary,''; and

(ii) by striking subsection (b); and

(P) in section 494—

(i) by striking ''(a) If the Secretary'' and inserting ''If the Secretary''; and

(ii) by striking subsection (b).

(2) PUBLIC HEALTH SERVICE ACT; OTHER PROVISIONS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(A) in section 399E, by striking subsection (e);

(B) in section 1122—

(i) by striking ''(a) From the sums'' and inserting ''From the sums''; and

(ii) by striking subsections (b) and (c);

(C) by striking section 2301;

(D) in section 2354, by striking subsection (b) and redesignating subsection (c) as subsection (b);

(E) in section 2356, by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(F) in section 2359(b)—

(i) by striking paragraph (2);

(ii) by striking ''(b) EVALUATION AND REPORT'' and all that follows through ''Not later than 5 years'' and inserting ''(b) EVALUATION.—Not later than 5 years'';

(iii) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively; and

(iv) by moving each of paragraphs (1) through (3) (as so redesignated) 2 ems to the left.

(3) OTHER ACTS.—Provisions of Federal law are amended as follows:

(A) Section 7 of Public Law 97–414 is amended—

(i) in subsection (a)—

(I) in paragraph (2), by inserting ''and'' at the end;

(II) in paragraph (3), by striking ''; and'' and inserting a period; and

(III) by striking paragraph (4); and

(ii) in subsection (b), by striking the last sentence of paragraph (3).

(B) Title III of Public Law 101–557 (42 U.S.C. 242q et seq.) is amended by striking section 304 and redesignating section 305 and 306 as sections 304 and 305, respectively.

(C) Section 4923 of Public Law 105–33 is amended by striking subsection (b).

(D) Public Law 106–310 is amended by striking section 105.

(E) Section 1004 of Public Law 106–310 is amended by striking subsection (d).

(F) Section 3633 of Public Law 106–310 (as amended by section 2502 of Public Law 107–273) is repealed.

(G) Public Law 106–525 is amended by striking section 105.

(H) Public Law 107–84 is amended by striking section 6.

(I) Public Law 108–427 is amended by striking section 3 and redesignating sections 4 and 5 as sections 3 and 4, respectively.

SEC. 105. CERTAIN DEMONSTRATION PROJECTS.

(a) BRIDGING THE SCIENCES.—

(1) IN GENERAL.—From amounts to be appropriated under section 402A(b) of the Public Health Service Act, the Secretary of Health and Human Services, acting through the Director of NIH, (in this subsection referred to as the ''Secretary'') in consultation with the Director of the National Science Foundation, the Secretary of Energy, and other agency heads when necessary, may allocate funds for the national research institutes and national centers to make grants for the purpose of improving the public health through demonstration projects for biomedical research at the interface between the biological, behavioral, and social sciences and the physical, chemical, mathematical, and computational sciences.

(2) GOALS, PRIORITIES, AND METHODS; INTERAGENCY COLLABORATION.—The Secretary shall establish goals, priorities, and methods of evaluation for research under paragraph (1), and shall provide for interagency collaboration with respect to such research. In developing such goals, priorities, and methods, the Secretary shall ensure that—

(A) the research reflects the vision of innovation and higher risk with long-term payoffs; and

(B) the research includes a wide spectrum of projects, funded at various levels, with varying timeframes.

(3) PEER REVIEW.—A grant may be made under paragraph (1) only if the application for the grant has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a) and has been reviewed by the advisory council under section 402(k) of such Act (as added by section 102(c) of this Act) or has been reviewed by an advisory council composed of representatives from appropriate scientific disciplines who can fully evaluate the applicant.

(b) HIGH-RISK, HIGH-REWARD RESEARCH.—

(1) IN GENERAL.—From amounts to be appropriated under section 402A(b) of the Public Health Service Act, the Secretary, acting through the Director of NIH, may allocate funds for the national research institutes and national centers to make awards of grants or contracts or to engage in other transactions for demonstration projects for high-impact, cutting-edge research that fosters scientific creativity and increases fundamental biological understanding leading to the prevention, diagnosis, and treatment of diseases and disorders. The head of a national research institute or national center may conduct or support such high-impact, cutting-edge research (with funds allocated under the preceding sentence or otherwise available for such purpose) if the institute or center gives notice to the Director of NIH beforehand and submits a report to the Director of NIH on an annual basis on the activities of the institute or center relating to such research.

(2) SPECIAL CONSIDERATION.—In carrying out the program under paragraph (1), the Director of NIH shall give special consideration to coordinating activities with national research institutes whose budgets are substantial relative to a majority of the other institutes.

(3) ADMINISTRATION OF PROGRAM.—Activities relating to research described in paragraph (1) shall be designed by the Director of NIH or the head of a national research institute or national center, as applicable, to enable such research to be carried out with maximum flexibility and speed.

(4) PUBLIC-PRIVATE PARTNERSHIPS.—In providing for research described in paragraph (1), the Director of NIH or the head of a national research institute or national center, as applicable, shall seek to facilitate partnerships between public and private entities and shall coordinate when appropriate with the Foundation for the National Institutes of Health.

(5) PEER REVIEW.—A grant for research described in paragraph (1) may be made only if the application for the grant has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a) and has been reviewed by the advisory council under section 402(k) of such Act (as added by section 102(c) of this Act).

(c) REPORT TO CONGRESS.—Not later than the end of fiscal year 2009, the Secretary, acting through the Director of NIH, shall conduct an evaluation of the activities under this section and submit a report to the Congress on the results of such evaluation.

(d) DEFINITIONS.—For purposes of this section, the terms ''Director of NIH'' , ''national research institute'', and ''national center'' have the meanings given such terms in section 401 of the Public Health Service Act.

SEC. 106. ENHANCING THE CLINICAL AND TRANSLATIONAL SCIENCE AWARD.

(a) IN GENERAL.—In administering the Clinical and Translational Science Award, the Director of NIH shall establish a mechanism to preserve independent funding and infrastructure for pediatric clinical research centers by—

(1) allowing the appointment of a secondary principal investigator under a single Clinical and Translational Science Award, such that a pediatric principal investigator may be appointed with direct authority over a separate budget and infrastructure for pediatric clinical research; or

(2) otherwise securing institutional independence of pediatric clinical research centers with respect to finances, infrastructure, resources, and research agenda.

(b) REPORT.—As part of the biennial report under section 403 of the Public Health Service Act, the Director of NIH shall provide an evaluation and comparison of outcomes and effectiveness of training programs under subsection (a).

(c) DEFINITION.—For purposes of this section, the term ''Director of NIH'' has the meaning given such term in section 401 of the Public Health Service Act.

SEC. 107. FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (D)(ii) to read as follows:

''(ii) Upon the appointment of the appointed members of the Board under clause (i)(II), the terms of service as members of the Board of the ex officio members of the Board described in clauses (i) and (ii) of subparagraph (B) shall terminate. The ex officio members of the Board described in clauses (iii) and (iv) of subparagraph (B) shall continue to serve as ex officio members of the Board.''; and

(ii) in subparagraph (G), by inserting ''appointed'' after ''that the number of'';

(B) by amending paragraph (3)(B) to read as follows:

''(B) Any vacancy in the membership of the appointed members of the Board shall be filled in accordance with the bylaws of the Foundation established in accordance with paragraph (6), and shall not affect the power of the remaining appointed members to execute the duties of the Board.''; and

(C) in paragraph (5), by inserting ''appointed'' after ''majority of the'';

(2) in subsection (j)—

(A) in paragraph (2), by striking ''(d)(2)(B)(i)(II)'' and inserting ''(d)(6)'';

(B) in paragraph (4)—

(i) in subparagraph (A), by inserting '', including an accounting of the use of amounts transferred under subsection (l)'' before the period at the end; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) The Foundation shall make copies of each report submitted under subparagraph (A) available—

''(i) for public inspection, and shall upon request provide a copy of the report to any individual for a charge that shall not exceed the cost of providing the copy; and

''(ii) to the appropriate committees of Congress.''; and

(C) in paragraph (10), by striking ''of Health.'' and inserting ''of Health and the National Institutes of Health may accept transfers of funds from the Foundation.''; and

(3) by striking subsection (l) and inserting the following:

''(l) FUNDING.—From amounts appropriated to the National Institutes of Health, for each fiscal year, the Director of NIH shall transfer not less than $500,000 and not more than $1,250,000 to the Foundation.''.

SEC. 108. MISCELLANEOUS AMENDMENTS.

(a) CERTAIN AUTHORITIES OF THE SECRETARY.—

(1) IN GENERAL.—Section 401 of the Public Health Service Act, as added and amended by section 101, is amended in subsection (d) by inserting after paragraph (1) a subsection that is identical to section 401(c) of such Act as in effect on the day before the date of the enactment of this Act. The subsection so inserted is amended—

(A) by striking ''(c)(1) The Secretary may'' and inserting the following:

''(2) REORGANIZATION OF INSTITUTES.—

''(A) IN GENERAL.—The Secretary may'';

(B) by striking ''(A) the Secretary determines'' and inserting the following:

''(i) the Secretary determines'';

(C) by striking ''(B) the additional'' and inserting the following:

''(ii) the additional''; and

(D) by striking ''(2) The Secretary may'' and inserting the following:

''(B) ADDITIONAL AUTHORITY.—The Secretary may''.

(2) CONFORMING AMENDMENTS.—Section 401(d)(2) of the Public Health Service Act, as designated by paragraph (1) of this subsection, is amended—

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

(B) by striking ''Labor and Human Resources'' each place such term appears and inserting ''Health, Education, Labor, and Pensions''.

(b) CERTAIN RESEARCH CENTERS.—Section 414 of the Public Health Service Act (42 U.S.C. 285a–3) is amended by adding at the end the following subsection:

''(d) Research centers under this section may not be considered centers of excellence for purposes of section 402(b)(10).''.

SEC. 109. APPLICABILITY.

This title and the amendments made by this title apply only with respect to amounts appropriated for fiscal year 2007 or subsequent fiscal years.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. REDISTRIBUTION OF CERTAIN UNUSED SCHIP ALLOTMENTS FOR FISCAL YEARS 2004 AND 2005 TO REDUCE FUNDING SHORTFALLS FOR FISCAL YEAR 2007.

(a) REDISTRIBUTION OF CERTAIN UNUSED SCHIP ALLOTMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

''(h) SPECIAL RULES TO ADDRESS FISCAL YEAR 2007 SHORTFALLS.—

''(1) REDISTRIBUTION OF UNUSED FISCAL YEAR 2004 ALLOTMENTS.—

''(A) IN GENERAL.—Notwithstanding subsection (f) and subject to subparagraphs (C) and (D), with respect to months beginning during fiscal year 2007, the Secretary shall provide for a redistribution under such subsection from the allotments for fiscal year 2004 under subsection (b) that are not expended by the end of fiscal year 2006, to a shortfall State described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for such State for the month.

''(B) SHORTFALL STATE DESCRIBED.—For purposes of this paragraph, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates, subject to paragraph (4)(B) and on a monthly basis using the most recent data available to the Secretary as of such month, that the projected expenditures under such plan for such State for fiscal year 2007 will exceed the sum of—

''(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that was not expended by the end of fiscal year 2006; and

''(ii) the amount of the State's allotment for fiscal year 2007.

''(C) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under subparagraph (A) to shortfall States described in subparagraph (B) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2007. The Secretary shall only make redistributions under this paragraph to the extent that there are unexpended fiscal year 2004 allotments under subsection (b) available for such redistributions.

''(D) PRORATION RULE.—If the amounts available for redistribution under subparagraph (A) for a month are less than the total amounts of the estimated shortfalls determined for the month under that subparagraph, the amount computed under such subparagraph for each shortfall State shall be reduced proportionally.

''(2) FUNDING REMAINDER OF REDUCTION OF SHORTFALL FOR FISCAL YEAR 2007 THROUGH REDISTRIBUTION OF CERTAIN UNUSED FISCAL YEAR 2005 ALLOTMENTS.—

''(A) IN GENERAL.—Subject to subparagraphs (C) and (D) and paragraph (5)(B), with respect to months beginning during fiscal year 2007 after March 31, 2007, the Secretary shall provide for a redistribution under subsection (f) from amounts made available for redistribution under paragraph (3) to each shortfall State described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for such State for the month.

''(B) SHORTFALL STATE DESCRIBED.—For purposes of this paragraph, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates, subject to paragraph (4)(B) and on a monthly basis using the most recent data available to the Secretary as of March 31, 2007, that the projected expenditures under such plan for such State for fiscal year 2007 will exceed the sum of—

''(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that was not expended by the end of fiscal year 2006;

''(ii) the amount, if any, that is to be redistributed to the State in accordance with paragraph (1); and

''(iii) the amount of the State's allotment for fiscal year 2007.

''(C) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under subparagraph (A) to shortfall States described in subparagraph (B) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2007. The Secretary shall only make redistributions under this paragraph to the extent that such amounts are available for such redistributions.

''(D) PRORATION RULE.—If the amounts available for redistribution under paragraph (3) for a month are less than the total amounts of the estimated shortfalls determined for the month under subparagraph (A), the amount computed under such subparagraph for each shortfall State shall be reduced proportionally.

''(3) TREATMENT OF CERTAIN STATES WITH FISCAL YEAR 2005 ALLOTMENTS UNEXPENDED AT THE END OF THE FIRST HALF OF FISCAL YEAR 2007.—

''(A) IDENTIFICATION OF STATES.—The Secretary, on the basis of the most recent data available to the Secretary as of March 31, 2007—

''(i) shall identify those States that received an allotment for fiscal year 2005 under subsection (b) which have not expended all of such allotment by March 31, 2007; and

''(ii) for each such State shall estimate—

''(I) the portion of such allotment that was not so expended by such date; and

''(II) whether the State is described in subparagraph (B).

''(B) STATES WITH FUNDS IN EXCESS OF 200 PERCENT OF NEED.—A State described in this subparagraph is a State for which the Secretary determines, on the basis of the most recent data available to the Secretary as of March 31, 2007, that the total of all available allotments under this title to the State as of such date, is at least equal to 200 percent of the total projected expenditures under this title for the State for fiscal year 2007.

''(C) REDISTRIBUTION AND LIMITATION ON AVAILABILITY OF PORTION OF UNUSED ALLOTMENTS FOR CERTAIN STATES.—

''(i) IN GENERAL.—In the case of a State identified under subparagraph (A)(i) that is also described in subparagraph (B), notwithstanding subsection (e), the applicable amount described in clause (ii) shall not be available for expenditure by the State on or after April 1, 2007, and shall be redistributed in accordance with paragraph (2).

''(ii) APPLICABLE AMOUNT.—For purposes of clause (i), the applicable amount described in this clause is the lesser of—

''(I) 50 percent of the amount described in subparagraph (A)(ii)(I); or

''(II) $20,000,000.

''(4) SPECIAL RULES.—

''(A) EXPENDITURES LIMITED TO COVERAGE FOR POPULATIONS ELIGIBLE ON OCTOBER 1, 2006.—A State shall use amounts redistributed under this subsection only for expenditures for providing child health assistance or other health benefits coverage for populations eligible for such assistance or benefits under the State child health plan (including under a waiver of such plan) on October 1, 2006.

''(B) REGULAR FMAP FOR EXPENDITURES FOR COVERAGE OF NONCHILD POPULATIONS.—To the extent a State uses amounts redistributed under this subsection for expenditures for providing child health assistance or other health benefits coverage to an individual who is not a child or a pregnant woman, the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)) applicable to the State for the fiscal year shall apply to such expenditures for purposes of making payments to the State under subsection (a) of section 2105 from such amounts.

''(5) RETROSPECTIVE ADJUSTMENT.—

''(A) IN GENERAL.—The Secretary may adjust the estimates and determinations made under paragraphs (1), (2), and (3) as necessary on the basis of the amounts reported by States not later than November 30, 2007, on CMS Form 64 or CMS Form 21, as the case may be and as approved by the Secretary, but in no case may the applicable amount described in paragraph (3)(C)(ii) exceed the amount determined by the Secretary on the basis of the most recent data available to the Secretary as of March 31, 2007.

''(B) FUNDING OF ANY RETROSPECTIVE ADJUSTMENTS ONLY FROM UNEXPENDED 2005 ALLOTMENTS.—Notwithstanding subsections (e) and (f), to the extent the Secretary determines it necessary to adjust the estimates and determinations made for purposes of paragraphs (1), (2), and (3), the Secretary may use only the allotments for fiscal year 2005 under subsection (b) that remain unexpended through the end of fiscal year 2007 for providing any additional amounts to States described in paragraph (2)(B) (without regard to whether such unexpended allotments are from States described paragraph (3)(B)).

''(C) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as—

''(i) authorizing the Secretary to use the allotments for fiscal year 2006 or 2007 under subsection (b) of States described in paragraph (3)(B) to provide additional amounts to States described in paragraph (2)(B) for purposes of eliminating the funding shortfall for such States for fiscal year 2007; or

''(ii) limiting the authority of the Secretary to redistribute the allotments for fiscal year 2005 under subsection (b) that remain unexpended through the end of fiscal year 2007 and are available for redistribution under subsection (f) after the application of subparagraph (B).

''(6) 1-YEAR AVAILABILITY; NO FURTHER REDISTRIBUTION.—Notwithstanding subsections (e) and (f), amounts redistributed to a State pursuant to this subsection for fiscal year 2007 shall only remain available for expenditure by the State through September 30, 2007, and any amounts of such redistributions that remain unexpended as of such date, shall not be subject to redistribution under subsection (f). Nothing in the preceding sentence shall be construed as limiting the ability of the Secretary to adjust the determinations made under paragraphs (1), (2), and (3) in accordance with paragraph (5).

''(7) DEFINITION OF STATE.—For purposes of this subsection, the term 'State' means a State that receives an allotment for fiscal year 2007 under subsection (b).''.

(b) EXTENDING AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—Section 2105(g)(1)(A) of such Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking ''or 2005'' and inserting ''2005, 2006, or 2007''.

(c) REPORT TO CONGRESS.—Not later than April 30, 2007, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate regarding the amounts redistributed to States under section 2104 of the Social Security Act to reduce funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007. Such report shall include descriptions and analyses of—

(1) the extent to which such redistributed amounts have reduced or eliminated such shortfalls on the basis of reports by States submitted to the Secretary as of April 1, 2007; and

(2) the effect of the redistribution and limited availability of unexpended fiscal year 2005 allotments under such program on the States described in section 2104(h)(3)(B) of the Social Security Act (42 U.S.C.

1397dd(h)(3)(B)) on the basis of reports by States submitted to the Secretary as of such date.

SA 5239. Mr. FRIST (for Mr. SMITH) proposed an amendment to the bill H.R. 798, to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Methamphetamine Remediation Research Act of 2006''.

SEC. 2. FINDINGS.

Congress finds that—

(1) methamphetamine use and production is growing rapidly throughout the United States;

(2) some materials and chemical residues remaining from the production of methamphetamine pose novel environmental problems in locations in which methamphetamine laboratories have been closed;

(3) there has been little standardization of measures for determining when the site of a former methamphetamine laboratory has been successfully remediated;

(4)(A) initial cleanup actions are generally limited to removal of hazardous substances and contaminated materials that pose an immediate threat to public health or the environment; and

(B) it is not uncommon for significant levels of contamination to be found throughout residential structures in which methamphetamine has been manufactured, partially because of a lack of knowledge of how to achieve an effective cleanup;

(5)(A) data on methamphetamine laboratory-related contaminants of concern are very limited;

(B) uniform cleanup standards do not exist; and

(C) procedures for sampling and analysis of contaminants need to be researched and developed; and

(6) many States are struggling with establishing assessment and remediation guidelines and programs to address the rapidly expanding number of methamphetamine laboratories being closed each year.

SEC. 3. VOLUNTARY GUIDELINES.

(a) ESTABLISHMENT OF VOLUNTARY GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this Act as the ''Administrator''), in consultation with the National Institute of Standards and Technology, shall establish voluntary guidelines, based on the best available scientific knowledge, for the remediation of former methamphetamine laboratories, including guidelines regarding preliminary site assessment and the remediation of residual contaminants.

(b) CONSIDERATIONS.—In developing the voluntary guidelines under subsection (a), the Administrator shall consider, at a minimum—

(1) relevant standards, guidelines, and requirements found in Federal, State, and local laws (including regulations);

(2) the varying types and locations of former methamphetamine laboratories; and

(3) the expected cost of carrying out any proposed guidelines.

(c) STATES.—

(1) IN GENERAL.—The voluntary guidelines should be designed to assist State and local governments in the development and the implementation of legislation and other policies to apply state-of-the-art knowledge and research results to the remediation of former methamphetamine laboratories.

(2) ADOPTION.—The Administrator shall work with State and local governments and other relevant non-Federal agencies and organizations, including through the conference described in section 5, to promote and encourage the appropriate adoption of the voluntary guidelines.

(d) UPDATING THE GUIDELINES.—The Administrator shall periodically update the voluntary guidelines as the Administrator, in consultation with States and other interested parties, determines to be appropriate to incorporate research findings and other new knowledge.

SEC. 4. RESEARCH PROGRAM.

(a) IN GENERAL.—The Administrator shall establish a program of research to support the development and revision of the voluntary guidelines described in section 3.

(b) RESEARCH.—The research shall—

(1) identify methamphetamine laboratory-related chemicals of concern;

(2) assess the types and levels of exposure to chemicals of concern identified under paragraph (1), including routine and accidental exposures, that may present a significant risk of adverse biological effects;

(3) identify the research efforts necessary to better address biological effects and to minimize adverse human exposures;

(4) evaluate the performance of various methamphetamine laboratory cleanup and remediation techniques; and

(5) support other research priorities identified by the Administrator, in consultation with States and other interested parties.

SEC. 5. TECHNOLOGY TRANSFER CONFERENCE.

(a) CONFERENCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act and at least every third year thereafter, the Administrator shall convene a conference of appropriate State agencies, individuals, and organizations involved in research and other activities directly relating to the environmental or biological impacts of former methamphetamine laboratories.

(2) FORUM.—The conference should be a forum for—

(A) the Administrator to provide information on the guidelines developed under section 3 and on the latest findings from the research program described in section 4; and

(B) non-Federal participants to provide information on the problems and needs of States and localities and their experience with guidelines developed under section 3.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of each conference, the Administrator shall submit to Congress a report that summarizes the proceedings of the conference, including a summary of any recommendations or concerns raised by the non-Federal participants in that conference and how the Administrator intends to respond to the recommendations or concerns.

(2) PUBLIC AVAILABILITY.—The Administrator shall make each report widely available to the general public.

SEC. 6. RESIDUAL EFFECTS STUDY.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall offer to enter into an arrangement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study of the status and quality of research on the residual effects of methamphetamine laboratories.

(b) CONTENT.—The study shall identify research gaps and recommend an agenda for the research program described in section 4, with particular attention to the need for research on the impacts of methamphetamine laboratories on—

(1) the residents of buildings in which such laboratories are, or were, located, with particular emphasis given to biological impacts on children; and

(2) first responders.

(c) REPORT.—Not later than 90 days after the date of completion of the study, the Administrator shall submit to Congress a report describing the manner in which the Administrator will use the results of the study to carry out the activities described in sections 3 and 4.

SEC. 7. METHAMPHETAMINE DETECTION RESEARCH AND DEVELOPMENT PROGRAM.

The Director of National Institute of Standards and Technology, in consultation with the Administrator, shall support a research program to develop—

(1) new methamphetamine detection technologies, with emphasis on field test kits and site detection; and

(2) appropriate standard reference materials and validation procedures for methamphetamine detection testing.

SEC. 8. SAVINGS CLAUSE.

Nothing in this Act modifies or otherwise affects the regulatory authority of the Environmental Protection Agency.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ENVIRONMENTAL PROTECTION AGENCY.—There is authorized to be appropriated to the Administrator to carry out this Act $1,750,000 for each of fiscal years 2007 and 2008.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There is authorized to be appropriated to the Director of the National Institute of Standards and Technology to carry out this Act $750,000 for each of fiscal years 2007 and 2008.

SA 5240. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 4055, to address the effect of the death of a defendant in Federal criminal proceedings; which was referred to the Committee on the Judiciary; as follows:

At the appropriate place add the following:

Section 296 of title 28, United States Code, is amended

''However a senior judge designated and assigned to the court to which he was appointed shall have all the powers of a judge of that court, including participation in appointment of court officers, magistrates rulemaking, governance, and administrative matters.''

SEC. 44. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATES.

Section 631(a) of title 28, United States Code, is amended by striking ''Northern Mariana Islands'' the first place it appears and inserting ''Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under Section 371(b) of this title if such judge is designated and assigned to the court to which such judge was appointed.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows, law clerks, and interns of the staff of the Finance Committee be granted the privilege of the floor for the duration of the debate on tax extenders. David Ashner, Mary Baker, Robin Burgess, Leona Cuttler, Tory Cyr, Susan Douglas, Christal Edwards, Peggy Hathaway, Diedra Henry-Spires, John Lageson, Richard Litsey, Tom Louthan, Mary Lisa Madell, David

Schwartz, Stuart Sirkin, Brett Youngerman, and Martin Soebel.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

METHAMPHETAMINE REMEDIATION RESEARCH ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 798 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 798) to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I would like to say a few words about the pending passage of the Native American Methamphetamine Enforcement and Treatment Act of 2006. Section 2 of the act authorizes Indian tribes to receive grants under section 2996(a) of the Omnibus Crime Control and Safe Streets Act in order to address the scourge of methamphetamine. I strongly support aiding Indian tribes in their efforts to combat the methamphetamine epidemic in Indian country.

Members of the steering committee, which I chair, expressed concern about one part of the original bill—a concern that I am pleased to announce will be addressed by the substitute amendment.

Part of the bill authorizes tribes to receive grants, under 42 U.S.C. 3793cc(a)(3)(A), to ''investigate, arrest and prosecute individuals violating laws related to the use, manufacture, or sale of methamphetamine.'' The problem was that the bill originally appeared to authorize any tribe, without limitation, to receive these grants—grants that can only be used for law enforcement activities. Permitting these grants to all tribes would not have been appropriate, since many tribes—indeed, perhaps a majority of the officially recognized tribes in this country—do not have any criminal jurisdiction. Many officially recognized tribes, for example, were only recognized long after their States were admitted to the Union or only received land from the Federal government long after that land had become part of a State and State jurisdiction had attached to it. Although these tribes may receive Federal services, their recognition or receipt of land did not divest the State of its jurisdiction or bring into being a new government within the State. Nearly half of the recognized tribes in the United States, for example, are in the State of Alaska, and were first recognized in the early 1990s. Obviously, the Federal Government did not create over 200 new governments in Alaska by this action. Tribes such as these do not exercise any governmental powers and, consequently, do not have the authority to arrest, prosecute, or punish individuals. In several other States, although tribes were preserved as separate jurisdictions when their surrounding States entered the Union, and they enjoyed criminal law enforcement powers for many years thereafter, those tribes were later divested of criminal jurisdiction by Public Law 280. That law transferred criminal jurisdiction from tribes to State and local governments in the several States identified in that law or that later opted into its provisions. Again, because tribes in Public Law 280 States no longer have criminal jurisdiction, they cannot arrest, prosecute, or punish individuals for crimes.

Arguably, the Justice Department would have been aware of these issues and would have only awarded grants to tribes that exercise criminal jurisdiction. These issues, however, are more in the expertise of the Department of the Interior than the Justice Department, and there have been reports that some law enforcement grants were inappropriately awarded to nongovernmental tribes in the 1990s. The language added by new paragraph 2(a)(4) of the act serves as a reminder to the Justice Department to first verify that a tribe exercises law enforcement powers before awarding a grant to the tribe under paragraph 3793cc(3)(A). When a tribe applies for such a grant, the Department must first determine whether the tribe exercise law enforcement powers. It must ask, was the tribe preserved as a separate jurisdiction when its surrounding State was admitted to the Union, and is the tribe subject to Public Law 280? Only if the answer to the first question is yes and the second is no is the tribe eligible to receive grants under paragraph 3793cc(3)(A).

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. JEFFORDS. Mr. President, today the Senate is acting on H.R. 798 Methamphetamine Remediation Research Act, with an amendment developed by the Senator from Oregon, Mr. SMITH. This legislation is designed to assist communities perform preliminary site assessments and remediate former methamphetamine, or meth, labs.

The bill requires the Environmental Protection Agency, or EPA, to develop voluntary guidelines for communities engaged in meth remediation activities. The guidelines would help communities identify contaminants from meth labs and establish appropriate cleanup levels. In implementing this legislation, it is my hope that the EPA should also issue companion regulations that would assist communities in implementing these voluntary guidelines. These regulations should identify contaminants from meth labs, establish appropriate cleanup levels, address sampling activities in the residences, training and certification for response workers, and use of personal protective equipment.

There is a need for regulations and a Federal cleanup standard, in addition to voluntary guidelines, because of the nature and abundance of waste produced from meth labs. Many of the chemicals and wastes often associated with meth production are considered hazardous wastes under the Resource Conservation and Recovery Act, or RCRA. Some of these wastes are classified under RCRA as ''characteristic'' waste, meaning that they are ignitable. Other wastes produced by the manufacture of meth are regulated in other sections of law, such as the solvents and other chemicals used in the purification process.

The reason companion regulation is needed is meth's toxicity. One pound of manufactured meth produces 5 pounds of waste. Chemicals used in meth production cause breathing problems, skin irritation, headaches, damage to the central nervous system, and, in some cases, death. Meth waste is typically dumped on the ground or down drains, which contaminates drain fields, soils and surface waters. Cleanup usually involves the removal and disposal of wastes and the ventilation and plumbing systems.

Several States have already developed standards and regulations for cleanup and for determining if a meth-contaminated property is ''clean.'' Oregon's level is 0.5 micrograms per square foot. And the State of Tennessee has set a level that is 0.1 microgram per hundred square centimeters. EPA should follow suit.

Ten years ago, EPA developed extensive regulations for the remediation of lead based paint waste. Waste from meth labs appears to present a more immediate public safety concern. EPA should develop the same type of comprehensive regulations to address sampling and worker protection, and should do all it can to assist our communities in these efforts.•

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 5239) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Methamphetamine Remediation Research Act of 2006''.

SEC. 2. FINDINGS.

Congress finds that—

(1) methamphetamine use and production is growing rapidly throughout the United States;

(2) some materials and chemical residues remaining from the production of methamphetamine pose novel environmental problems in locations in which methamphetamine laboratories have been closed;

(3) there has been little standardization of measures for determining when the site of a former methamphetamine laboratory has been successfully remediated;

(4)(A) initial cleanup actions are generally limited to removal of hazardous substances and contaminated materials that pose an immediate threat to public health or the environment; and

(B) it is not uncommon for significant levels of contamination to be found throughout residential structures in which methamphetamine has been manufactured, partially because of a lack of knowledge of how to achieve an effective cleanup;

(5)(A) data on methamphetamine laboratory-related contaminants of concern are very limited;

(B) uniform cleanup standards do not exist; and

(C) procedures for sampling and analysis of contaminants need to be researched and developed; and

(6) many States are struggling with establishing assessment and remediation guidelines and programs to address the rapidly expanding number of methamphetamine laboratories being closed each year.

SEC. 3. VOLUNTARY GUIDELINES.

(a) ESTABLISHMENT OF VOLUNTARY GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this Act as the ''Administrator''), in consultation with the National Institute of Standards and Technology, shall establish voluntary guidelines, based on the best available scientific knowledge, for the remediation of former methamphetamine laboratories, including guidelines regarding preliminary site assessment and the remediation of residual contaminants.

(b) CONSIDERATIONS.—In developing the voluntary guidelines under subsection (a), the Administrator shall consider, at a minimum—

(1) relevant standards, guidelines, and requirements found in Federal, State, and local laws (including regulations);

(2) the varying types and locations of former methamphetamine laboratories; and

(3) the expected cost of carrying out any proposed guidelines.

(c) STATES.—

(1) IN GENERAL.—The voluntary guidelines should be designed to assist State and local governments in the development and the implementation of legislation and other policies to apply state-of-the-art knowledge and research results to the remediation of former methamphetamine laboratories.

(2) ADOPTION.—The Administrator shall work with State and local governments and other relevant non-Federal agencies and organizations, including through the conference described in section 5, to promote and encourage the appropriate adoption of the voluntary guidelines.

(d) UPDATING THE GUIDELINES.—The Administrator shall periodically update the voluntary guidelines as the Administrator, in consultation with States and other interested parties, determines to be appropriate to incorporate research findings and other new knowledge.

SEC. 4. RESEARCH PROGRAM.

(a) IN GENERAL.—The Administrator shall establish a program of research to support the development and revision of the voluntary guidelines described in section 3.

(b) RESEARCH.—The research shall—

(1) identify methamphetamine laboratory-related chemicals of concern;

(2) assess the types and levels of exposure to chemicals of concern identified under paragraph (1), including routine and accidental exposures, that may present a significant risk of adverse biological effects;

(3) identify the research efforts necessary to better address biological effects and to minimize adverse human exposures;

(4) evaluate the performance of various methamphetamine laboratory cleanup and remediation techniques; and

(5) support other research priorities identified by the Administrator, in consultation with States and other interested parties.

SEC. 5. TECHNOLOGY TRANSFER CONFERENCE.

(a) CONFERENCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act and at least every third year thereafter, the Administrator shall convene a conference of appropriate State agencies, individuals, and organizations involved in research and other activities directly relating to the environmental or biological impacts of former methamphetamine laboratories.

(2) FORUM.—The conference should be a forum for—

(A) the Administrator to provide information on the guidelines developed under section 3 and on the latest findings from the research program described in section 4; and

(B) non-Federal participants to provide information on the problems and needs of States and localities and their experience with guidelines developed under section 3.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of each conference, the Administrator shall submit to Congress a report that summarizes the proceedings of the conference, including a summary of any recommendations or concerns raised by the non-Federal participants in that conference and how the Administrator intends to respond to the recommendations or concerns.

(2) PUBLIC AVAILABILITY.—The Administrator shall make each report widely available to the general public.

SEC. 6. RESIDUAL EFFECTS STUDY.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall offer to enter into an arrangement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study of the status and quality of research on the residual effects of methamphetamine laboratories.

(b) CONTENT.—The study shall identify research gaps and recommend an agenda for the research program described in section 4, with particular attention to the need for research on the impacts of methamphetamine laboratories on—

(1) the residents of buildings in which such laboratories are, or were, located, with particular emphasis given to biological impacts on children; and

(2) first responders.

(c) REPORT.—Not later than 90 days after the date of completion of the study, the Administrator shall submit to Congress a report describing the manner in which the Administrator will use the results of the study to carry out the activities described in sections 3 and 4.

SEC. 7. METHAMPHETAMINE DETECTION RESEARCH AND DEVELOPMENT PROGRAM.

The Director of National Institute of Standards and Technology, in consultation with the Administrator, shall support a research program to develop—

(1) new methamphetamine detection technologies, with emphasis on field test kits and site detection; and

(2) appropriate standard reference materials and validation procedures for methamphetamine detection testing.

SEC. 8. SAVINGS CLAUSE.

Nothing in this Act modifies or otherwise affects the regulatory authority of the Environmental Protection Agency.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ENVIRONMENTAL PROTECTION AGENCY.—There is authorized to be appropriated to the Administrator to carry out this Act $1,750,000 for each of fiscal years 2007 and 2008.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There is authorized to be appropriated to the Director of the National Institute of Standards and Technology to carry out this Act $750,000 for each of fiscal years 2007 and 2008.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 798), as amended, was read the third time and passed.

VETERANS BENEFITS, HEALTH CARE, AND INFORMATION TECHNOLOGY ACT OF 2006

Mr. FRIST. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 3421) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 3421

Resolved, That the bill from the Senate (S. 3421) entitled ''An Act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Benefits, Health Care, and Information Technology Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—ATTORNEY REPRESENTATION MATTERS

Sec. 101. Agent or attorney representation in veterans benefits cases before the Department of Veterans Affairs.

TITLE II—HEALTH MATTERS

Sec. 201. Additional mental health providers.
Sec. 202. Pay comparability for the Chief Nursing Officer, Office of Nursing Services.
Sec. 203. Improvement and expansion of mental health services.
Sec. 204. Disclosure of medical records.
Sec. 205. Expansion of telehealth services.
Sec. 206. Strategic plan for long-term care.
Sec. 207. Blind rehabilitation outpatient specialists.
Sec. 208. Extension of certain compliance reports.
Sec. 209. Parkinson's Disease research, education, and clinical centers and multiple sclerosis centers of excellence.
Sec. 210. Repeal of term of office for the Under Secretary for Health and the Under Secretary for Benefits.

Sec. 211. Modifications to State home authorities.
Sec. 212. Office of Rural Health.
Sec. 213. Outreach program to veterans in rural areas.
Sec. 214. Pilot program on improvement of caregiver assistance services.
Sec. 215. Expansion of outreach activities of Vet Centers.
Sec. 216. Clarification and enhancement of bereavement counseling.
Sec. 217. Funding for Vet Center program.

TITLE III—EDUCATION MATTERS

Sec. 301. Expansion of eligibility for Survivors' and Dependents' Educational Assistance program.
Sec. 302. Restoration of lost entitlement for individuals who discontinue a program of education because of being ordered to full-time National Guard duty.
Sec. 303. Exception for institutions offering Government-sponsored nonaccredited courses to requirement of refunding unused tuition.
Sec. 304. Extension of work-study allowance.
Sec. 305. Deadline and extension of requirement for report on educational assistance program.
Sec. 306. Report on improvement in administration of educational assistance benefits.
Sec. 307. Technical amendments relating to education laws.

TITLE IV—NATIONAL CEMETERY AND MEMORIAL AFFAIRS MATTERS

Sec. 401. Provision of Government memorial headstones or markers and memorial inscriptions for deceased dependent children of veterans whose remains are unavailable for burial.
Sec. 402. Provision of Government markers for marked graves of veterans at private cemeteries.
Sec. 403. Eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands.
Sec. 404. Removal of remains of Russell Wayne Wagner from Arlington National Cemetery.

TITLE V—HOUSING AND SMALL BUSINESS MATTERS

Sec. 501. Residential cooperative housing units.
Sec. 502. Department of Veterans Affairs goals for participation by small businesses owned and controlled by veterans in procurement contracts.
Sec. 503. Department of Veterans Affairs contracting priority for veteran-owned small businesses.

TITLE VI—EMPLOYMENT AND TRAINING MATTERS

Sec. 601. Training of new disabled veterans' outreach program specialists and local veterans' employment representatives by NVTI required.
Sec. 602. Rules for part-time employment for disabled veterans' outreach program specialists and local veterans' employment representatives.
Sec. 603. Performance incentive awards for employment service offices.
Sec. 604. Demonstration project on credentialing and licensure of veterans.
Sec. 605. Department of Labor implementation of regulations for priority of service.

TITLE VII—HOMELESS VETERANS ASSISTANCE

Sec. 701. Reaffirmation of national goal to end homelessness among veterans.
Sec. 702. Sense of Congress on the response of the Federal Government to the needs of homeless veterans.
Sec. 703. Authority to make grants for comprehensive service programs for homeless veterans.
Sec. 704. Extension of treatment and rehabilitation for seriously mentally ill and homeless veterans.
Sec. 705. Extension of authority for transfer of properties obtained through foreclosure of home mortgages.
Sec. 706. Extension of funding for grant program for homeless veterans with special needs.
Sec. 707. Extension of funding for homeless veteran service provider technical assistance program.
Sec. 708. Additional element in annual report on assistance to homeless veterans.
Sec. 709. Advisory Committee on Homeless Veterans.
Sec. 710. Rental assistance vouchers for Veterans Affairs supported housing program.

TITLE VIII—CONSTRUCTION MATTERS

Subtitle A—Construction and Lease Authorities

Sec. 801. Authorization of fiscal year 2006 major medical facility projects.
Sec. 802. Extension of authorization for certain major medical facility construction projects previously authorized in connection with Capital Asset Realignment Initiative.
Sec. 803. Authorization of fiscal year 2007 major medical facility projects.
Sec. 804. Authorization of advance planning and design for a major medical facility, Charleston, South Carolina.
Sec. 805. Authorization of fiscal year 2006 major medical facility leases.
Sec. 806. Authorization of fiscal year 2007 major medical facility leases.
Sec. 807. Authorization of appropriations.

Subtitle B—Facilities Administration

Sec. 811. Director of Construction and Facilities Management.
Sec. 812. Increase in threshold for major medical facility projects.
Sec. 813. Land conveyance, city of Fort Thomas, Kentucky.

Subtitle C—Reports on Medical Facility Improvements

Sec. 821. Report on option for medical facility improvements in San Juan, Puerto Rico.
Sec. 822. Business plans for enhanced access to outpatient care in certain rural areas.
Sec. 823. Report on option for construction of Department of Veterans Affairs Medical Center in Okaloosa County, Florida.

TITLE IX—INFORMATION SECURITY MATTERS

Sec. 901. Short title.
Sec. 902. Department of Veterans Affairs information security programs and requirements.
Sec. 903. Information security education assistance programs.

TITLE X—OTHER MATTERS

Sec. 1001. Notice to congressional veterans committees of certain transfers of funds.
Sec. 1002. Clarification of correctional facilities covered by certain provisions of law.
Sec. 1003. Extension of authority for health care for participation in DOD chemical and biological warfare testing.
Sec. 1004. Technical and clerical amendments.
Sec. 1005. Codification of cost-of-living adjustment provided in Public Law 109–361.
Sec. 1006. Coordination of provisions with Veterans Programs Extension Act of 2006.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ATTORNEY REPRESENTATION MATTERS

SEC. 101. AGENT OR ATTORNEY REPRESENTATION IN VETERANS BENEFITS CASES BEFORE THE DEPARTMENT OF VETERANS AFFAIRS.

(a) QUALIFICATIONS AND STANDARDS OF CONDUCT FOR INDIVIDUALS RECOGNIZED AS AGENTS OR ATTORNEYS.—

(1) ADDITIONAL QUALIFICATIONS AND STANDARDS FOR AGENTS AND ATTORNEYS GENERALLY.—Subsection (a) of section 5904 is amended—

(A) by inserting ''RECOGNITION.—(1)'' after ''(a)'';

(B) by striking ''The Secretary may recognize'' and inserting ''Except as provided in paragraph (4), the Secretary may recognize'';

(C) by striking the second sentence; and

(D) by adding at the end the following new paragraphs:

''(2) The Secretary shall prescribe in regulations (consistent with the Model Rules of Professional Conduct of the American Bar Association) qualifications and standards of conduct for individuals recognized under this section, including a requirement that, as a condition of being so recognized, an individual must—

''(A) show that such individual is of good moral character and in good repute, is qualified to render claimants valuable service, and is otherwise competent to assist claimants in presenting claims;

''(B) have such level of experience or specialized training as the Secretary shall specify; and

''(C) certify to the Secretary that the individual has satisfied any qualifications and standards prescribed by the Secretary under this section.

''(3) The Secretary shall prescribe in regulations requirements that each agent or attorney recognized under this section provide annually to the Secretary information about any court, bar, or Federal or State agency to which such agent or attorney is admitted to practice or otherwise authorized to appear, any relevant identification number or numbers, and a certification by such agent or attorney that such agent or attorney is in good standing in every jurisdiction where the agent or attorney is admitted to practice or otherwise authorized to appear.

''(4) The Secretary may not recognize an individual as an agent or attorney under paragraph (1) if such individual has been suspended or disbarred by any court, bar, or Federal or State agency to which the individual was previously admitted to practice and has not been subsequently reinstated.

''(5) The Secretary may prescribe in regulations reasonable restrictions on the amount of fees that an agent or attorney may charge a claimant for services rendered in the preparation, presentation, and prosecution of a claim before the Department. A fee that does not exceed 20 percent of the past due amount of benefits awarded on a claim shall be presumed to be reasonable.

''(6)(A) The Secretary may charge and collect an assessment from an individual recognized as an agent or attorney under this section in any case in which the Secretary pays to the agent or attorney, from past-due benefits owed to a claimant represented by the agent or attorney,

an amount as a fee in accordance with a fee arrangement between the claimant and the agent or attorney.

''(B) The amount of an assessment under subparagraph (A) shall be equal to five percent of the amount of the fee required to be paid to the agent or attorney, except that the amount of such an assessment may not exceed $100.

''(C) The Secretary may collect an assessment under subparagraph (A) by offsetting the amount of the fee otherwise required to be paid to the agent or attorney from the past-due benefits owed to the claimant represented by the agent or attorney.

''(D) An agent or attorney who is charged an assessment under subparagraph (A) may not, directly or indirectly, request, receive, or obtain reimbursement for such assessment from the claimant represented by the agent or attorney.

''(E) Amounts collected under this paragraph shall be deposited in the account available for administrative expenses for veterans' benefits programs. Amounts so deposited shall be merged with amounts in such account and shall be available for the same purpose, and subject to the same conditions and limitations, as amounts otherwise in such account.''.

(2) SUSPENSION OF RECOGNIZED REPRESENTATIVES OF VETERANS SERVICE ORGANIZATIONS.—Section 5902(b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''(b)''; and

(C) by adding at the end the following new paragraph:

''(2) An individual recognized under this section shall be subject to the provisions of section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.''.

(3) SUSPENSION OF INDIVIDUALS RECOGNIZED FOR PARTICULAR CLAIMS.—Section 5903 is amended—

(A) by inserting ''(a) IN GENERAL.—'' before ''The Secretary''; and

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

''(b) SUSPENSION.—An individual recognized under this section shall be subject to the provisions of section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.''.

(b) ADDITIONAL BASES FOR SUSPENSION OF INDIVIDUALS.—Subsection (b) of section 5904 is amended—

(1) by inserting ''SUSPENSION OF AGENTS AND ATTORNEYS.—'' after ''(b)'';

(2) in paragraph (4), by striking ''or'' at the end;

(3) in paragraph (5), by striking the period and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

''(6) has presented to the Secretary a frivolous claim, issue, or argument, involving conduct inconsistent with ethical standards for the practice of law;

''(7) has been suspended or disbarred by any court or bar to which such agent or attorney was previously admitted to practice, or has been disqualified from participating in or appearing before any Federal agency, and has not been subsequently reinstated;

''(8) has charged excessive or unreasonable fees, as determined by the Secretary in accordance with subsection (c)(3)(A); or

''(9) has failed to comply with any other condition specified in regulations prescribed by the Secretary for purposes of this subsection.''.

(c) MODIFICATION OF DATE FOR COMMENCEMENT OF SERVICES SUBJECT TO FEES.—

(1) MODIFICATION.—Effective as provided in subsection (h), paragraph (1) of subsection (c) of such section is amended—

(A) by striking ''the Board of Veterans' Appeals first makes a final decision in'' and inserting ''a notice of disagreement is filed with respect to'';

(B) by striking the second sentence; and

(C) in the third sentence, by inserting ''fees charged, allowed, or paid for'' before ''services provided''.

(2) REPORT.—Not later than 42 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report that sets forth an assessment of the effects of allowing agents and attorneys recognized under section 5904 of title 38, United States Code, to charge a fee to a claimant for services rendered in the preparation, presentation, and prosecution of a claim before the Department of Veterans Affairs after a notice of disagreement has been filed. Such report shall include the recommendations of the Secretary with respect to agent and attorney representation.

(d) MODIFICATION OF REQUIREMENTS TO FILE ATTORNEY FEE AGREEMENTS.—Effective as provided in subsection (h), paragraph (2) of subsection (c) of such section is amended—

(1) by striking ''after the Board first makes a final decision in the case'' and inserting ''after a notice of disagreement is filed with respect to the case'';

(2) by striking ''with the Board at such time as may be specified by the Board'' and inserting ''with the Secretary pursuant to regulations prescribed by the Secretary''; and

(3) by striking the second and third sentences.

(e) ATTORNEY FEES.—Subsection (c) of such section is further amended—

(1) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraph (4)''; and

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3)(A) The Secretary may, upon the Secretary's own motion or at the request of the claimant, review a fee agreement filed pursuant to paragraph (2) and may order a reduction in the fee called for in the agreement if the Secretary finds that the fee is excessive or unreasonable.

''(B) A finding or order of the Secretary under subparagraph (A) may be reviewed by the Board of Veterans' Appeals under section 7104 of this title.

''(C) If the Secretary under subsection (b) suspends or excludes from further practice before the Department any agent or attorney who collects or receives a fee in excess of the amount authorized under this section, the suspension shall continue until the agent or attorney makes full restitution to each claimant from whom the agent or attorney collected or received an excessive fee. If the agent or attorney makes such restitution, the Secretary may reinstate such agent or attorney under such rules as the Secretary may prescribe.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—Subsection (d) of such section is amended—

(1) by inserting ''PAYMENT OF FEES OUT OF PAST-DUE BENEFITS.—'' after ''(d)'';

(2) by inserting ''agent or'' before ''attorney'' each place it appears;

(3) in paragraph (1), by striking ''of this subsection'' after ''paragraph (2)'';

(4) in paragraph (2)(B), by striking ''of this paragraph'' after ''subparagraph (A)''; and

(5) in paragraph (3)—

(A) by striking ''attorneys' fee'' and inserting ''fee to an agent or attorney''; and

(B) by striking ''of this subsection'' after ''paragraph (1)''.

(g) REPEAL OF PENALTY FOR CERTAIN ACTS.—Section 5905 is amended by striking ''(1)'' and all that follows through ''(2)''.

(h) EFFECTIVE DATE.—The amendments made by subsections (c)(1) and (d) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to services of agents and attorneys that are provided with respect to cases in which notices of disagreement are filed on or after that date.

(i) LIMITATION ON COLLECTION OF FEE ASSESSMENT.—No assessments on fees may be collected under paragraph (6) of section 5904(a) of title 38, United States Code (as added by subsection (a)(1)(D) of this section), until the date on which the Secretary of Veterans Affairs prescribes the regulations required by the amendments made by this section.

TITLE II—HEALTH MATTERS

SEC. 201. ADDITIONAL MENTAL HEALTH PROVIDERS.

(a) APPOINTMENTS.—Section 7401(3) is amended by inserting after ''social workers,'' the following: ''marriage and family therapists, licensed professional mental health counselors,''.

(b) QUALIFICATIONS.—Section 7402(b) is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

(2) by inserting after paragraph (9) the following new paragraphs:

''(10) MARRIAGE AND FAMILY THERAPIST.—To be eligible to be appointed to a marriage and family therapist position, a person must—

''(A) hold a master's degree in marriage and family therapy, or a comparable degree in mental health, from a college or university approved by the Secretary; and

''(B) be licensed or certified to independently practice marriage and family therapy in a State, except that the Secretary may waive the requirement of licensure or certification for an individual marriage and family therapist for a reasonable period of time recommended by the Under Secretary for Health.

''(11) LICENSED PROFESSIONAL MENTAL HEALTH COUNSELOR.—To be eligible to be appointed to a licensed professional mental health counselor position, a person must—

''(A) hold a master's degree in mental health counseling, or a related field, from a college or university approved by the Secretary; and

''(B) be licensed or certified to independently practice mental health counseling.''.

(c) REPORT ON MARRIAGE AND FAMILY THERAPY WORKLOAD.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Health of the Department of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the provision of treatment for post-traumatic stress disorder by marriage and family therapists employed by the Department of Veterans Affairs.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) The actual and projected workloads in facilities of the Veterans Readjustment Counseling Service and the Veterans Health Administration for the provision of marriage and family counseling for veterans diagnosed with, or otherwise in need of treatment for, post-traumatic stress disorder.

(B) The resources available and needed to support the projected workload described in subparagraph (A).

(C) An assessment by the Under Secretary for Health of the effectiveness of treatment for post-traumatic stress disorder that is provided by marriage and family therapists.

(D) Recommendations, if any, for improvements in the provision of such treatment by such therapists.

SEC. 202. PAY COMPARABILITY FOR THE CHIEF NURSING OFFICER, OFFICE OF NURSING SERVICES.

Section 7404 is amended—

(1) in subsection (d), by striking ''subchapter III and in'' and inserting ''subsection (e), subchapter III, and''; and

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

''(e) The position of Chief Nursing Officer, Office of Nursing Services, shall be exempt from the provisions of section 7451 of this title and

shall be paid at a rate determined by the Secretary, not to exceed the maximum rate established for the Senior Executive Service under section 5382 of title 5.''.

SEC. 203. IMPROVEMENT AND EXPANSION OF MENTAL HEALTH SERVICES.

(a) REQUIRED CAPACITY FOR COMMUNITY-BASED OUTPATIENT CLINICS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that each community-based outpatient clinic of the Department of Veterans Affairs has the capacity to provide, or monitor the provision of, mental health services to enrolled veterans who, as determined by the Secretary, are in need of such services.

(2) SETTINGS.—In carrying out paragraph (1), the Secretary shall ensure that mental health services are provided through—

(A) a community-based outpatient clinic of the Department by an employee of the Department;

(B) referral to another facility of the Department;

(C) contract with an appropriate mental health professional in the community; or

(D) telemental health services.

(b) CLINICAL TRAINING AND PROTOCOLS.—

(1) COLLABORATION.—The National Center on Post-Traumatic Stress Disorder of the Department of Veterans Affairs shall collaborate with the Secretary of Defense—

(A) to enhance the clinical skills of military clinicians on matters relating to post-traumatic stress disorder through training, treatment protocols, web-based interventions, and the development of evidence-based interventions; and

(B) to promote pre-deployment resilience and post-deployment readjustment among members of the Armed Forces serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2007 $2,000,000 to carry out this subsection.

(c) MENTAL HEALTH OUTREACH.—The Secretary of Veterans Affairs shall—

(1) develop additional educational materials on post-traumatic stress disorder; and

(2) undertake additional efforts to educate veterans about post-traumatic stress disorder.

(d) REVIEW OF PTSD CLINICAL GUIDELINES.—The Secretary of Veterans Affairs shall—

(1) review the clinical guidelines of the Department of Veterans Affairs on post-traumatic stress disorder and all appropriate protocols related to post-traumatic stress disorder;

(2) revise such guidelines and protocols as the Secretary considers appropriate to ensure that clinicians are able to effectively distinguish between diagnoses with similar symptoms that may manifest as post-traumatic stress disorder, including traumatic brain injury; and

(3) develop performance measures for the treatment of post-traumatic stress disorder among veterans.

SEC. 204. DISCLOSURE OF MEDICAL RECORDS.

(a) LIMITED EXCEPTION TO CONFIDENTIALITY OF MEDICAL RECORDS.—Section 5701 is amended by adding at the end the following new subsection:

''(k)(1)(A) Under regulations that the Secretary shall prescribe, the Secretary may disclose the name and address of any individual described in subparagraph (C) to an entity described in subparagraph (B) in order to facilitate the determination by such entity whether the individual is, or after death will be, a suitable organ, tissue, or eye donor if—

''(i) the individual is near death (as determined by the Secretary) or is deceased; and

''(ii) the disclosure is permitted under regulations promulgated pursuant to section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

''(B) An entity described in this subparagraph is—

''(i) an organ procurement organization, including eye and tissue banks; or

''(ii) an entity that the Secretary has determined—

''(I) is substantially similar in function, professionalism, and reliability to an organ procurement organization; and

''(II) should be treated for purposes of this subsection in the same manner as an organ procurement organization.

''(C) An individual described in this subparagraph is—

''(i) a veteran; or

''(ii) a dependent of veteran.

''(2) In this subsection, the term 'organ procurement organization' has the meaning given the term 'qualified organ procurement organization' in section 371(b) of the Public Health Service Act (42 U.S.C. 273(b)).''.

(b) DISCLOSURES FROM CERTAIN MEDICAL RECORDS.—Section 7332(b)(2) is amended by adding at the end the following new subparagraph:

''(E) To an entity described in paragraph (1)(B) of section 5701(k) of this title, but only to the extent authorized by such section.''.

(c) DEADLINE FOR PRESCRIBING REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations under subsection (k) of section 5701 of title 38, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 205. EXPANSION OF TELEHEALTH SERVICES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall increase the number of facilities of the Readjustment Counseling Service that are capable of providing health services and counseling through telehealth linkages with facilities of the Veterans Health Administration.

(b) PLAN.—Not later than July 1, 2007, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan to implement the requirement in subsection (a). The plan shall specify which facilities of the Readjustment Counseling Service will have the capabilities described in subsection (a) as of the end of each of fiscal years 2007, 2008, and 2009.

SEC. 206. STRATEGIC PLAN FOR LONG-TERM CARE.

(a) PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall publish a strategic plan for the provision of long-term care by the Department of Veterans Affairs.

(b) POLICIES AND STRATEGIES.—The plan published under subsection (a) shall contain policies and strategies for—

(1) the delivery of care in domiciliaries, residential treatment facilities, and nursing homes and for seriously mentally ill veterans;

(2) maximizing the use of State veterans homes;

(3) locating domiciliary units as close to patient populations as feasible; and

(4) identifying freestanding nursing homes as an acceptable care model.

(c) DATA.—The plan published under subsection (a) shall include data on—

(1) the provision of care of catastrophically disabled veterans; and

(2) the geographic distribution of catastrophically disabled veterans.

(d) NONINSTITUTIONAL LONG-TERM CARE OPTIONS.—The plan published under subsection (a) shall address the spectrum of noninstitutional long-term care options, including each of the following:

(1) Respite care.

(2) Home-based primary care.

(3) Geriatric evaluation.

(4) Adult day health care.

(5) Skilled home health care.

(6) Community residential care.

(e) ADDITIONAL MATTERS TO BE INCLUDED.—The plan published under subsection (a) shall provide—

(1) cost and quality comparison analyses of all the different levels of long-term care for veterans;

(2) detailed information about geographic distribution of services and gaps in care; and

(3) specific plans for working with Medicare, Medicaid, and private insurance companies to expand the availability of such care.

SEC. 207. BLIND REHABILITATION OUTPATIENT SPECIALISTS.

(a) FINDINGS.—Congress makes the following findings:

(1) There are approximately 135,000 blind veterans throughout the United States, including approximately 35,000 who are enrolled with the Department of Veterans Affairs. An aging veteran population and injuries incurred in Operation Iraqi Freedom and Operation Enduring Freedom are increasing the number of blind veterans.

(2) Since 1996, when the Department of Veterans Affairs hired its first 14 blind rehabilitation outpatient specialists (referred to in this section as ''Specialists''), Specialists have been a critical part of the continuum of care for blind and visually impaired veterans.

(3) The Department of Veterans Affairs operates 10 residential blind rehabilitation centers that are considered among the best in the world. These centers have had long waiting lists, with as many as 1,500 blind veterans waiting for openings in 2004.

(4) Specialists provide—

(A) critically needed services to veterans who are unable to attend residential centers or are waiting to enter a residential center program;

(B) a range of services for blind veterans, including training with living skills, mobility, and adaptation of manual skills; and

(C) pre-admission screening and follow-up care for blind rehabilitation centers.

(5) There are not enough Specialist positions to meet the increased numbers and needs of blind veterans.

(b) ESTABLISHMENT OF ADDITIONAL SPECIALIST POSITIONS.—Not later than 30 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish an additional Specialist position at not fewer than 35 additional facilities of the Department of Veterans Affairs.

(c) SELECTION OF FACILITIES.—In identifying the most appropriate facilities to receive a Specialist position under this section, the Secretary shall—

(1) give priority to facilities with large numbers of enrolled legally blind veterans;

(2) ensure that each facility does not have such a position; and

(3) ensure that each facility is in need of the services of a Specialist.

(d) COORDINATION.—The Secretary shall coordinate the provision of blind rehabilitation services for veterans with services for the care of the visually impaired offered by State and local agencies, especially to the extent to which such State and local agencies can provide necessary services to blind veterans in settings located closer to the residences of such veterans at similar quality and cost to the veteran.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of Veterans Affairs to carry out this section $3,500,000 for each of fiscal years 2007 through 2012.

SEC. 208. EXTENSION OF CERTAIN COMPLIANCE REPORTS.

(a) MANAGEMENT OF HEALTH CARE.—Section 1706(b)(5)(A) is amended by striking ''2004'' and inserting ''2008''.

(b) ADVISORY COMMITTEE ON WOMEN VETERANS.—Section 542(c)(1) is amended by striking ''2004'' and inserting ''2008''.

SEC. 209. PARKINSON'S DISEASE RESEARCH, EDUCATION, AND CLINICAL CENTERS AND MULTIPLE SCLEROSIS CENTERS OF EXCELLENCE.

(a) REQUIREMENT FOR ESTABLISHMENT OF CENTERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 is amended by adding at the end the following new sections:

"§ 7329. Parkinson's Disease research, education, and clinical centers

''(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary, upon the recommendation of the Under Secretary for Health, shall designate not less than six Department health-care facilities as the locations for centers of Parkinson's Disease research, education, and clinical activities.

''(2) Subject to the availability of appropriations for such purpose, the Secretary shall establish and operate centers of Parkinson's Disease research, education, and clinical activities centers at the locations designated pursuant to paragraph (1).

''(b) CRITERIA FOR DESIGNATION OF FACILITIES.—(1) In designating Department health-care facilities for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall assure appropriate geographic distribution of such facilities.

''(2) Except as provided in paragraph (3), the Secretary shall designate as the location for a center of Parkinson's Disease research, education, and clinical activities pursuant to subsection (a)(1) each Department health-care facility that as of January 1, 2005, was operating a Parkinson's Disease research, education, and clinical center.

''(3) The Secretary may not under subsection (a) designate a facility described in paragraph (2) if (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility—

''(A) does not meet the requirements of subsection (c); or

''(B) has not demonstrated—

''(i) effectiveness in carrying out the established purposes of such center; or

''(ii) the potential to carry out such purposes effectively in the reasonably foreseeable future.

''(c) REQUIREMENTS FOR DESIGNATION.—(1) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility as a location for a new center under subsection (a) is among those proposals that meet the highest competitive standards of scientific and clinical merit.

''(2) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

''(A) An arrangement with an accredited medical school that provides education and training in neurology and with which the Department health-care facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of chronic neurodegenerative diseases and movement disorders, including Parkinson's Disease.

''(B) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

''(C) An advisory committee composed of veterans and appropriate health-care and research representatives of the Department health-care facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

''(D) The capability to conduct effectively evaluations of the activities of such center.

''(E) The capability to coordinate (as part of an integrated national system) education, clinical, and research activities within all facilities with such centers.

''(F) The capability to jointly develop a consortium of providers with interest in treating neurodegenerative diseases, including Parkinson's Disease and other movement disorders, at facilities without centers established under subsection (a) in order to ensure better access to state-of-the-art diagnosis, care, and education for neurodegenerative disorders throughout the health-care system of the Department.

''(G) The capability to develop a national repository in the health-care system of the Department for the collection of data on health services delivered to veterans seeking care for neurodegenerative diseases, including Parkinson's Disease, and other movement disorders.

''(d) PEER REVIEW PANEL.—(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of centers under this section.

''(2)(A) The membership of the panel shall consist of experts in neurodegenerative diseases, including Parkinson's Disease and other movement disorders.

''(B) Members of the panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

''(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

''(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

''(4) The panel shall not be subject to the Federal Advisory Committee Act.

''(e) PRIORITY OF FUNDING.—Before providing funds for the operation of a center designated under subsection (a) at a Department health-care facility other than at a facility designated pursuant to subsection (b)(2), the Secretary shall ensure that each Parkinson's Disease center at a facility designated pursuant to subsection (b)(2) is receiving adequate funding to enable that center to function effectively in the areas of Parkinson's Disease research, education, and clinical activities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

''(g) AWARD COMPETITIONS.—Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account. Such activities shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in Parkinson's Disease and other movement disorders.

"§ 7330. Multiple sclerosis centers of excellence

''(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary, upon the recommendation of the Under Secretary for Health, shall designate not less than two Department health-care facilities as the locations for multiple sclerosis centers of excellence.

''(2) Subject to the availability of appropriations for such purpose, the Secretary shall establish and operate multiple sclerosis centers of excellence at the locations designated pursuant to paragraph (1).

''(b) CRITERIA FOR DESIGNATION OF FACILITIES.—(1) In designating Department health-care facilities for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall assure appropriate geographic distribution of such facilities.

''(2) Except as provided in paragraph (3), the Secretary shall designate as the location for a center pursuant to subsection (a)(1) each Department health-care facility that as of January 1, 2005, was operating a multiple sclerosis center of excellence.

''(3) The Secretary may not under subsection (a) designate a facility described in paragraph (2) if (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility—

''(A) does not meet the requirements of subsection (c); or

''(B) has not demonstrated—

''(i) effectiveness in carrying out the established purposes of such center; or

''(ii) the potential to carry out such purposes effectively in the reasonably foreseeable future.

''(c) REQUIREMENTS FOR DESIGNATION.—(1) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility as a location for a new center under subsection (a) is among those proposals that meet the highest competitive standards of scientific and clinical merit.

''(2) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

''(A) An arrangement with an accredited medical school that provides education and training in neurology and with which the Department health-care facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of autoimmune diseases affecting the central nervous system, including multiple sclerosis.

''(B) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

''(C) An advisory committee composed of veterans and appropriate health-care and research representatives of the Department health-care facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

''(D) The capability to conduct effectively evaluations of the activities of such center.

''(E) The capability to coordinate (as part of an integrated national system) education, clinical, and research activities within all facilities with such centers.

''(F) The capability to jointly develop a consortium of providers with interest in treating multiple sclerosis at facilities without such centers in order to ensure better access to state-of-the-art diagnosis, care, and education for autoimmune disease affecting the central nervous system throughout the health-care system of the Department.

''(G) The capability to develop a national repository in the health-care system of the Department for the collection of data on health services delivered to veterans seeking care for autoimmune disease affecting the central nervous system.

''(d) PEER REVIEW PANEL.—(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of centers under this section.

''(2)(A) The membership of the panel shall consist of experts in autoimmune disease affecting the central nervous system.

''(B) Members of the panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

''(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

''(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

''(4) The panel shall not be subject to the Federal Advisory Committee Act.

''(e) PRIORITY OF FUNDING.—Before providing funds for the operation of a center designated under subsection (a) at a Department healthcare facility other than at a facility designated pursuant to subsection (b)(2), the Secretary shall ensure that each multiple sclerosis center at a facility designated pursuant to subsection (b)(2) is receiving adequate funding to enable that center to function effectively in the areas of multiple sclerosis research, education, and clinical activities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

''(g) AWARD COMPETITIONS.—Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account. Such activities shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in multiple sclerosis and other neurodegenerative disorders.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7328 the following new items:

''7329. Parkinson's Disease research, education, and clinical centers.

''7330. Multiple sclerosis centers of excellence.''.

(b) EFFECTIVE DATE.—Sections 7329 and 7330 of title 38, United States Code, as added by subsection (a), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act.

SEC. 210. REPEAL OF TERM OF OFFICE FOR THE UNDER SECRETARY FOR HEALTH AND THE UNDER SECRETARY FOR BENEFITS.

(a) UNDER SECRETARY FOR HEALTH.—

(1) IN GENERAL.—Section 305 is amended by striking subsection (c).

(2) CONFORMING AMENDMENT.—Subsection (d) of such section is redesignated as subsection (c).

(b) UNDER SECRETARY FOR BENEFITS.—

(1) IN GENERAL.—Section 306 is amended by striking subsection (c).

(2) CONFORMING AMENDMENT.—Subsection (d) of such section is redesignated as subsection (c).

SEC. 211. MODIFICATIONS TO STATE HOME AUTHORITIES.

(a) NURSING HOME CARE AND PRESCRIPTION MEDICATIONS IN STATE HOMES FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.—

(1) NURSING HOME CARE.—Subchapter V of chapter 17 is amended by adding at the end the following new section:

''§ 1745. Nursing home care and medications for veterans with service-connected disabilities

''(a)(1) The Secretary shall pay each State home for nursing home care at the rate determined under paragraph (2), in any case in which such care is provided to any veteran as follows:

''(A) Any veteran in need of such care for a service-connected disability.

''(B) Any veteran who—

''(i) has a service-connected disability rated at 70 percent or more; and

''(ii) is in need of such care.

''(2) The rate determined under this paragraph with respect to a State home is the lesser of—

''(A) the applicable or prevailing rate payable in the geographic area in which the State home is located, as determined by the Secretary, for nursing home care furnished in a non-Department nursing home (as that term is defined in section 1720(e)(2) of this title); or

''(B) a rate not to exceed the daily cost of care, as determined by the Secretary, following a report to the Secretary by the director of the State home.

''(3) Payment by the Secretary under paragraph (1) to a State home for nursing home care provided to a veteran described in that paragraph constitutes payment in full to the State home for such care furnished to that veteran.''.

(2) PROVISION OF PRESCRIPTION MEDICINES.—Such section, as so added, is further amended by adding at the end the following new subsection:

''(b) The Secretary shall furnish such drugs and medicines as may be ordered on prescription of a duly licensed physician as specific therapy in the treatment of illness or injury to any veteran as follows:

''(1) Any veteran who—

''(A) is not being provided nursing home care for which payment is payable under subsection (a); and

''(B) is in need of such drugs and medicines for a service-connected disability.

''(2) Any veteran who—

''(A) has a service-connected disability rated at 50 percent or more;

''(B) is not being provided nursing home care for which payment is payable under subsection (a); and

''(C) is in need of such drugs and medicines.''.

(3) CONFORMING AMENDMENTS.—

(A) CRITERIA FOR PAYMENT.—Section 1741(a)(1) is amended by striking ''The'' and inserting ''Except as provided in section 1745 of this title, the''.

(B) ELIGIBILITY FOR NURSING HOME CARE.—Section 1710(a)(4) is amended—

(i) by striking ''and'' before ''the requirement in section 1710B of this title''; and

(ii) by inserting '', and the requirement in section 1745 of this title to provide nursing home care and prescription medicines to veterans with service-connected disabilities in State homes'' after ''a program of extended care services''.

(4) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1744 the following new item:

''1745. Nursing home care and medications for veterans with service-connected disabilities.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 90 days after the date of the enactment of this Act.

(b) IDENTIFICATION OF VETERANS IN STATE HOMES.—Such chapter is further amended—

(1) in section 1745, as added by subsection (a)(1) of this section, by adding at the end the following new subsection:

''(c) Any State home that requests payment or reimbursement for services provided to a veteran under this section shall provide to the Secretary such information as the Secretary considers necessary to identify each individual veteran eligible for payment under such section.''; and

(2) in section 1741, by adding at the end the following new subsection:

''(f) Any State home that requests payment or reimbursement for services provided to a veteran under this section shall provide to the Secretary such information as the Secretary considers necessary to identify each individual veteran eligible for payment under such section.''.

(c) AUTHORITY TO TREAT CERTAIN HEALTH FACILITIES AS STATE HOMES.—

(1) AUTHORITY.—Subchapter III of chapter 81 is amended by adding at the end the following new section:

''§ 8138. Treatment of certain health facilities as State homes

''(a) The Secretary may treat a health facility (or certain beds in a health facility) as a State home for purposes of subchapter V of chapter 17 of this title if the following requirements are met:

''(1) The facility (or certain beds in such facility) meets the standards for the provision of nursing home care that are applicable to State homes, as prescribed by the Secretary under section 8134(b) of this title, and such other standards relating to the facility (or certain beds in such facility) as the Secretary may require.

''(2) The facility (or certain beds in such facility) is licensed or certified by the appropriate State and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting State home facilities.

''(3) The State demonstrates in an application to the Secretary that, but for the treatment of a facility (or certain beds in such facility), as a State home under this subsection, a substantial number of veterans residing in the geographic area in which the facility is located who require nursing home care will not have access to such care.

''(4) The Secretary determines that the treatment of the facility (or certain beds in such facility) as a State home best meets the needs of veterans for nursing home care in the geographic area in which the facility is located.

''(5) The Secretary approves the application submitted by the State with respect to the facility (or certain beds in such facility).

''(b) The Secretary may not treat a health facility (or certain beds in a health facility) as a State home under subsection (a) if the Secretary determines that such treatment would increase the number of beds allocated to the State in excess of the limit on the number of beds provided for by regulations prescribed under section 8134(a) of this title.

''(c) The number of beds occupied by veterans in a health facility for which payment may be made under subchapter V of chapter 17 of this title by reason of subsection (a) shall not exceed—

''(1) 100 beds in the aggregate for all States; and

''(2) in the case of any State, the difference between—

''(A) the number of veterans authorized to be in beds in State homes in such State under regulations prescribed under section 8134(a) of this title; and

''(B) the number of veterans actually in beds in State homes (other than facilities or certain beds treated as State homes under subsection (a)) in such State under regulations prescribed under such section.

''(d) The number of beds in a health facility in a State that has been treated as a State home under subsection (a) shall be taken into account in determining the unmet need for beds for State homes for the State under section 8134(d)(1) of this title.

''(e) The Secretary may not treat any new health facilities (or any new certain beds in a health facility) as a State home under subsection (a) after September 30, 2009.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8137 the following new item:

''8138. Treatment of certain health facilities as State homes.''.

SEC. 212. OFFICE OF RURAL HEALTH.

(a) IN GENERAL.—

(1) ESTABLISHMENT AND FUNCTIONS.—Chapter 73 is amended by inserting after section 7307 the following new section:

''§ 7308. Office of Rural Health

''(a) ESTABLISHMENT.—There is established in the Department within the Office of the Under Secretary for Health an office to be known as

the 'Office of Rural Health' (in this section referred to as the 'Office').

''(b) HEAD.—The Director of the Office of Rural Health shall be the head of the Office. The Director of the Office of Rural Health shall be appointed by the Under Secretary of Health from among individuals qualified to perform the duties of the position.

''(c) FUNCTIONS.—The functions of the Office are as follows:

''(1) In cooperation with the medical, rehabilitation, health services, and cooperative studies research programs in the Office of Policy and the Office of Research and Development of the Veterans Health Administration, to assist the Under Secretary for Health in conducting, coordinating, promoting, and disseminating research into issues affecting veterans living in rural areas.

''(2) To work with all personnel and offices of the Department of Veterans Affairs to develop, refine, and promulgate policies, best practices, lessons learned, and innovative and successful programs to improve care and services for veterans who reside in rural areas of the United States.

''(3) To designate in each Veterans Integrated Service Network (VISN) an individual who shall consult on and coordinate the discharge in such Network of programs and activities of the Office for veterans who reside in rural areas of the United States.

''(4) To perform such other functions and duties as the Secretary or the Under Secretary for Health considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7307 the following new item:

''7308. Office of Rural Health.''.

(b) ASSESSMENT OF FEE-BASIS HEALTH-CARE PROGRAM.—The Director of the Office of Rural Health shall conduct an assessment of the effects of the implementation of the fee-basis health-care program of the Veterans Health Administration on the delivery of health-care services to veterans who reside in rural areas of the United States. The assessment shall be conducted in consultation with the individuals designated under subsection (c)(3) of section 7308 of title 38, United States Code, as added by subsection (a). In conducting the assessment, the Director shall—

(1) identify various mechanisms for expanding the program in order to enhance and improve health-care services for such veterans and determine the feasibility and advisability of implementing such mechanisms; and

(2) for each mechanism determined under paragraph (1) to be feasible and advisable to implement, make recommendations to the Under Secretary for Health on the implementation of such mechanism.

(c) PLAN TO IMPROVE ACCESS AND QUALITY OF CARE.—Not later than September 30, 2007, the Director of the Office of Rural Health shall develop a plan to improve the access and quality of care for enrolled veterans in rural areas. The plan shall include—

(1) measures for meeting the long term care needs of rural veterans; and

(2) measures for meeting the mental health needs of veterans residing in rural areas.

(d) REPORT ON COMMUNITY-BASED OUTPATIENT CLINICS AND ACCESS POINTS IDENTIFIED IN CARES MAY 2004 DECISION DOCUMENT.— Not later than March 30, 2007, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that—

(1) identifies each of the community based outpatient clinics and access points identified in the May 2004 Decision Document of Capital Asset Realignment for Enhanced Services (CARES) that have been opened; and

(2) identifies each of the clinics and access points identified in such report that would be opened in fiscal year 2007 or 2008 if funding were available for such purpose.

SEC. 213. OUTREACH PROGRAM TO VETERANS IN RURAL AREAS.

(a) PROGRAM.—The Secretary of Veterans Affairs shall conduct an extensive outreach program to identify and provide information to veterans who served in the theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom and who reside in rural communities in order to enroll those veterans in the health-care system of the Department of Veterans Affairs during the period when they are eligible for such enrollment.

(b) FEATURES OF PROGRAM.—In carrying out the program under subsection (a), the Secretary shall seek to work at the local level with employers, State agencies, community health centers located in rural areas, rural health clinics, and critical access hospitals located in rural areas, and units of the National Guard and other reserve components based in rural areas, in order to increase the awareness of veterans and their families of the availability of health care provided by the Secretary and the means by which those veterans can achieve access to the health-care services provided by the Department of Veterans Affairs.

SEC. 214. PILOT PROGRAM ON IMPROVEMENT OF CAREGIVER ASSISTANCE SERVICES.

(a) IN GENERAL.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of various mechanisms to expand and improve caregiver assistance services.

(b) DURATION OF PILOT PROGRAM.—The pilot program required by subsection (a) shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(c) CAREGIVER ASSISTANCE SERVICES.—For purposes of this section, the term ''caregiver assistance services'' means services of the Department of Veterans Affairs that assist caregivers of veterans. Such services including the following:

(1) Adult-day health care services.

(2) Coordination of services needed by veterans, including services for readjustment and rehabilitation.

(3) Transportation services.

(4) Caregiver support services, including education, training, and certification of family members in caregiver activities.

(5) Home care services.

(6) Respite care.

(7) Hospice services.

(8) Any modalities of non-institutional long-term care.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Veterans Affairs $5,000,000 for each of fiscal years 2007 and 2008 to carry out the pilot program authorized by this section.

(e) ALLOCATION OF FUNDS TO FACILITIES.—The Secretary shall allocate funds appropriated pursuant to the authorization of appropriations in subsection (d) to individual medical facilities of the Department in such amounts as the Secretary determines appropriate, based upon proposals submitted by such facilities for the use of such funds for improvements to the support of the provision of caregiver assistance services. Special consideration should be given to rural facilities, including those without a long-term care facility of the Department.

(f) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of this section. The report shall include—

(1) a description and assessment of the activities carried out under the pilot program;

(2) information on the allocation of funds to facilities of the Department under subsection (e); and

(3) a description of the improvements made with funds so allocated to the support of the provision of caregiver assistance services.

SEC. 215. EXPANSION OF OUTREACH ACTIVITIES OF VET CENTERS.

(a) ADDITIONAL OUTREACH WORKERS.—The Secretary of Veterans Affairs shall employ not fewer than 100 veterans for the purpose of providing outreach to veterans on the availability of readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

(b) CONSTRUCTION WITH CURRENT OUTREACH PROGRAM.—The veterans employed under subsection (a) are in addition to any veterans employed by the Secretary for the purpose described in that subsection under the February 2004 program of the Department of Veterans Affairs to provide outreach described in that subsection.

(c) ASSIGNMENT TO VET CENTERS.—The Secretary may assign any veteran employed under subsection (a) to any center for the provision of readjustment counseling and related mental health services under section 1712A of title 38, United States Code, that the Secretary considers appropriate in order to meet the purpose described in that subsection.

(d) INAPPLICABILITY AND TERMINATION OF LIMITATION ON DURATION OF EMPLOYMENT.—Any limitation on the duration of employment of veterans under the program described in subsection (b) is hereby terminated and shall not apply to veterans employed under such program or under this section.

(e) EMPLOYMENT STATUS.—Veterans employed under subsection (a) shall be employed in career conditional status, which is the employment status in which veterans are employed under the program described in subsection (b).

SEC. 216. CLARIFICATION AND ENHANCEMENT OF BEREAVEMENT COUNSELING.

(a) CLARIFICATION OF MEMBERS OF IMMEDIATE FAMILY ELIGIBLE FOR COUNSELING.—Subsection (b) of section 1783 is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

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

''(2) For purposes of this subsection, the members of the immediate family of a member of the Armed Forces described in paragraph (1) include the parents of such member.''.

(b) PROVISION OF COUNSELING THROUGH VET CENTERS.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) PROVISION OF COUNSELING THROUGH VET CENTERS.—Bereavement counseling may be provided under this section through the facilities and personnel of centers for the provision of readjustment counseling and related mental health services under section 1712A of this title.''.

SEC. 217. FUNDING FOR VET CENTER PROGRAM.

There are authorized to be appropriated to the Department of Veterans Affairs for fiscal year 2007 $180,000,000 for the provision of readjustment counseling and related mental health services through centers under section 1712A of title 38, United States Code.

TITLE III—EDUCATION MATTERS

SEC. 301. EXPANSION OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) EXPANSION OF ELIGIBILITY.—Section 3501(a)(1) is amended—

(1) in the matter preceding subparagraph (A), by striking ''means—'' and inserting ''means any of the following:'';

(2) in each of subparagraphs (A) through (D), by capitalizing the first letter of the first word;

(3) in subparagraph (A)—

(A) by inserting after ''a person who'' the following: '', as a result of qualifying service'';

(B) by striking the comma at the end of clause (i) and inserting ''; or'';

(C) by striking '', or'' at the end of clause (ii) and inserting a period; and

(D) by striking clause (iii);

(4) in subparagraph (B) by striking the comma at the end and inserting the following: ''sustained during a period of qualifying service.'';

(5) in subparagraph (C)—

(A) by inserting ''or child'' after ''the spouse''; and

(B) by striking '', or'' at the end and inserting a period;

(6) in subparagraph (D)—

(A) in clause (i), by inserting before the comma the following: ''sustained during a period of qualifying service''; and

(B) by striking the comma at the end and inserting a period;

(7) by inserting after subparagraph (D) the following new subparagraph:

''(E) The spouse or child of a person who—

''(i) at the time of the Secretary's determination under clause (ii), is a member of the Armed Forces who is hospitalized or receiving outpatient medical care, services, or treatment;

''(ii) the Secretary determines has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service; and

''(iii) is likely to be discharged or released from such service for such disability.''; and

(8) by striking ''arising out of'' and all that follows through the end.

(b) CONFORMING AMENDMENTS TO CHAPTER 35.—Chapter 35 is amended as follows:

(1) Section 3501(a) is amended by adding at the end the following new paragraph:

''(12) The term 'qualifying service' means service in the active military, naval, or air service after the beginning of the Spanish-American War that did not terminate under dishonorable conditions.''.

(2) Section 3511 is amended—

(A) in subsection (a)(1)—

(i) by striking ''Each eligible person'' and inserting the following: ''Each eligible person, whether made eligible by one or more of the provisions of section 3501(a)(1) of this title,'';

(ii) by striking ''a period'' and inserting ''an aggregate period''; and

(iii) by striking the second sentence;

(B) in subsection (b)—

(i) in paragraph (2)—

(I) by striking ''the provisions of section 3501(a)(1)(A)(iii) or'' and inserting ''section''; and

(II) by striking ''or'' at the end;

(ii) in paragraph (3)—

(I) by striking ''section 3501(a)(1)(D)'' and inserting ''subparagraph (D) or (E) of section 3501(a)(1)''; and

(II) by inserting ''or'' after the comma at the end; and

(iii) by inserting after paragraph (3) the following new paragraph:

''(4) the parent or spouse from whom such eligibility is derived based upon subparagraph (E) of section 3501(a)(1) of this title no longer meets a requirement under clause (i), (ii), or (iii) of that subparagraph,''; and

(C) by striking subsection (c).

(3) Section 3512 is amended—

(A) in subsection (a)—

(i) by striking ''an eligible person (within the meaning of section 3501(a)(1)(A) of this title)'' and inserting ''an eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title''; and

(ii) in paragraph (6), by striking ''the provisions of section 3501(a)(1)(A)(iii)'' and inserting ''a parent being listed in one of the categories referred to in section 3501(a)(1)(C)'';

(B) in subsection (b)—

(i) in paragraph (1)(A)—

(I) by inserting after ''section 3501(a)(1) of this title'' the following: ''or a person made eligible by the disability of a spouse under section 3501(a)(1)(E) of this title''; and

(II) by striking ''or 3501(a)(1)(D)(ii) of this title'' and inserting ''3501(a)(1)(D)(ii), or 3501(a)(1)(E) of this title'';

(ii) in paragraph (1)(B), by adding at the end the following new clause:

''(iii) The date on which the Secretary notifies the member of the Armed Forces from whom eligibility is derived that the member has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service.''; and

(iii) in paragraph (2)—

(I) by striking ''or (D) of this title'' and inserting ''(D), or (E) of this title''; and

(II) by inserting ''whose eligibility is based on the death or disability of a spouse or on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title'' after ''of this title)'';

(C) in subsection (d), by striking ''veteran'' and inserting ''person''; and

(D) in subsection (e)—

(i) by inserting ''based on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title'' after ''of this title'';

(ii) by inserting ''so'' after ''the spouse was''; and

(iii) by striking ''by the Secretary'' and all that follows through ''occurs''.

(4) Section 3540 is amended by striking ''(as defined in subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title)'' and inserting ''(other than a person made eligible under subparagraph (C) of such section by reason of a spouse being listed in one of the categories referred to in that subparagraph)''.

(5) Section 3563 is amended by striking ''each eligible person defined in section 3501(a)(1)(A) of this title'' and inserting ''each eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title''.

(c) OTHER CONFORMING AMENDMENTS.—Such title is further amended as follows:

(1) Section 3686(a)(1) is amended by striking ''or (D)'' and inserting ''(D), or (E)''.

(2) Section 5113(b)(3) is amended—

(A) in subparagraph (B) by striking ''section 3501(a)(1)'' and all that follows through the end and inserting the following: ''subparagraphs (A), (B), (D), and (E) of section 3501(a)(1) of this title.''; and

(B) in subparagraph (C)—

(i) by striking ''such veteran's death'' and inserting ''the death of the person from whom such eligibility is derived''; and

(ii) by striking ''such veteran's service-connected total disability permanent in nature'' and inserting ''the service-connected total disability permanent in nature (or, in the case of a person made eligible under section 3501(a)(1)(E), the total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service) of the person from whom such eligibility is derived''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a payment of educational assistance for a course of education pursued after the date of the enactment of this Act.

SEC. 302. RESTORATION OF LOST ENTITLEMENT FOR INDIVIDUALS WHO DISCONTINUE A PROGRAM OF EDUCATION BECAUSE OF BEING ORDERED TO FULL-TIME NATIONAL GUARD DUTY.

(a) RESTORATION OF ENTITLEMENT.—Section 3511(a)(2)(B)(i) is amended by inserting after ''title 10'' the following: ''or of being involuntarily ordered to full-time National Guard duty under section 502(f) of title 32''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a payment of educational assistance allowance made after September 11, 2001.

SEC. 303. EXCEPTION FOR INSTITUTIONS OFFERING GOVERNMENT-SPONSORED NONACCREDITED COURSES TO REQUIREMENT OF REFUNDING UNUSED TUITION.

Section 3676(c)(13) is amended by striking ''prior to completion'' and all that follows and inserting the following: ''before completion and—

''(A) in the case of an institution (other than (i) a Federal, State, or local Government institution or (ii) an institution described in subparagraph (B)), such policy provides that the amount charged to the eligible person for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length; or

''(B) in the case of an institution that is a nonaccredited public educational institution, the institution has and maintains a refund policy regarding the unused portion of tuition, fees, and other charges that is substantially the same as the refund policy followed by accredited public educational institutions located within the same State as such institution.''.

SEC. 304. EXTENSION OF WORK-STUDY ALLOWANCE.

Section 3485(a)(4) is amended by striking ''December 27, 2006'' each place it appears and inserting ''June 30, 2007''.

SEC. 305. DEADLINE AND EXTENSION OF REQUIREMENT FOR REPORT ON EDUCATIONAL ASSISTANCE PROGRAM.

(a) DEADLINE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall each submit to Congress a report containing the information specified in subsections (b) and (c) of section 3036 of title 38, United States Code.

(b) EXTENSION OF REQUIREMENT.—Subsection (d) of section 3036 of title 38, United States Code, is amended by striking ''January 1, 2005'' and inserting ''January 1, 2011''.

SEC. 306. REPORT ON IMPROVEMENT IN ADMINISTRATION OF EDUCATIONAL ASSISTANCE BENEFITS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the administration of education benefits, including benefits under chapters 30, 31, 32, 34, 35, and 36 of title 38, United States Code, and chapters 1606 and 1607 of title 10, United States Code. Such report shall propose methods to streamline the processes and procedures of administering such benefits.

SEC. 307. TECHNICAL AMENDMENTS RELATING TO EDUCATION LAWS.

Section 3485 is amended—

(1) in subsection (a)(4)(E), by inserting ''or 1607'' after ''chapter 1606'';

(2) in subsection (b), by striking ''chapter 106'' and inserting ''chapter 1606 or 1607''; and

(3) in subsection (e)(1)—

(A) by striking ''services of the kind described in clauses (A) through (E) of subsection (a)(1) of this section'' and inserting ''a qualifying work-study activity described in subsection (a)(4)''; and

(B) by striking ''chapter 106'' and inserting ''chapter 1606 or 1607''.

TITLE IV—NATIONAL CEMETERY AND MEMORIAL AFFAIRS MATTERS

SEC. 401. PROVISION OF GOVERNMENT MEMORIAL HEADSTONES OR MARKERS AND MEMORIAL INSCRIPTIONS FOR DECEASED DEPENDENT CHILDREN OF VETERANS WHOSE REMAINS ARE UNAVAILABLE FOR BURIAL.

(a) PROVISION OF MEMORIAL HEADSTONES OR MARKERS.—Subsection (b) of section 2306 is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

''(C) An eligible dependent child of a veteran.''; and

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

''(5) For purposes of this section, the term 'eligible dependent child' means a child—

''(A) who is under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution; or

''(B) who is unmarried and became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a course of instruction at an approved educational institution.''.

(b) ADDITION OF MEMORIAL INSCRIPTION TO HEADSTONE OR MARKER OF VETERAN.—Subsection (f) of such section is amended by inserting ''or eligible dependent child'' after ''surviving spouse'' both places it appears.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to individuals dying after the date of the enactment of this Act.

SEC. 402. PROVISION OF GOVERNMENT MARKERS FOR MARKED GRAVES OF VETERANS AT PRIVATE CEMETERIES.

(a) EXTENSION OF AUTHORITY.—Paragraph (3) of subsection (d) of section 2306 is amended by striking ''December 31, 2006'' and inserting ''December 31, 2007''.

(b) PROVISION OF HEADSTONE OR MARKER.—

(1) IN GENERAL.—Such subsection is further amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''Government marker'' and inserting ''Government headstone or marker''; and

(ii) in the second sentence, by inserting ''headstone or'' before ''marker'' each place it appears; and

(B) in paragraph (2), by inserting ''headstone or'' before ''marker''.

(2) CONFORMING AMENDMENT.—Subsection (g)(3) of such section is amended by inserting ''headstone or'' before ''marker''.

(c) PLACEMENT OF HEADSTONE OR MARKER.—The second sentence of subsection (d)(1) of such section, as amended by subsection (b)(1)(A)(ii), is further amended by inserting before the period the following: '', or, if placement on the grave is impossible or impracticable, as close as possible to the grave within the grounds of the cemetery in which the grave is located''.

(d) DELIVERY OF HEADSTONE OR MARKER.—Subsection (d)(2) of such section, as amended by subsection (b)(1)(B), is further amended by inserting before the period the following: ''or to a receiving agent for delivery to the cemetery''.

(e) REPEAL OF OBSOLETE REPORT REQUIREMENT.—Subsection (d) of such section is further amended by striking paragraph (4).

(f) SCOPE OF HEADSTONES AND MARKERS FURNISHED.—Subsection (d) of such section is further amended by inserting after paragraph (3) the following new paragraph (4):

''(4) The headstone or marker furnished under this subsection shall be the headstone or marker selected by the individual making the request from among all the headstones and markers made available by the Government for selection.''.

SEC. 403. ELIGIBILITY OF INDIAN TRIBAL ORGANIZATIONS FOR GRANTS FOR THE ESTABLISHMENT OF VETERANS CEMETERIES ON TRUST LANDS.

Section 2408 is amended by adding at the end the following new subsection:

''(f)(1) The Secretary may make grants under this subsection to any tribal organization to assist the tribal organization in establishing, expanding, or improving veterans' cemeteries on trust land owned by, or held in trust for, the tribal organization.

''(2) Grants under this subsection shall be made in the same manner, and under the same conditions, as grants to States are made under the preceding provisions of this section.

''(3) For purposes of this subsection:

''(A) The term 'tribal organization' has the meaning given that term in section 3765(4) of this title.

''(B) The term 'trust land' has the meaning given that term in section 3765(1) of this title.''.

SEC. 404. REMOVAL OF REMAINS OF RUSSELL WAYNE WAGNER FROM ARLINGTON NATIONAL CEMETERY.

(a) REMOVAL OF REMAINS.—The Secretary of the Army shall remove the remains of Russell Wayne Wagner from Arlington National Cemetery.

(b) NOTIFICATION OF NEXT-OF-KIN.—The Secretary of the Army shall—

(1) notify the next-of-kin of record for Russell Wayne Wagner of the impending removal of his remains; and

(2) upon removal, relinquish the remains to the next-of-kin of record for Russell Wayne Wagner or, if the next-of-kin of record for Russell Wayne Wagner is unavailable, arrange for an appropriate disposition of the remains.

TITLE V—HOUSING AND SMALL BUSINESS MATTERS

SEC. 501. RESIDENTIAL COOPERATIVE HOUSING UNITS.

(a) HOUSING BENEFITS FOR COOPERATIVE HOUSING UNITS.—Subsection (a) of section 3710 is amended by inserting after paragraph (11) the following new paragraph:

''(12) With respect to a loan guaranteed after the date of the enactment of this paragraph and before the date that is five years after that date, to purchase stock or membership in a cooperative housing corporation for the purpose of entitling the veteran to occupy for dwelling purposes a single family residential unit in a development, project, or structure owned or leased by such corporation, in accordance with subsection (h).''.

(b) CONDITIONS OF HOUSING BENEFITS FOR COOPERATIVE HOUSING UNITS.—Such section is further amended by adding at the end the following new subsection:

''(h)(1) A loan may not be guaranteed under subsection (a)(12) unless—

''(A) the development, project, or structure of the cooperative housing corporation complies with such criteria as the Secretary prescribes in regulations; and

''(B) the dwelling unit that the purchase of stock or membership in the development, project, or structure of the cooperative housing corporation entitles the purchaser to occupy is a single family residential unit.

''(2) In this subsection, the term 'cooperative housing corporation' has the meaning given such term in section 216(b)(1) of the Internal Revenue Code of 1986.

''(3) When applying the term 'value of the property' to a loan guaranteed under subsection (a)(12), such term means the appraised value of the stock or membership entitling the purchaser to the permanent occupancy of the dwelling unit in the development, project, or structure of the cooperative housing corporation.''.

SEC. 502. DEPARTMENT OF VETERANS AFFAIRS GOALS FOR PARTICIPATION BY SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS IN PROCUREMENT CONTRACTS.

(a) GOALS.—

(1) IN GENERAL.—Subchapter II of chapter 81 is amended by adding at the end the following new section:

''§ 8127. Small business concerns owned and controlled by veterans: contracting goals and preferences

''(a) CONTRACTING GOALS.—(1) In order to increase contracting opportunities for small business concerns owned and controlled by veterans and small business concerns owned and controlled by veterans with service-connected disabilities, the Secretary shall—

''(A) establish a goal for each fiscal year for participation in Department contracts (including subcontracts) by small business concerns owned and controlled by veterans who are not veterans with service-connected disabilities in accordance with paragraph (2); and

''(B) establish a goal for each fiscal year for participation in Department contracts (including subcontracts) by small business concerns owned and controlled by veterans with service-connected disabilities in accordance with paragraph (3).

''(2) The goal for a fiscal year for participation under paragraph (1)(A) shall be determined by the Secretary.

''(3) The goal for a fiscal year for participation under paragraph (1)(B) shall be not less than the Government-wide goal for that fiscal year for participation by small business concerns owned and controlled by veterans with service-connected disabilities under section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)).

''(4) The Secretary shall establish a review mechanism to ensure that, in the case of a subcontract of a Department contract that is counted for purposes of meeting a goal established pursuant to this section, the subcontract was actually awarded to a business concern that may be counted for purposes of meeting that goal.

''(b) USE OF NONCOMPETITIVE PROCEDURES FOR CERTAIN SMALL CONTRACTS.—For purposes of meeting the goals under subsection (a), and in accordance with this section, in entering into a contract with a small business concern owned and controlled by veterans for an amount less than the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)), a contracting officer of the Department may use procedures other than competitive procedures.

''(c) SOLE SOURCE CONTRACTS FOR CONTRACTS ABOVE SIMPLIFIED ACQUISITION THRESHOLD.—For purposes of meeting the goals under subsection (a), and in accordance with this section, a contracting officer of the Department may award a contract to a small business concern owned and controlled by veterans using procedures other than competitive procedures if—

''(1) such concern is determined to be a responsible source with respect to performance of such contract opportunity;

''(2) the anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) but will not exceed $5,000,000; and

''(3) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

''(d) USE OF RESTRICTED COMPETITION.—Except as provided in subsections (b) and (c), for purposes of meeting the goals under subsection (a), and in accordance with this section, a contracting officer of the Department shall award contracts on the basis of competition restricted to small business concerns owned and controlled by veterans if the contracting officer has a reasonable expectation that two or more small business concerns owned and controlled by veterans will submit offers and that the award can be made at a fair and reasonable price that offers best value to the United States.

''(e) ELIGIBILITY OF SMALL BUSINESS CONCERNS.—A small business concern may be awarded a contract under this section only if the small business concern and the veteran owner of the small business concern are listed in the database of veteran-owned businesses maintained by the Secretary under subsection (f).

''(f) DATABASE OF VETERAN-OWNED BUSINESSES.—(1) Subject to paragraphs (2) through (6), the Secretary shall maintain a database of small business concerns owned and controlled by veterans and the veteran owners of such business concerns.

''(2) To be eligible for inclusion in the database, such a veteran shall submit to the Secretary such information as the Secretary may require with respect to the small business concern or the veteran.

''(3) Information maintained in the database shall be submitted on a voluntary basis by such veterans.

''(4) In maintaining the database, the Secretary shall carry out at least the following two verification functions:

''(A) Verification that each small business concern listed in the database is owned and controlled by veterans.

''(B) In the case of a veteran who indicates a service-connected disability, verification of the service-disabled status of such veteran.

''(5) The Secretary shall make the database available to all Federal departments and agencies and shall notify each such department and agency of the availability of the database.

''(6) If the Secretary determines that the public dissemination of certain types of information maintained in the database is inappropriate, the Secretary shall take such steps as are necessary to maintain such types of information in a secure and confidential manner.

''(g) ENFORCEMENT PENALTIES FOR MISREPRESENTATION.—Any business concern that is determined by the Secretary to have misrepresented the status of that concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans for purposes of this subsection shall be debarred from contracting with the Department for a reasonable period of time, as determined by the Secretary.

''(h) TREATMENT OF BUSINESSES AFTER DEATH OF VETERAN-OWNER.—(1) Subject to paragraph (3), if the death of a veteran causes a small business concern to be less than 51 percent owned by one or more veterans, the surviving spouse of such veteran who acquires ownership rights in such small business concern shall, for the period described in paragraph (2), be treated as if the surviving spouse were that veteran for the purpose of maintaining the status of the small business concern as a small business concern owned and controlled by veterans.

''(2) The period referred to in paragraph (1) is the period beginning on the date on which the veteran dies and ending on the earliest of the following dates:

''(A) The date on which the surviving spouse remarries.

''(B) The date on which the surviving spouse relinquishes an ownership interest in the small business concern.

''(C) The date that is ten years after the date of the veteran's death.

''(3) Paragraph (1) only applies to a surviving spouse of a veteran with a service-connected disability rated as 100 percent disabling or who dies as a result of a service-connected disability.

''(i) PRIORITY FOR CONTRACTING PREFERENCES.—Preferences for awarding contracts to small business concerns shall be applied in the following order of priority:

''(1) Contracts awarded pursuant to subsection (b), (c), or (d) to small business concerns owned and controlled by veterans with service-connected disabilities.

''(2) Contracts awarded pursuant to subsection (b), (c), or (d) to small business concerns owned and controlled by veterans that are not covered by paragraph (1).

''(3) Contracts awarded pursuant to—

''(A) section 8(a) of the Small Business Act (15 U.S.C. 637(a)); or

''(B) section 31 of such Act (15 U.S.C. 657a).

''(4) Contracts awarded pursuant to any other small business contracting preference.

''(j) ANNUAL REPORTS.—Not later than December 31 each year, the Secretary shall submit to Congress a report on small business contracting during the fiscal year ending in such year. Each report shall include, for the fiscal year covered by such report, the following:

''(1) The percentage of the total amount of all contracts awarded by the Department during that fiscal year that were awarded to small business concerns owned and controlled by veterans.

''(2) The percentage of the total amount of all such contracts awarded to small business concerns owned and controlled by veterans with service-connected disabilities.

''(3) The percentage of the total amount of all contracts awarded by each Administration of the Department during that fiscal year that were awarded to small business concerns owned and controlled by veterans.

''(4) The percentage of the total amount of all contracts awarded by each such Administration during that fiscal year that were awarded to small business concerns owned and controlled by veterans with service-connected disabilities.

''(k) DEFINITIONS.—In this section:

''(1) The term 'small business concern' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

''(2) The term 'small business concern owned and controlled by veterans' means a small business concern—

''(A)(i) not less than 51 percent of which is owned by one or more veterans or, in the case of a publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

''(ii) the management and daily business operations of which are controlled by one or more veterans; or

''(B) not less than 51 percent of which is owned by one or more veterans with service-connected disabilities that are permanent and total who are unable to manage the daily business operations of such concern or, in the case of a publicly owned business, not less than 51 percent of the stock of which is owned by one or more such veterans.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8126 the following new item:

''8127. Small business concerns owned and controlled by veterans: contracting goals and preferences.''.

(b) TRANSITION RULE.—A small business concern that is listed in any small business database maintained by the Secretary of Veterans Affairs on the date of the enactment of this Act shall be presumed to be eligible for inclusion in the database under subsection (f) of section 8127 of title 38, United States Code, as added by subsection (a), during the period beginning on the effective date of that section and ending one year after such effective date. Such a small business concern may be removed from the database during that period if it is found not to be a small business concern owned and controlled by veterans (as defined in subsection (k) of such section).

(c) COMPTROLLER GENERAL STUDY AND REPORT.—

(1) STUDY REQUIRED.—During the first three fiscal years for which this section is in effect, the Comptroller General shall conduct a study on the efforts made by the Secretary of Veterans Affairs to meet the contracting goals established pursuant to section 8127 of title 38, United States Code, as added by subsection (a).

(2) INFORMATION TO CONGRESS ON STUDY.—On or before January 31 of each year during which the Comptroller General conducts the study under paragraph (1), the Comptroller General shall brief Congress on such study, placing special emphasis on any structural or organizational issues within the Department of Veterans Affairs that might act as an impediment to reaching such contracting goals.

(3) REPORT.—Not later than 180 days after the end of the three-year period during which the Comptroller General conducts the study under paragraph (1), the Comptroller General shall submit to Congress a report on the findings of such study.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 503. DEPARTMENT OF VETERANS AFFAIRS CONTRACTING PRIORITY FOR VETERAN-OWNED SMALL BUSINESSES.

(a) PRIORITY FOR VETERAN-OWNED SMALL BUSINESSES.—

(1) IN GENERAL.—Subchapter II of chapter 81, as amended by section 502 of this Act, is further amended by adding at the end the following new section:

''§ 8128. Small business concerns owned and controlled by veterans: contracting priority

''(a) CONTRACTING PRIORITY.—In procuring goods and services pursuant to a contracting preference under this title or any other provision of law, the Secretary shall give priority to a small business concern owned and controlled by veterans, if such business concern also meets the requirements of that contracting preference.

''(b) DEFINITION.—For purposes of this section, the term 'small business concern owned and controlled by veterans' means a small business concern that is included in the small business database maintained by the Secretary under section 8127(f) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as so amended, is further amended by inserting after the item relating to section 8127 the following new item:

''8128. Small business concerns owned and controlled by veterans: contracting priority.''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

TITLE VI—EMPLOYMENT AND TRAINING MATTERS

SEC. 601. TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NVTI REQUIRED.

(a) TRAINING REQUIRED.—Section 4102A(c) is amended by adding at the end the following new paragraph:

''(8)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall require the State to require each employee hired by the State who is assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter to satisfactorily complete training provided by the National Veterans' Employment and Training Services Institute during the three-year period that begins on the date on which the employee is so assigned.

''(B) For any employee described in subparagraph (A) who does not complete such training during such period, the Secretary may reduce by an appropriate amount the amount made available to the State employing that employee.

''(C) The Secretary may establish such reasonable exceptions to the completion of training otherwise required under subparagraph (A) as the Secretary considers appropriate.''.

(b) SUBMISSION OF EMPLOYEE TRAINING INFORMATION REQUIRED.—Section 4102A(c)(2)(A) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause (iii):

''(iii) For each employee of the State who is assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter—

''(I) the date on which the employee is so assigned; and

''(II) whether the employee has satisfactorily completed such training by the National Veterans' Employment and Training Services Institute as the Secretary requires for purposes of paragraph (8).''.

(c) APPLICABILITY.—Paragraph (8) of section 4102A(c) of title 38, United States Code, as added by subsection (a), and clause (iii) of section 4102A(c)(2)(A) of such title, as added by subsection (b), shall apply with respect to a State employee assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of such title who is so assigned on or after January 1, 2006.

SEC. 602. RULES FOR PART-TIME EMPLOYMENT FOR DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 4103A is amended by adding at the end the following new subsection:

''(c) PART-TIME EMPLOYEES.—A part-time disabled veterans' outreach program specialist shall perform the functions of a disabled veterans' outreach program specialist under this section on a half-time basis.''.

(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) PART-TIME EMPLOYEES.—A part-time local veterans' employment representative shall perform the functions of a local veterans' employment representative under this section on a half-time basis.''.

(c) EFFECTIVE DATE.—Section 4103A(c) of title 38, United States Code, as added by subsection (a), and section 4104(d) of such title, as amended by subsection (b), shall apply with respect to pay periods beginning after the date that is 180 days after the date of the enactment of this Act.

SEC. 603. PERFORMANCE INCENTIVE AWARDS FOR EMPLOYMENT SERVICE OFFICES.

(a) PROVISION OF INCENTIVES TO EMPLOYMENT SERVICE OFFICES.—Section 4112 is amended—

(1) in subsection (a)(1)(B), by inserting ''and employment service offices'' after ''recognize eligible employees''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2)—

(i) by striking ''is'' and inserting ''in the case of such an award made to an eligible employee, shall be''; and

(ii) by striking the period at the end and inserting the following: ''; and''; and

(C) by adding at the end the following new paragraph:

''(3) in the case of such an award made to an employment service office, may be used by that employment service office for any purpose.''.

(b) CONFORMING AMENDMENT.—The heading for subsection (c) of such section is amended to read as follows: ''ADMINISTRATION AND USE OF AWARDS.—''.

SEC. 604. DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSURE OF VETERANS.

(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Chapter 41 is amended by adding at the end the following new section:

''§ 4114. Credentialing and licensure of veterans: demonstration project

''(a) DEMONSTRATION PROJECT AUTHORIZED.—The Assistant Secretary for Veterans' Employment and Training may carry out a demonstration project on credentialing in accordance with this section for the purpose of facilitating the seamless transition of members of the Armed Forces from service on active duty to civilian employment.

''(b) IDENTIFICATION OF MILITARY OCCUPATIONAL SPECIALTIES AND ASSOCIATED CREDENTIALS AND LICENSES.—(1) The Assistant Secretary shall select not less than 10 military occupational specialties for purposes of the demonstration project. Each specialty so selected by the Assistant Secretary shall require a skill or set of skills that is required for civilian employment in an industry with high growth or high worker demand.

''(2) The Assistant Secretary shall consult with appropriate Federal, State, and industry officials to identify requirements for credentials, certifications, and licenses that require a skill or set of skills required by a military occupational specialty selected under paragraph (1).

''(3) The Assistant Secretary shall analyze the requirements identified under paragraph (2) to determine which requirements may be satisfied by the skills, training, or experience acquired by members of the Armed Forces with the military occupational specialties selected under paragraph (1).

''(c) ELIMINATION OF BARRIERS TO CREDENTIALING AND LICENSURE.—The Assistant Secretary shall cooperate with appropriate Federal, State, and industry officials to reduce or eliminate any barriers to providing a credential, certification, or license to a veteran who acquired any skill, training, or experience while serving as a member of the Armed Forces with a military occupational specialty selected under subsection (b)(1) that satisfies the Federal and State requirements for the credential, certification, or license.

''(d) TASK FORCE.—The Assistant Secretary may establish a task force of individuals with appropriate expertise to provide assistance to the Assistant Secretary in carrying out this section.

''(e) CONSULTATION.—In carrying out this section, the Assistant Secretary shall consult with the Secretary of Defense, the Secretary of Veterans Affairs, appropriate Federal and State officials, private-sector employers, labor organizations, and industry trade associations.

''(f) CONTRACT AUTHORITY.—For purposes of carrying out any part of the demonstration project under this section, the Assistant Secretary may enter into a contract with a public or private entity with appropriate expertise.

''(g) PERIOD OF PROJECT.—The period during which the Assistant Secretary may carry out the demonstration project under this section shall be the period beginning on the date that is 60 days after the date of the enactment of the Veterans Benefits, Health Care, and Information Technology Act of 2006 and ending on September 30, 2009.

''(h) FUNDING.—The Assistant Secretary may carry out the demonstration project under this section utilizing unobligated funds that are appropriated in accordance with the authorization set forth in section 4106 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4114. Credentialing and licensure of veterans: demonstration project.''.

(b) MEMBERSHIP OF ADVISORY COMMITTEE ON VETERANS EMPLOYMENT, TRAINING, AND EMPLOYER OUTREACH.—Section 4110(c)(1)(A) is amended—

(1) by striking ''Six'' and inserting ''Seven''; and

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

''(vii) The National Governors Association.''.

SEC. 605. DEPARTMENT OF LABOR IMPLEMENTATION OF REGULATIONS FOR PRIORITY OF SERVICE.

Not later than two years after the date of the enactment of this Act, the Secretary of Labor shall prescribe regulations to implement section 4215 of title 38, United States Code.

TITLE VII—HOMELESS VETERANS ASSISTANCE

SEC. 701. REAFFIRMATION OF NATIONAL GOAL TO END HOMELESSNESS AMONG VETERANS.

(a) REAFFIRMATION.—Congress reaffirms the national goal to end chronic homelessness among veterans within a decade of the enactment of the Homeless Veterans Comprehensive Assistance Act of 2001 (Public Law 107–95; 115 Stat. 903).

(b) REAFFIRMATION OF ENCOURAGEMENT OF COOPERATIVE EFFORTS.—Congress reaffirms its encouragement, as specified in the Homeless Veterans Comprehensive Assistance Act of 2001 (Public Law 107–95; 115 Stat. 903), that all departments and agencies of the Federal, State, and local governments, quasi-governmental organizations, private and public sector entities, including community-based organizations, faith-based organizations, and individuals, work cooperatively to end chronic homelessness among veterans.

SEC. 702. SENSE OF CONGRESS ON THE RESPONSE OF THE FEDERAL GOVERNMENT TO THE NEEDS OF HOMELESS VETERANS.

It is the sense of Congress that—

(1) homelessness is a significant problem in the veterans community and veterans are disproportionately represented among the homeless population;

(2) while many effective programs assist homeless veterans to become, once again, productive and self-sufficient members of their communities and society, all the essential services, assistance, and support that homeless veterans require are not currently provided;

(3) federally funded programs for homeless veterans should be held accountable for achieving clearly defined results;

(4) Federal efforts to assist homeless veterans should include prevention of homelessness;

(5) Federal efforts regarding homeless veterans should be particularly vigorous where women veterans have minor children in their care;

(6) Federal agencies, particularly the Department of Veterans Affairs, the Department of Labor, and the Department of Housing and Urban Development, should cooperate more fully to address the problem of homelessness among veterans; and

(7) the programs reauthorized by this title provide important housing and services to homeless veterans.

SEC. 703. AUTHORITY TO MAKE GRANTS FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

(a) PERMANENT AUTHORITY.—Section 2011(a) is amended—

(1) by striking paragraph (2); and

(2) in paragraph (1)—

(A) by striking ''(1)''; and

(B) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(b) AUTHORIZATION OF APPROPRIATIONS.—The text of section 2013 is amended to read as follows: ''There is authorized to be appropriated to carry out this subchapter $130,000,000 for fiscal year 2007 and each fiscal year thereafter.''.

SEC. 704. EXTENSION OF TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) EXTENSION OF AUTHORITY FOR GENERAL TREATMENT.—Section 2031(b) is amended by striking ''December 31, 2006'' and inserting ''December 31, 2011''.

(b) EXTENSION OF AUTHORITY FOR ADDITIONAL SERVICES.—Section 2033(d) is amended by striking ''December 31, 2006'' and inserting ''December 31, 2011''.

SEC. 705. EXTENSION OF AUTHORITY FOR TRANSFER OF PROPERTIES OBTAINED THROUGH FORECLOSURE OF HOME MORTGAGES.

Section 2041(c) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2011''.

SEC. 706. EXTENSION OF FUNDING FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(c)(1) is amended—

(1) by striking ''Medical Care'' and inserting ''Medical Services''; and

(2) by striking ''fiscal years 2003, 2004, and 2005'' and inserting ''fiscal years 2007 through 2011''.

SEC. 707. EXTENSION OF FUNDING FOR HOMELESS VETERAN SERVICE PROVIDER TECHNICAL ASSISTANCE PROGRAM.

Subsection (b) of section 2064 is amended to read as follows:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2007 through 2012 to carry out the program under this section.''.

SEC. 708. ADDITIONAL ELEMENT IN ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS.

Section 2065(b) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) Information on the efforts of the Secretary to coordinate the delivery of housing and services to homeless veterans with other Federal departments and agencies, including—

''(A) the Department of Defense;

''(B) the Department of Health and Human Services;

''(C) the Department of Housing and Urban Development;

''(D) the Department of Justice;

''(E) the Department of Labor;

''(F) the Interagency Council on Homelessness;

''(G) the Social Security Administration; and

''(H) any other Federal department or agency with which the Secretary coordinates the delivery of housing and services to homeless veterans.''.

SEC. 709. ADVISORY COMMITTEE ON HOMELESS VETERANS.

(a) ADDITIONAL EX OFFICIO MEMBERS.—Subsection (a)(3) of section 2066 is amended by adding at the end the following new subparagraphs:

''(E) The Executive Director of the Interagency Council on Homelessness (or a representative of the Executive Director).

''(F) The Under Secretary for Health (or a representative of the Under Secretary after consultation with the Director of the Office of Homeless Veterans Programs).

''(G) The Under Secretary for Benefits (or a representative of the Under Secretary after consultation with the Director of the Office of Homeless Veterans Programs).''.

(b) EXTENSION.—Subsection (d) of such section is amended by striking ''December 31, 2006'' and inserting ''December 30, 2011''.

SEC. 710. RENTAL ASSISTANCE VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.

Section (8)(o)(19)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)(B)) is amended to read as follows:

''(B) AMOUNT.—The amount specified in this subparagraph is—

''(i) for fiscal year 2007, the amount necessary to provide 500 vouchers for rental assistance under this subsection;

''(ii) for fiscal year 2008, the amount necessary to provide 1,000 vouchers for rental assistance under this subsection;

''(iii) for fiscal year 2009, the amount necessary to provide 1,500 vouchers for rental assistance under this subsection;

''(iv) for fiscal year 2010, the amount necessary to provide 2,000 vouchers for rental assistance under this subsection; and

''(v) for fiscal year 2011, the amount necessary to provide 2,500 vouchers for rental assistance under this subsection.''.

TITLE VIII—CONSTRUCTION MATTERS

Subtitle A—Construction and Lease Authorities

SEC. 801. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2006, with each project to be carried out in the amount specified for that project:

(1) Restoration, new construction or replacement of the medical center facility for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana, due to damage from Hurricane Katrina in an amount not to exceed $300,000,000. The Secretary is authorized to carry out the project in or near New Orleans as a collaborative effort consistent with the New Orleans Collaborative Opportunities Study Group Report dated June 12, 2006.

(2) Restoration of the Department of Veterans Affairs Medical Center, Biloxi, Mississippi, and consolidation of services performed at the Department of Veterans Affairs Medical Center, Gulfport, Mississippi, in an amount not to exceed $310,000,000.

(3) Replacement of the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $98,000,000.

(b) REPORT ON REPLACEMENT OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, DENVER, COLORADO.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report identifying and outlining the various options available to the Department of Veterans Affairs for replacing the current Department of Veterans Affairs Medical Center, Denver, Colorado. The report shall include the following:

(1) The feasibility of entering into a partnership with a Federal, State, or local governmental agency, or a suitable non-profit organization, for the construction and operation of a new facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department of Veterans Affairs to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

SEC. 802. EXTENSION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each such project to be carried out in the amount specified for that project:

(1) Construction of an outpatient clinic and regional office at the Department of Veterans Affairs Medical Center, Anchorage, Alaska, in an amount not to exceed $75,270,000.

(2) Consolidation of clinical and administrative functions of the Department of Veterans Affairs Medical Center, Cleveland, Ohio, and the Department of Veterans Affairs Medical Center in Brecksville, Ohio, in an amount not to exceed $102,300,000.

(3) Construction of the Extended Care Building at the Department of Veterans Affairs Medical Center, Des Moines, Iowa, in an amount not to exceed $25,000,000.

(4) Renovation of patient wards at the Department of Veterans Affairs Medical Center, Durham, North Carolina, in an amount not to exceed $9,100,000.

(5) Correction of patient privacy deficiencies at the Department of Veterans Affairs Medical Center, Gainesville, Florida, in an amount not to exceed $85,200,000.

(6) 7th and 8th floor wards modernization addition at the Department of Veterans Affairs Medical Center, Indianapolis, Indiana, in an amount not to exceed $27,400,000.

(7) Construction of a new Medical Center Facility at the Department of Veterans Affairs Medical Center, Las Vegas, Nevada, in an amount not to exceed $406,000,000.

(8) Construction of an ambulatory surgery/outpatient diagnostic support center in the Gulf South Submarket of Veterans Integrated Service Network (VISN) 8 and completion of Phase I land purchase, Lee County, Florida, in an amount not to exceed $65,100,000.

(9) Seismic corrections, Buildings 7 and 126 at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $107,845,000.

(10) Seismic Corrections, Buildings 500 and 501 at the Department of Veterans Affairs Medical Center, Los Angeles, California, in an amount not to exceed $79,900,000.

(11) Construction of a new medical center facility in the Orlando, Florida, area in an amount not to exceed $377,700,000.

(12) Consolidation of campuses at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania, in an amount not to exceed $189,205,000.

(13) Ward upgrades and expansion at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $19,100,000.

(14) Construction of a spinal cord injury center at the Department of Veterans Affairs Medical Center, Syracuse, New York, in an amount not to exceed $77,700,000.

(15) Upgrade essential electrical distribution systems at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $49,000,000.

(16) Expansion of the spinal cord injury center addition at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $7,100,000.

(17) Blind Rehabilitation and Psychiatric Bed renovation and new construction project at the Department of Veterans Affairs Medical Center, Temple, Texas, in an amount not to exceed $56,000,000.

SEC. 803. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2007 in the amount specified for each project:

(1) Seismic Corrections, Nursing Home Care Unit and Dietetics at the Department of Veterans Affairs Medical Center, American Lake, Washington, in an amount not to exceed $38,220,000.

(2) Replacement of Operating Suite at the Department of Veterans Affairs Medical Center, Columbia, Missouri, in an amount not to exceed $25,830,000.

(3) Construction of a new clinical addition at the Department of Veterans Affairs Medical Center, Fayetteville, Arkansas, in an amount not to exceed $56,163,000.

(4) Construction of Spinal Cord Injury Center at the Department of Veterans Affairs Medical Center, Milwaukee, Wisconsin, in an amount not to exceed $32,500,000.

(5) Medical facility improvements and cemetery expansion of Jefferson Barracks at the Department of Veterans Affairs Medical Center, St. Louis, Missouri, in an amount not to exceed $69,053,000.

SEC. 804. AUTHORIZATION OF ADVANCE PLANNING AND DESIGN FOR A MAJOR MEDICAL FACILITY, CHARLESTON, SOUTH CAROLINA.

(a) AGREEMENT AUTHORIZED.—The Secretary of Veterans Affairs may enter into an agreement with the Medical University of South Carolina

to design, and plan for the operation of, a co-located joint-use medical facility in Charleston, South Carolina, to replace the Ralph H. Johnson Department of Veterans Affairs Medical Center, Charleston, South Carolina.

(b) COST LIMITATION.—Advance planning and design for a co-located, joint-use medical facility in Charleston, South Carolina, under subsection (a) shall be carried out in an amount not to exceed $36,800,000.

(c) LIMITATION ON NAMING.—A joint-use medical facility referred to in subsection (a) may not be named by the Secretary of Veterans Affairs or any other entity after any living Member or former Member of the Senate or House of Representatives.

SEC. 805. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2006 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Baltimore, Maryland, $10,908,000.

(2) For an outpatient clinic, Evansville, Indiana, $8,989,000.

(3) For an outpatient clinic, Smith County, Texas, $5,093,000.

SEC. 806. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2007 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient and specialty care clinic, Austin, Texas, $6,163,000.

(2) For an outpatient clinic, Lowell, Massachusetts, $2,520,000.

(3) For an outpatient clinic, Grand Rapids, Michigan, $4,409,000.

(4) For up to four outpatient clinics, Las Vegas, Nevada, $8,518,000.

(5) For an outpatient clinic, Parma, Ohio, $5,032,000.

SEC. 807. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 for the Construction, Major Projects, account, $708,000,000 for the projects authorized in section 801(a).

(b) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY PROJECTS UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, $1,758,920,000 for the projects whose authorization is extended by section 802.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until September 30, 2009.

(c) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, $221,766,000 for the projects authorized in section 803.

(d) AUTHORIZATION OF APPROPRIATIONS FOR ADVANCE PLANNING AND DESIGN FOR MAJOR MEDICAL FACILITY, CHARLESTON, SOUTH CAROLINA.—There is authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account, $36,800,000 for the advance planning and design authorized in section 804.

(e) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY LEASES.—

(1) FISCAL YEAR 2006 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical Care account, $24,990,000 for the leases authorized in section 805.

(2) FISCAL YEAR 2007 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical Care account, $26,642,000 for the leases authorized in section 806.

(f) LIMITATION.—The projects authorized in sections 801(a) and 802 may only be carried out using—

(1) funds appropriated for fiscal year 2006 or 2007 pursuant to the authorization of appropriations in subsections (a), (b), and (c) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2006 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2006 or 2007 that are available for obligation; and

(4) funds appropriated for Construction, Major Projects, for fiscal year 2006 or 2007 for a category of activity not specific to a project.

Subtitle B—Facilities Administration

SEC. 811. DIRECTOR OF CONSTRUCTION AND FACILITIES MANAGEMENT.

(a) ESTABLISHMENT OF POSITION.—Chapter 3 is amended by inserting after section 312 the following new section:

"§ 312A. Director of Construction and Facilities Management

''(a) IN GENERAL.—(1) There is in the Department a Director of Construction and Facilities Management, who shall be appointed by the Secretary.

''(2) The position of Director of Construction and Facilities Management is a career reserved position, as such term is defined in section 3132(a)(8) of title 5.

''(3) The Director shall provide direct support to the Secretary in matters covered by the responsibilities of the Director under subsection (c).

''(4) The Director shall report to the Deputy Secretary in the discharge of the responsibilities of the Director under subsection (c).

''(b) QUALIFICATIONS.—Each individual appointed as Director of Construction and Facilities Management shall be an individual who—

''(1) holds an undergraduate or master's degree in architectural design or engineering; and

''(2) has substantive professional experience in the area of construction project management.

''(c) RESPONSIBILITIES.—(1) The Director of Construction and Facilities Management shall—

''(A) be responsible for overseeing and managing the planning, design, construction, and operation of facilities and infrastructure of the Department, including major and minor construction projects; and

''(B) perform such other functions as the Secretary shall prescribe.

''(2) In carrying out the oversight and management of construction and operation of facilities and infrastructure under this section, the Director shall be responsible for the following:

''(A) Development and updating of short-range and long-range strategic capital investment strategies and plans of the Department.

''(B) Planning, design, and construction of facilities for the Department, including determining architectural and engineering requirements and ensuring compliance of the Department with applicable laws relating to the construction program of the Department.

''(C) Management of the short-term and long-term leasing of real property by the Department.

''(D) Repair and maintenance of facilities of the Department, including custodial services, building management and administration, and maintenance of roads, grounds, and infrastructure.

''(E) Management of procurement and acquisition processes relating to the construction and operation of facilities of the Department, including the award of contracts related to design, construction, furnishing, and supplies and equipment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 312 the following new item:

''312A. Director of Construction and Facilities Management.''.

SEC. 812. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY PROJECTS.

Section 8104(a)(3)(A) is amended by striking ''$7,000,000'' and inserting ''$10,000,000''.

SEC. 813. LAND CONVEYANCE, CITY OF FORT THOMAS, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Veterans Affairs may convey to the city of Fort Thomas, Kentucky (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including the 15 structures located thereon, consisting of approximately 11.75 acres that is managed by the Department of Veterans Affairs and located in the northeastern portion of Tower Park in Fort Thomas, Kentucky. Any such conveyance shall be subject to valid existing rights, easements, and rights-of-way.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the conveyed real property, as determined by the Secretary.

(c) TREATMENT OF CONSIDERATION.—The consideration received under subsection (b) shall be deposited, at the discretion of the Secretary, in the ''Medical Facilities'' account or the ''Construction, Minor Projects'' account (or a combination of those accounts) and shall be available to the Secretary, without limitation and until expended—

(1) to cover costs incurred by the Secretary associated with the environmental remediation of the real property before conveyance under subsection (a); and

(2) with any funds remaining after the Secretary has covered costs as required under paragraph (1), for acquisition of a site for use as a parking facility, or contract (by lease or otherwise) for the operation of a parking facility, to be used in connection with the Department of Veterans Affairs Medical Facility, Cincinnati, Ohio.

(d) RELEASE FROM LIABILITY.—Effective on the date of the conveyance under subsection (a), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the conveyed real property, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be

determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers necessary to protect the interests of the United States.

Subtitle C—Reports on Medical Facility Improvements

SEC. 821. REPORT ON OPTION FOR MEDICAL FACILITY IMPROVEMENTS IN SAN JUAN, PUERTO RICO.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report identifying and outlining the various options available to the Department of Veterans Affairs for replacing the current Department of Veterans Affairs Medical Center, San Juan, Puerto Rico. The report shall not affect current contracts at the current site, and the report shall include the following:

(1) The feasibility of entering into a partnership with a Federal, Commonwealth, or local governmental agency, or a suitable non-profit organization, for the construction and operation of a new facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

SEC. 822. BUSINESS PLANS FOR ENHANCED ACCESS TO OUTPATIENT CARE IN CERTAIN RURAL AREAS.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a business plan for enhanced access to outpatient care (as described in subsection (b)) for primary care, mental health care, and specialty care in each of the following areas:

(1) The Lewiston-Auburn area of Maine.

(2) The area of Houlton, Maine.

(3) The area of Dover-Foxcroft, Maine.

(4) Whiteside County, Illinois.

(b) MEANS OF ENHANCED ACCESS.—The means of enhanced access to outpatient care to be covered by the business plans under subsection (a) are, with respect to each area specified in that subsection, one or more of the following:

(1) New sites of care.

(2) Expansions at existing sites of care.

(3) Use of existing authority and policies to contract for care where necessary.

(4) Increased use of telemedicine.

SEC. 823. REPORT ON OPTION FOR CONSTRUCTION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN OKALOOSA COUNTY, FLORIDA.

(a) FEASIBILITY STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives of the House of Representatives a report identifying and outlining the various options available to the Department of Veterans Affairs for the placement of a Department of Veterans Affairs Medical Center in Okaloosa County, Florida. The report shall be prepared in conjunction with the Secretary of Defense and the Secretary of the Air Force.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) The feasibility of entering into a partnership with Eglin Air Force Base for the construction and operation of a new, joint Department of Veterans Affairs-Department of Defense facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department of Veterans Affairs to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

TITLE IX—INFORMATION SECURITY MATTERS

SEC. 901. SHORT TITLE.

This title may be cited as the ''Department of Veterans Affairs Information Security Enhancement Act of 2006''.

SEC. 902. DEPARTMENT OF VETERANS AFFAIRS INFORMATION SECURITY PROGRAMS AND REQUIREMENTS.

(a) INFORMATION SECURITY PROGRAMS AND REQUIREMENTS.—Chapter 57 is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—INFORMATION SECURITY

''§ 5721. Purpose

''The purpose of the Information Security Program is to establish a program to provide security for Department information and information systems commensurate to the risk of harm, and to communicate the responsibilities of the Secretary, Under Secretaries, Assistant Secretaries, other key officials, Assistant Secretary for Information and Technology, Associate Deputy Assistant Secretary for Cyber and Information Security, and Inspector General of the Department of Veterans Affairs as outlined in the provisions of subchapter III of chapter 35 of title 44 (also known as the 'Federal Information Security Management Act of 2002', which was enacted as part of the E-Government Act of 2002 (Public Law 107–347)).

''§ 5722. Policy

''(a) IN GENERAL.—The security of Department information and information systems is vital to the success of the mission of the Department. To that end, the Secretary shall establish and maintain a comprehensive Department-wide information security program to provide for the development and maintenance of cost-effective security controls needed to protect Department information, in any media or format, and Department information systems.

''(b) ELEMENTS.—The Secretary shall ensure that the Department information security program includes the following elements:

''(1) Periodic assessments of the risk and magnitude of harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the Department.

''(2) Policies and procedures that—

''(A) are based on risk assessments;

''(B) cost-effectively reduce security risks to an acceptable level; and

''(C) ensure that information security is addressed throughout the life cycle of each Department information system.

''(3) Selection and effective implementation of minimum, mandatory technical, operational, and management security controls, or other compensating countermeasures, to protect the confidentiality, integrity, and availability of each Department system and its information.

''(4) Subordinate plans for providing adequate security for networks, facilities, systems, or groups of information systems, as appropriate.

''(5) Annual security awareness training for all Department employees, contractors, and all other users of VA sensitive data and Department information systems that identifies the information security risks associated with the activities of such employees, contractors, and users and the responsibilities of such employees, contractors, and users to comply with Department policies and procedures designed to reduce such risks.

''(6) Periodic testing and evaluation of the effectiveness of security controls based on risk, including triennial certification testing of all management, operational, and technical controls, and annual testing of a subset of those controls for each Department system.

''(7) A process for planning, developing, implementing, evaluating, and documenting remedial actions to address deficiencies in information security policies, procedures, and practices.

''(8) Procedures for detecting, immediately reporting, and responding to security incidents, including mitigating risks before substantial damage is done as well as notifying and consulting with the US-Computer Emergency Readiness Team of the Department of Homeland Security, law enforcement agencies, the Inspector General of the Department, and other offices as appropriate.

''(9) Plans and procedures to ensure continuity of operations for Department systems.

''(c) COMPLIANCE WITH CERTAIN REQUIREMENTS.—The Secretary shall comply with the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements promulgated by the National Institute of Standards and Technology and the Office of Management and Budget that define Department information system mandates.

''§ 5723. Responsibilities

''(a) SECRETARY OF VETERANS AFFAIRS.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Secretary is responsible for the following:

''(1) Ensuring that the Department adopts a Department-wide information security program and otherwise complies with the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements.

''(2) Ensuring that information security protections are commensurate with the risk and magnitude of the potential harm to Department information and information systems resulting from unauthorized access, use, disclosure, disruption, modification, or destruction.

''(3) Ensuring that information security management processes are integrated with Department strategic and operational planning processes.

''(4) Ensuring that the Under Secretaries, Assistant Secretaries, and other key officials of the Department provide adequate security for the information and information systems under their control.

''(5) Ensuring enforcement and compliance with the requirements imposed on the Department under the provisions of subchapter III of chapter 35 of title 44.

''(6) Ensuring that the Department has trained program and staff office personnel sufficient to assist in complying with all the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements.

''(7) Ensuring that the Assistant Secretary for Information and Technology, in coordination with the Under Secretaries, Assistant Secretaries, and other key officials of the Department report to Congress, the Office of Management and Budget, and other entities as required by law and Executive Branch direction on the effectiveness of the Department information security program, including remedial actions.

''(8) Notifying officials other than officials of the Department of data breaches when required under this subchapter.

''(9) Ensuring that the Assistant Secretary for Information and Technology has the authority and control necessary to develop, approve, implement, integrate, and oversee the policies, procedures, processes, activities, and systems of the

Department relating to subchapter III of chapter 35 of title 44, including the management of all related mission applications, information resources, personnel, and infrastructure.

''(10) Submitting to the Committees on Veterans' Affairs of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, not later than March 1 each year, a report on the compliance of the Department with subchapter III of chapter 35 of title 44, with the information in such report displayed in the aggregate and separately for each Administration, office, and facility of the Department.

''(11) Taking appropriate action to ensure that the budget for any fiscal year, as submitted by the President to Congress under section 1105 of title 31, sets forth separately the amounts required in the budget for such fiscal year for compliance by the Department with Federal law and regulations governing information security, including this subchapter and subchapter III of chapter 35 of title 44.

''(12) Providing notice to the Director of the Office of Management and Budget, the Inspector General of the Department, and such other Federal agencies as the Secretary considers appropriate of a presumptive data breach of which notice is provided the Secretary under subsection (b)(16) if, in the opinion of the Assistant Secretary for Information and Technology, the breach involves the information of twenty or more individuals.

''(b) ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY.—The Assistant Secretary for Information and Technology, as the Chief Information Officer of the Department, is responsible for the following:

''(1) Establishing, maintaining, and monitoring Department-wide information security policies, procedures, control techniques, training, and inspection requirements as elements of the Department information security program.

''(2) Issuing policies and handbooks to provide direction for implementing the elements of the information security program to all Department organizations.

''(3) Approving all policies and procedures that are related to information security for those areas of responsibility that are currently under the management and the oversight of other Department organizations.

''(4) Ordering and enforcing Department-wide compliance with and execution of any information security policy.

''(5) Establishing minimum mandatory technical, operational, and management information security control requirements for each Department system, consistent with risk, the processes identified in standards of the National Institute of Standards and Technology, and the responsibilities of the Assistant Secretary to operate and maintain all Department systems currently creating, processing, collecting, or disseminating data on behalf of Department information owners.

''(6) Establishing standards for access to Department information systems by organizations and individual employees, and to deny access as appropriate.

''(7) Directing that any incidents of failure to comply with established information security policies be immediately reported to the Assistant Secretary.

''(8) Reporting any compliance failure or policy violation directly to the appropriate Under Secretary, Assistant Secretary, or other key official of the Department for appropriate administrative or disciplinary action.

''(9) Reporting any compliance failure or policy violation directly to the appropriate Under Secretary, Assistant Secretary, or other key official of the Department along with taking action to correct the failure or violation.

''(10) Requiring any key official of the Department who is so notified to report to the Assistant Secretary with respect to an action to be taken in response to any compliance failure or policy violation reported by the Assistant Secretary.

''(11) Ensuring that the Chief Information Officers and Information Security Officers of the Department comply with all cyber security directives and mandates, and ensuring that these staff members have all necessary authority and means to direct full compliance with such directives and mandates relating to the acquisition, operation, maintenance, or use of information technology resources from all facility staff.

''(12) Establishing the VA National Rules of Behavior for appropriate use and protection of the information which is used to support Department missions and functions.

''(13) Establishing and providing supervision over an effective incident reporting system.

''(14) Submitting to the Secretary, at least once every quarter, a report on any deficiency in the compliance with subchapter III of chapter 35 of title 44 of the Department or any Administration, office, or facility of the Department.

''(15) Reporting immediately to the Secretary on any significant deficiency in the compliance described by paragraph (14).

''(16) Providing immediate notice to the Secretary of any presumptive data breach.

''(c) ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR CYBER AND INFORMATION SECURITY.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Associate Deputy Assistant Secretary for Cyber and Information Security, as the Senior Information Security Officer of the Department, is responsible for carrying out the responsibilities of the Assistant Secretary for Information and Technology under the provisions of subchapter III of chapter 35 of title 44, as set forth in subsection (b).

''(d) DEPARTMENT INFORMATION OWNERS.—In accordance with the criteria of the Centralized IT Management System, Department information owners are responsible for the following:

''(1) Providing assistance to the Assistant Secretary for Information and Technology regarding the security requirements and appropriate level of security controls for the information system or systems where sensitive personal information is currently created, collected, processed, disseminated, or subject to disposal.

''(2) Determining who has access to the system or systems containing sensitive personal information, including types of privileges and access rights.

''(3) Ensuring the VA National Rules of Behavior is signed on an annual basis and enforced by all system users to ensure appropriate use and protection of the information which is used to support Department missions and functions.

''(4) Assisting the Assistant Secretary for Information and Technology in the identification and assessment of the common security controls for systems where their information resides.

''(5) Providing assistance to Administration and staff office personnel involved in the development of new systems regarding the appropriate level of security controls for their information.

''(e) OTHER KEY OFFICIALS.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Under Secretaries, Assistant Secretaries, and other key officials of the Department are responsible for the following:

''(1) Implementing the policies, procedures, practices, and other countermeasures identified in the Department information security program that comprise activities that are under their day-to-day operational control or supervision.

''(2) Periodically testing and evaluating information security controls that comprise activities that are under their day-to-day operational control or supervision to ensure effective implementation.

''(3) Providing a plan of action and milestones to the Assistant Secretary for Information and Technology on at least a quarterly basis detailing the status of actions being taken to correct any security compliance failure or policy violation.

''(4) Complying with the provisions of subchapter III of chapter 35 of title 44 and other related information security laws and requirements in accordance with orders of the Assistant Secretary for Information and Technology to execute the appropriate security controls commensurate to responding to a security bulletin of the Security Operations Center of the Department, with such orders to supersede and take priority over all operational tasks and assignments and be complied with immediately.

''(5) Ensuring that—

''(A) all employees within their organizations take immediate action to comply with orders from the Assistant Secretary for Information and Technology to—

''(i) mitigate the impact of any potential security vulnerability;

''(ii) respond to a security incident; or

''(iii) implement the provisions of a bulletin or alert of the Security Operations Center; and

''(B) organizational managers have all necessary authority and means to direct full compliance with such orders from the Assistant Secretary.

''(6) Ensuring the VA National Rules of Behavior is signed and enforced by all system users to ensure appropriate use and protection of the information which is used to support Department missions and functions on an annual basis.

''(f) USERS OF DEPARTMENT INFORMATION AND INFORMATION SYSTEMS.—Users of Department information and information systems are responsible for the following:

''(1) Complying with all Department information security program policies, procedures, and practices.

''(2) Attending security awareness training on at least an annual basis.

''(3) Reporting all security incidents immediately to the Information Security Officer of the system or facility and to their immediate supervisor.

''(4) Complying with orders from the Assistant Secretary for Information and Technology directing specific activities when a security incident occurs.

''(5) Signing an acknowledgment that they have read, understand, and agree to abide by the VA National Rules of Behavior on an annual basis.

''(g) INSPECTOR GENERAL OF DEPARTMENT OF VETERANS AFFAIRS.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Inspector General of the Department is responsible for the following:

''(1) Conducting an annual audit of the Department information security program.

''(2) Submitting an independent annual report to the Office of Management and Budget on the status of Department information security program, based on the results of the annual audit.

''(3) Conducting investigations of complaints and referrals of violations as considered appropriate by the Inspector General.

''§ 5724. Provision of credit protection and other services

''(a) INDEPENDENT RISK ANALYSIS.—(1) In the event of a data breach with respect to sensitive personal information that is processed or maintained by the Secretary, the Secretary shall ensure that, as soon as possible after the data breach, a non-Department entity or the Office of Inspector General of the Department conducts an independent risk analysis of the data breach to determine the level of risk associated with the data breach for the potential misuse of any sensitive personal information involved in the data breach.

''(2) If the Secretary determines, based on the findings of a risk analysis conducted under paragraph (1), that a reasonable risk exists for

the potential misuse of sensitive personal information involved in a data breach, the Secretary shall provide credit protection services in accordance with the regulations prescribed by the Secretary under this section.

''(b) REGULATIONS.—Not later than 180 days after the date of the enactment of the Veterans Benefits, Health Care, and Information Technology Act of 2006, the Secretary shall prescribe interim regulations for the provision of the following in accordance with subsection (a)(2):

''(1) Notification.

''(2) Data mining.

''(3) Fraud alerts.

''(4) Data breach analysis.

''(5) Credit monitoring.

''(6) Identity theft insurance.

''(7) Credit protection services.

''(c) REPORT.—(1) For each data breach with respect to sensitive personal information processed or maintained by the Secretary, the Secretary shall promptly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the findings of any independent risk analysis conducted under subsection (a)(1), any determination of the Secretary under subsection (a)(2), and a description of any services provided pursuant to subsection (b).

''(2) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that is the sensitive personal information of a member of the Army, Navy, Air Force, or Marine Corps or a civilian officer or employee of the Department of Defense, the Secretary shall submit the report required under paragraph (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives in addition to the Committees on Veterans' Affairs of the Senate and House of Representatives.

"§ 5725. Contracts for data processing or maintenance

''(a) CONTRACT REQUIREMENTS.—If the Secretary enters into a contract for the performance of any Department function that requires access to sensitive personal information, the Secretary shall require as a condition of the contract that—

''(1) the contractor shall not, directly or through an affiliate of the contractor, disclose such information to any other person unless the disclosure is lawful and is expressly permitted under the contract;

''(2) the contractor, or any subcontractor for a subcontract of the contract, shall promptly notify the Secretary of any data breach that occurs with respect to such information.

''(b) LIQUIDATED DAMAGES.—Each contract subject to the requirements of subsection (a) shall provide for liquidated damages to be paid by the contractor to the Secretary in the event of a data breach with respect to any sensitive personal information processed or maintained by the contractor or any subcontractor under that contract.

''(c) PROVISION OF CREDIT PROTECTION SERVICES.—Any amount collected by the Secretary under subsection (b) shall be deposited in or credited to the Department account from which the contractor was paid and shall remain available for obligation without fiscal year limitation exclusively for the purpose of providing credit protection services pursuant to section 5724(b) of this title.

"§ 5726. Reports and notice to Congress on data breaches

''(a) QUARTERLY REPORTS.—(1) Not later than 30 days after the last day of a fiscal quarter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on any data breach with respect to sensitive personal information processed or maintained by the Department that occurred during that quarter.

''(2) Each report submitted under paragraph (1) shall identify, for each data breach covered by the report—

''(A) the Administration and facility of the Department responsible for processing or maintaining the sensitive personal information involved in the data breach; and

''(B) the status of any remedial or corrective action with respect to the data breach.

''(b) NOTIFICATION OF SIGNIFICANT DATA BREACHES.—(1) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that the Secretary determines is significant, the Secretary shall provide notice of such breach to the Committees on Veterans' Affairs of the Senate and House of Representatives.

''(2) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that is the sensitive personal information of a member of the Army, Navy, Air Force, or Marine Corps or a civilian officer or employee of the Department of Defense that the Secretary determines is significant under paragraph (1), the Secretary shall provide the notice required under paragraph (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives in addition to the Committees on Veterans' Affairs of the Senate and House of Representatives.

''(3) Notice under paragraphs (1) and (2) shall be provided promptly following the discovery of such a data breach and the implementation of any measures necessary to determine the scope of the breach, prevent any further breach or unauthorized disclosures, and reasonably restore the integrity of the data system.

"§ 5727. Definitions

''In this subchapter:

''(1) AVAILABILITY.—The term 'availability' means ensuring timely and reliable access to and use of information.

''(2) CONFIDENTIALITY.—The term 'confidentiality' means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information.

''(3) CONTROL TECHNIQUES.—The term 'control techniques' means methods for guiding and controlling the operations of information systems to ensure adherence to the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements.

''(4) DATA BREACH.—The term 'data breach' means the loss, theft, or other unauthorized access, other than those incidental to the scope of employment, to data containing sensitive personal information, in electronic or printed form, that results in the potential compromise of the confidentiality or integrity of the data.

''(5) DATA BREACH ANALYSIS.—The term 'data breach analysis' means the process used to determine if a data breach has resulted in the misuse of sensitive personal information.

''(6) FRAUD RESOLUTION SYSTEMS.—The term 'fraud resolution services' means services to assist an individual in the process of recovering and rehabilitating the credit of the individual after the individual experiences identity theft.

''(7) IDENTITY THEFT.—The term 'identity theft' has the meaning given such term under section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

''(8) IDENTITY THEFT INSURANCE.—The term 'identity theft insurance' means any insurance policy that pays benefits for costs, including travel costs, notary fees, and postage costs, lost wages, and legal fees and expenses associated with efforts to correct and ameliorate the effects and results of identity theft of the insured individual.

''(9) INFORMATION OWNER.—The term 'information owner' means an agency official with statutory or operational authority for specified information and responsibility for establishing the criteria for its creation, collection, processing, dissemination, or disposal, which responsibilities may extend to interconnected systems or groups of interconnected systems.

''(10) INFORMATION RESOURCES.—The term 'information resources' means information in any medium or form and its related resources, such as personnel, equipment, funds, and information technology.

''(11) INFORMATION SECURITY.—The term 'information security' means protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide integrity, confidentiality, and availability.

''(12) INFORMATION SECURITY REQUIREMENTS.—The term 'information security requirements' means information security requirements promulgated in accordance with law, or directed by the Secretary of Commerce, the National Institute of Standards and Technology, and the Office of Management and Budget, and, as to national security systems, the President.

''(13) INFORMATION SYSTEM.—The term 'information system' means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information, whether automated or manual.

''(14) INTEGRITY.—The term 'integrity' means guarding against improper information modification or destruction, and includes ensuring information non-repudiation and authenticity.

''(15) NATIONAL SECURITY SYSTEM.—The term 'national security system' means an information system that is protected at all times by policies and procedures established for the processing, maintenance, use, sharing, dissemination or disposition of information that has been specifically authorized under criteria established by statute or Executive Order to be kept classified in the interest of national defense or foreign policy.

''(16) PLAN OF ACTION AND MILESTONES.—The term 'plan of action and milestones', means a plan used as a basis for the quarterly reporting requirements of the Office of Management and Budget that includes the following information:

''(A) A description of the security weakness.

''(B) The identity of the office or organization responsible for resolving the weakness.

''(C) An estimate of resources required to resolve the weakness by fiscal year.

''(D) The scheduled completion date.

''(E) Key milestones with estimated completion dates.

''(F) Any changes to the original key milestone date.

''(G) The source that identified the weakness.

''(H) The status of efforts to correct the weakness.

''(17) PRINCIPAL CREDIT REPORTING AGENCY.—The term 'principal credit reporting agency' means a consumer reporting agency as described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

''(18) SECURITY INCIDENT.—The term 'security incident' means an event that has, or could have, resulted in loss or damage to Department assets, or sensitive information, or an action that breaches Department security procedures.

''(19) SENSITIVE PERSONAL INFORMATION.—The term 'sensitive personal information', with respect to an individual, means any information about the individual maintained by an agency, including the following:

''(A) Education, financial transactions, medical history, and criminal or employment history.

''(B) Information that can be used to distinguish or trace the individual's identity, including name, social security number, date and place of birth, mother's maiden name, or biometric records.

''(20) SUBORDINATE PLAN.—The term 'subordinate plan', also referred to as a 'system security plan', means a subordinate plan defines the security controls that are either planned or implemented for networks, facilities, systems, or groups of systems, as appropriate, within a specific accreditation boundary.

''(21) TRAINING.—The term 'training' means a learning experience in which an individual is

taught to execute a specific information security procedure or understand the information security common body of knowledge.

''(22) VA NATIONAL RULES OF BEHAVIOR.—The term 'VA National Rules of Behavior' means a set of Department rules that describes the responsibilities and expected behavior of personnel with regard to information system usage.

''(23) VA SENSITIVE DATA.—The term 'VA sensitive data' means all Department data, on any storage media or in any form or format, which requires protection due to the risk of harm that could result from inadvertent or deliberate disclosure, alteration, or destruction of the information and includes information whose improper use or disclosure could adversely affect the ability of an agency to accomplish its mission, proprietary information, and records about individuals requiring protection under applicable confidentiality provisions.

''§ 5728. Authorization of appropriations

''There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for each fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 is amended by adding at the end the following:

''SUBCHAPTER III—INFORMATION SECURITY

''5721. Purpose.
''5722. Policy.
''5723. Responsibilities.
''5724. Provision of credit protection and other services.
''5725. Contracts for data processing or maintenance.
''5726. Reports and notice to Congress on data breaches.
''5727. Definitions.
''5728. Authorization of appropriations.''.

(c) DEADLINE FOR REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations to carry out subchapter III of chapter 57 of title 38, United States Code, as added by subsection (a).

SEC. 903. INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAMS.

(a) PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Title 38 is amended by inserting after chapter 78 the following new chapter:

''CHAPTER 79—INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAM

''Sec.
''7901. Programs; purpose.
''7902. Scholarship program.
''7903. Education debt reduction program.
''7904. Preferences in awarding financial assistance.
''7905. Requirement of honorable discharge for veterans receiving assistance.
''7906. Regulations.
''7907. Termination.

''§ 7901. Programs; purpose

''(a) IN GENERAL.—To encourage the recruitment and retention of Department personnel who have the information security skills necessary to meet Department requirements, the Secretary may carry out programs in accordance with this chapter to provide financial support for education in computer science and electrical and computer engineering at accredited institutions of higher education.

''(b) TYPES OF PROGRAMS.—The programs authorized under this chapter are as follows:

''(1) Scholarships for pursuit of doctoral degrees in computer science and electrical and computer engineering at accredited institutions of higher education.

''(2) Education debt reduction for Department personnel who hold doctoral degrees in computer science and electrical and computer engineering at accredited institutions of higher education.

''§ 7902. Scholarship program

''(a) AUTHORITY.—(1) Subject to the availability of appropriations, the Secretary may establish a scholarship program under which the Secretary shall, subject to subsection (d), provide financial assistance in accordance with this section to a qualified person—

''(A) who is pursuing a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education; and

''(B) who enters into an agreement with the Secretary as described in subsection (b).

''(2)(A) Except as provided in subparagraph (B), the Secretary may provide financial assistance under this section to an individual for up to five years.

''(B) The Secretary may waive the limitation under subparagraph (A) if the Secretary determines that such a waiver is appropriate.

''(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—(1) To receive financial assistance under this section an individual shall enter into an agreement to accept and continue employment in the Department for the period of obligated service determined under paragraph (2).

''(2) For the purposes of this subsection, the period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary as being appropriate to obtain adequate service in exchange for the financial assistance and otherwise to achieve the goals set forth in section 7901(a) of this title. In no event may the period of service required of a recipient be less than the period equal to the total period of pursuit of a degree for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty or in the civil service, as the case may be.

''(3) An agreement entered into under this section by a person pursuing an doctoral degree shall include terms that provide the following:

''(A) That the period of obligated service begins on a date after the award of the degree that is determined under the regulations prescribed under section 7906 of this title.

''(B) That the individual will maintain satisfactory academic progress, as determined in accordance with those regulations, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the individual under this section.

''(C) Any other terms and conditions that the Secretary determines appropriate for carrying out this section.

''(c) AMOUNT OF ASSISTANCE.—(1) The amount of the financial assistance provided for an individual under this section shall be the amount determined by the Secretary as being necessary to pay—

''(A) the tuition and fees of the individual; and

''(B) $1,500 to the individual each month (including a month between academic semesters or terms leading to the degree for which such assistance is provided or during which the individual is not enrolled in a course of education but is pursuing independent research leading to such degree) for books, laboratory expenses, and expenses of room and board.

''(2) In no case may the amount of assistance provided for an individual under this section for an academic year exceed $50,000.

''(3) In no case may the total amount of assistance provided for an individual under this section exceed $200,000.

''(4) Notwithstanding any other provision of law, financial assistance paid an individual under this section shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

''(d) REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) An individual who receives financial assistance under this section shall repay to the Secretary an amount equal to the unearned portion of the financial assistance if the individual fails to satisfy the requirements of the service agreement entered into under subsection (b), except in circumstances authorized by the Secretary.

''(2) The Secretary may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted.

''(3) An obligation to repay the Secretary under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of the agreement or contract on which the debt is based.

''(e) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary shall prescribe regulations providing for the waiver or suspension of any obligation of an individual for service or payment under this section (or an agreement under this section) whenever noncompliance by the individual is due to circumstances beyond the control of the individual or whenever the Secretary determines that the waiver or suspension of compliance is in the best interest of the United States.

''(f) INTERNSHIPS.—(1) The Secretary may offer a compensated internship to an individual for whom financial assistance is provided under this section during a period between academic semesters or terms leading to the degree for which such assistance is provided. Compensation provided for such an internship shall be in addition to the financial assistance provided under this section.

''(2) An internship under this subsection shall not be counted toward satisfying a period of obligated service under this section.

''(g) INELIGIBILITY OF INDIVIDUALS RECEIVING MONTGOMERY GI BILL EDUCATION ASSISTANCE PAYMENTS.—An individual who receives a payment of educational assistance under chapter 30, 31, 32, 34, or 35 of this title or chapter 1606 or 1607 of title 10 for a month in which the individual is enrolled in a course of education leading to a doctoral degree in information security is not eligible to receive financial assistance under this section for that month.

''§ 7903. Education debt reduction program

''(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary may establish an education debt reduction program under which the Secretary shall make education debt reduction payments under this section to qualified individuals eligible under subsection (b) for the purpose of reimbursing such individuals for payments by such individuals of principal and interest on loans described in paragraph (2) of that subsection.

''(b) ELIGIBILITY.—An individual is eligible to participate in the program under this section if the individual—

''(1) has completed a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education during the five-year period preceding the date on which the individual is hired;

''(2) is an employee of the Department who serves in a position related to information security (as determined by the Secretary); and

''(3) owes any amount of principal or interest under a loan, the proceeds of which were used by or on behalf of that individual to pay costs relating to a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education.

''(c) AMOUNT OF ASSISTANCE.—(1) Subject to paragraph (2), the amount of education debt reduction payments made to an individual under this section may not exceed $82,500 over a total of five years, of which not more than $16,500 of such payments may be made in each year.

''(2) The total amount payable to an individual under this section for any year may not exceed the amount of the principal and interest on loans referred to in subsection (b)(3) that is paid by the individual during such year.

''(d) PAYMENTS.—(1) The Secretary shall make education debt reduction payments under this section on an annual basis.

''(2) The Secretary shall make such a payment—

''(A) on the last day of the one-year period beginning on the date on which the individual is accepted into the program established under subsection (a); or

''(B) in the case of an individual who received a payment under this section for the preceding fiscal year, on the last day of the one-year period beginning on the date on which the individual last received such a payment.

''(3) Notwithstanding any other provision of law, education debt reduction payments under this section shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

''(e) PERFORMANCE REQUIREMENT.—The Secretary may make education debt reduction payments to an individual under this section for a year only if the Secretary determines that the individual maintained an acceptable level of performance in the position or positions served by the individual during the year.

''(f) NOTIFICATION OF TERMS OF PROVISION OF PAYMENTS.—The Secretary shall provide to an individual who receives a payment under this section notice in writing of the terms and conditions that apply to such a payment.

''(g) COVERED COSTS.—For purposes of subsection (b)(3), costs relating to a course of education or training include—

''(1) tuition expenses; and

''(2) all other reasonable educational expenses, including fees, books, and laboratory expenses.

''§ 7904. Preferences in awarding financial assistance

''In awarding financial assistance under this chapter, the Secretary shall give a preference to qualified individuals who are otherwise eligible to receive the financial assistance in the following order of priority:

''(1) Veterans with service-connected disabilities.

''(2) Veterans.

''(3) Persons described in section 4215(a)(1)(B) of this title.

''(4) Individuals who received or are pursuing degrees at institutions designated by the National Security Agency as Centers of Academic Excellence in Information Assurance Education.

''(5) Citizens of the United States.

''§ 7905. Requirement of honorable discharge for veterans receiving assistance

''No veteran shall receive financial assistance under this chapter unless the veteran was discharged from the Armed Forces under honorable conditions.

''§ 7906. Regulations

''The Secretary shall prescribe regulations for the administration of this chapter.

''§ 7907. Termination

''The authority of the Secretary to make a payment under this chapter shall terminate on July 31, 2017.''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, and of part V of title 38, are each amended by inserting after the item relating to chapter 78 the following new item:

''79. Information Security Education Assistance Program 7901''.

(b) GAO REPORT.—Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the scholarship and education debt reduction programs under chapter 79 of title 38, United States Code, as added by subsection (a).

(c) APPLICABILITY OF SCHOLARSHIPS.—Section 7902 of title 38, United States Code, as added by subsection (a), may only apply with respect to financial assistance provided for an academic semester or term that begins on or after August 1, 2007.

TITLE X—OTHER MATTERS

SEC. 1001. NOTICE TO CONGRESSIONAL VETERANS COMMITTEES OF CERTAIN TRANSFERS OF FUNDS.

To the extent that the Secretary of Veterans Affairs is required or directed, under any provision of law, to provide written notice to any committee of Congress other than the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives on the transfer of appropriations from one account to any other account, the Secretary shall also transmit such notice to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 1002. CLARIFICATION OF CORRECTIONAL FACILITIES COVERED BY CERTAIN PROVISIONS OF LAW.

(a) PAYMENT OF PENSION DURING CONFINEMENT IN PENAL INSTITUTIONS.—Section 1505(a) is amended by striking ''or local penal institution'' and inserting ''local, or other penal institution or correctional facility''.

(b) ALLOWANCES FOR TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.—Section 3108(g)(1) is amended by striking ''or local penal institution'' and inserting ''local, or other penal institution or correctional facility''.

(c) EDUCATIONAL ASSISTANCE BENEFITS FOR POST-VIETNAM ERA VETERANS.—Section 3231(d)(1) is amended by striking ''or local penal institution'' and inserting ''local, or other penal institution or correctional facility''.

(d) COMPUTATION OF EDUCATIONAL ASSISTANCE ALLOWANCES FOR VETERANS GENERALLY.—Section 3482(g)(1) is amended by striking ''or local penal institution'' and inserting ''local, or other penal institution or correctional facility''.

(e) COMPUTATION OF EDUCATIONAL ASSISTANCE ALLOWANCE FOR SURVIVORS AND DEPENDENTS.—Section 3532(e) is amended by striking ''or local penal institution'' and inserting ''local, or other penal institution or correctional facility''.

(f) LIMITATION ON PAYMENT OF COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.—Section 5313 is amended by striking ''or local penal institution'' each place it appears and inserting ''local, or other penal institution or correctional facility''.

(g) LIMITATION ON PAYMENT OF CLOTHING ALLOWANCE.—Section 5313A is amended by striking ''or local penal institution'' and inserting ''local, or other penal institution or correctional facility''.

SEC. 1003. EXTENSION OF AUTHORITY FOR HEALTH CARE FOR PARTICIPATION IN DOD CHEMICAL AND BIOLOGICAL WARFARE TESTING.

Section 1710(e)(3)(D) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2007''.

SEC. 1004. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 38, UNITED STATES CODE.—

(1) CITATION CORRECTION.—Section 1718(c)(2) is amended by inserting ''of 1938'' after ''Act''.

(2) CITATION CORRECTION.—Section 1785(b)(1) is amended by striking ''Robert B.'' and inserting ''Robert T.''.

(3) PUNCTUATION CORRECTION.—Section 2002(1) is amended by inserting a closing parenthesis before the period at the end.

(4) PUNCTUATION CORRECTION.—Section 2011(a)(1)(C) is amended by inserting a period at the end.

(5) CROSS REFERENCE CORRECTION.—Section 2041(a)(3)(A)(i) is amended by striking ''under this chapter'' and inserting ''established under section 3722 of this title''.

(6) CITATION CORRECTION.—Section 8111(b)(1) is amended by striking ''into the strategic'' and all that follows through ''and Results Act of 1993'' and inserting ''into the strategic plan of each Department under section 306 of title 5 and the performance plan of each Department under section 1115 of title 31''.

(7) REPEAL OF OBSOLETE TEXT.—Section 8111 is further amended—

(A) in subsection (d)(2), by striking ''effective October 1, 2003,''; and

(B) in subsection (e)(2)—

(i) in the second sentence, by striking ''shall be implemented no later than October 1, 2003, and''; and

(ii) in the third sentence, by striking '', following implementation of the schedule,''.

(8) CITATION CORRECTION.—Section 8111A(a)(2)(B)(i) is amended by striking ''Robert B.'' and inserting ''Robert T.''.

(b) PUBLIC LAW 107–296.—Effective as of November 25, 2002, section 1704(d) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2315) is amended—

(1) by striking ''101(25)(d)'' and inserting ''101(25)(D)''; and

(2) by striking ''3011(a)(1)(A)(ii)(II)'' and inserting ''3011(a)(1)(A)(ii)(III)''.

SEC. 1005. CODIFICATION OF COST-OF-LIVING ADJUSTMENT PROVIDED IN PUBLIC LAW 109–361.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 is amended—

(1) in subsection (a), by striking ''$112'' and inserting ''$115'';

(2) in subsection (b), by striking ''$218'' and inserting ''$225'';

(3) in subsection (c), by striking ''$337'' and inserting ''$348'';

(4) in subsection (d), by striking ''$485'' and inserting ''$501'';

(5) in subsection (e), by striking ''$690'' and inserting ''$712'';

(6) in subsection (f), by striking ''$873'' and inserting ''$901'';

(7) in subsection (g), by striking ''$1,099'' and inserting ''$1,135'';

(8) in subsection (h), by striking ''$1,277'' and inserting ''$1,319'';

(9) in subsection (i), by striking ''$1,436'' and inserting ''$1,483'';

(10) in subsection (j), by striking ''$2,393'' and inserting ''$2,471'';

(11) in subsection (k)—

(A) by striking ''$87'' both places it appears and inserting ''$89''; and

(B) by striking ''$2,977'' and ''$4,176'' and inserting ''$3,075'' and ''$4,313'', respectively;

(12) in subsection (l), by striking ''$2,977'' and inserting ''$3,075'';

(13) in subsection (m), by striking ''$3,284'' and inserting ''$3,392'';

(14) in subsection (n), by striking ''$3,737'' and inserting ''$3,860'';

(15) in subsections (o) and (p), by striking ''$4,176'' each place it appears and inserting ''$4,313'';

(16) in subsection (r)—

(A) in paragraph (1), by striking ''$1,792'' and inserting ''$1,851''; and

(B) in paragraph (2), by striking ''2,669'' and inserting ''$2,757''; and

(17) in subsection (s), by striking ''$2,678'' and inserting ''$2,766''.

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) is amended—

(1) in subparagraph (A), by striking ''$135'' and inserting ''$139'';

(2) in subparagraph (B), by striking ''$233'' and ''$68'' and inserting ''$240'' and ''$70'', respectively;

(3) in subparagraph (C), by striking ''$91'' and ''$68'' and inserting ''$94'' and ''$70'', respectively;

(4) in subparagraph (D), by striking ''$109'' and inserting ''$112'';

(5) in subparagraph (E), by striking ''$257'' and inserting ''$265''; and

(6) in subparagraph (F), by striking ''$215'' and inserting ''$222''.

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 is amended by striking ''$641'' and inserting ''$662''.

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Subsection (a) of section 1311 is amended—

(A) in paragraph (1), by striking ''$1,033'' and inserting ''$1,067''; and

(B) in paragraph (2), by striking ''$221'' and inserting ''$228''.

(2) OLD LAW DIC.—The table in paragraph (3) of such subsection is amended to read as follows:

Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$1,067	W–4	$1,276
E–2	$1,067	O–1	$1,128
E–3	$1,067	O–2	$1,165
E–4	$1,067	O–3	$1,246
E–5	$1,067	O–4	$1,319
E–6	$1,067	O–5	$1,452
E–7	$1,104	O–6	$1,637
E–8	$1,165	O–7	$1,768
E–9	$1,215 [1]	O–8	$1,941
W–1	$1,128	O–9	$2,076
W–2	$1,172	O–10	$2,276 [2]
W–3	$1,207		

[1] If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,312.

[2] If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,443.

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Such section is further amended—

(A) in subsection (b), by striking ''$257'' and inserting ''$265'';

(B) in subsection (c), by striking ''$257'' and inserting ''$265''; and

(C) in subsection (d), by striking ''$122'' and inserting ''$126''.

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) is amended—

(A) in paragraph (1), by striking ''$438'' and inserting ''$452'';

(B) in paragraph (2), by striking ''$629'' and inserting ''$649'';

(C) in paragraph (3), by striking ''$819'' and inserting ''$846''; and

(D) in paragraph (4), by striking ''$819'' and ''$157'' and inserting ''$846'' and ''$162'', respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 is amended—

(A) in subsection (a), by striking ''$257'' and inserting ''$265'';

(B) in subsection (b), by striking ''$438'' and inserting ''$452''; and

(C) in subsection (c), by striking ''$218'' and inserting ''$225''.

SEC. 1006. COORDINATION OF PROVISIONS WITH VETERANS PROGRAMS EXTENSION ACT OF 2006.

(a) EARLIER ENACTMENT OF THIS ACT.—If this Act is enacted before the Veterans Programs Extension Act of 2006 is enacted into law, the Veterans Programs Extension Act of 2006, and the amendments made by that Act, shall not take effect.

(b) EARLIER ENACTMENT OF VETERANS PROGRAMS EXTENSION ACT OF 2006.—If this Act is enacted after the enactment of the Veterans Programs Extension Act of 2006, then as of the date of the enactment of this Act, the Veterans Programs Extension Act of 2006 and the amendments made by that Act shall be deemed for all purposes not to have taken effect and the Veterans Programs Extension Act of 2006 and the amendments made by that Act shall cease to be in effect.

Amend the title so as to read ''An Act to amend title 38, United States Code, to repeal certain limitations on attorney representation of claimants for benefits under laws administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance Program, to otherwise improve veterans' benefits, memorial affairs, and health-care programs, to enhance information security programs of the Department of Veterans Affairs, and for other purposes.''.

Mr. FRIST. I ask unanimous consent that the Senate concur in the House amendments, the motion to reconsider be laid on the table, and any statements be printed.

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

REFORMING THE POSTAL LAWS OF THE UNITED STATES

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 6407 which was received from the House.

The PRESIDING OFFICER. The clerk will report bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6407) to reform the postal laws of the United States.

There being no objection, the Senate proceeded to consider the bill.

DISCRETIONARY BUDGET TRANSFER

Mrs. MURRAY. Mr. President, I rise, first and foremost, to congratulate Chairman COLLINS and Senator CARPER for getting their postal reform bill to the finish line. This bill has been a gargantuan task for both Senators. It has been a long time coming. Some have observed that it has taken over 30 years for the Congress to pass legislation that fundamentally reforms the Postal Service. This bill is critically important to the long-term fiscal health of our Postal Service. It is equally important to the well-being of all our postal workers as well as the needs of all citizens and businesses, large and small, which use our Postal Service.

As both of the managers are aware, there was an important issue that threatened to derail this legislation at the last minute. Specifically, there is a provision in this final bill that has been interpreted as having the effect of transferring some $200 million in annual costs from the Postal Service to the discretionary budget. More specifically, those costs that previously were covered through mandatory spending would have to be covered within the tight discretionary budget ceiling of the Appropriations Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies.

I currently serve as the ranking member of that subcommittee, and I expect to serve as its chairman when the 110th Congress convenes. Over the course of the 109th Congress, I have spent a great deal of time working with Chairman KIT BOND to put together an appropriations bill that meets all of the disparate needs addressed in our bill. I can tell my colleagues, we do not have an extra $200 million available within our allocation to cover the costs of the Postal Service. When the 110th Congress convenes, we are likely to have to mark up an appropriations bill for the current fiscal year that will be even tighter than the bill our committee reported back in July. As such, I can assure my colleagues that we will not be in a position to take on these costs this year, next year, or in any other year.

It is important to point out that these costs that are proposed to be transferred to the Committee on Appropriations are not new costs to the Postal Service. We are accustomed to the practice of authorizing committees enacting authorizations for new or expanded activities in the hope that the Appropriations Committee will be in a position to fund them. But this situation is something very different. Under the provisions originally included in this bill, the burden of financing the ongoing costs of the Postal Rate Commission, renamed the Postal Regulatory Commission, and the USPS inspector general would have suddenly been shifted to the Appropriations Committee.

My understanding is that the original intent of this provision was to provide both the Commission and the IG's office with an added degree of budget autonomy and independence. However, the original provision had a much more dramatic effect. I make no apology for insisting on changes to this bill to keep it from happening.

I am pleased to say that, through a series of discussions today with my good friend and colleagues, Senators COLLINS and CARPER, we have been able to negotiate some important changes to the original bill. Specifically, the provision that seeks to transfer the funding burden of these activities to the Appropriations Committee will now be delayed until fiscal year 2009. Given the shortness of time and the critical need to pass this important legislation today, before this Congress

adjourns, I agreed to this change rather than insisting that the entire funding transfer be stricken. I wish to make clear that my position on this bill tonight should not be viewed as signaling any intent on my part to fund these activities in 2009 and beyond. To the contrary, I do not anticipate that the Appropriations Committee will be in a position to fund these activities in 2009, 2010, or in any other year. I agreed to this date change to give the Committee on Homeland Security and Governmental Affairs a full 22 months—almost 2 years—to revisit this legislation and bring the costs of these activities back into the mandatory budget. If not, these activities will go unfunded. And it will not be the fault of the Appropriations Committee if they do go unfunded. My colleagues on the Homeland Security and Governmental Affairs Committee are on notice and the Postmaster General is on notice. The funding transfer included in this bill for 2009 and beyond will need to be fixed. My subcommittee has no intention of absorbing these costs. It will be the responsibility of the Homeland Security and Governmental Affairs Committee to bring them back within the revenues available to the Postal Service.

Mr. CARPER. I thank my friend for her statement and for her help in moving this critical bill through the Senate tonight. I agree with her that the Appropriations Committee should not bear the burden of funding the Postal Regulatory Commission and the USPS inspector general. While it is important that the Commission and the inspector general enjoy the new independence from postal management that we seek to extend them in this bill, it is unfair to do so by taking scarce resources away from the critical programs overseen by the Appropriations subcommittee Senator MURRAY will soon lead. Our imprecision in drafting the section of our bill that Senator MURRAY refers to should not make her already difficult job even harder.

In the coming weeks and months, I pledge to work closely with Senator MURRAY, her colleagues on the Appropriations Committee, and my colleagues on the Homeland Security Committee in seeking a permanent solution to the problematic language that Senator MURRAY has brought to our attention.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 6407) was ordered to a third reading, was read the third time, and passed.

HENRY J. HYDE UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006—CONFERENCE REPORT

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report to accompany H.R. 5682, the United States-India nuclear agreement, that the conference report be agreed to and the motion to reconsider be laid upon the table.

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

Mr. LUGAR. Mr. President, I wish to make an important note regarding a provision in the conference agreement on H.R. 5682, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006.

The conferees on this legislation believe that one of the most important aspects of renewed nuclear cooperation with India will be the new safeguards agreement it enters into with the International Atomic Energy Agency, IAEA, that would apply to its expanded list of declared civilian nuclear sites, facilities, and locations.

The administration's original legislation concerning India, which I introduced as S. 2429 on March 16, 2006, stated with regard to this matter that the President had to determine that ''an agreement has entered into force between India and the IAEA requiring the application of safeguards in accordance with IAEA practices to India's civil nuclear facilities.''

As a part of the committee's consideration of the administration's proposal, I asked a number of questions for the record regarding this new safeguards agreement. Secretary Rice stated in response to a question asked in April of this year regarding India's new safeguards agreement that:

This Initiative will only allow for nuclear cooperation to proceed with civil facilities and programs that are safeguarded by the IAEA. The Government of India has agreed that these safeguards will be in place in perpetuity. Under the Initiative, India has committed to place all its current and future civil nuclear facilities under IAEA safeguards, including monitoring and inspections. These procedures are designed to detect—and thereby prevent—the diversion to military use of any nuclear materials, technologies, or equipment provided to India's civil nuclear facilities. India has also committed to sign and adhere to an Additional Protocol, which provides for even broader IAEA access to facilities and information regarding nuclear related activities.

In March of this year, Senator BIDEN asked Under Secretaries Robert Joseph and Nicholas Burns how they interpreted certain Indian statements regarding their new safeguards agreement, specifically India's contention that it will be ''India-specific.'' They stated:

''It will be incumbent on India to clarify what it means by 'India-specific' safeguards in the context of its negotiations with the IAEA. In our view, the safeguards agreement for India will be unique to India because India presents a unique set of circumstances. India has agreed to place all its civil nuclear facilities under safeguards in a phased manner, along with future civil facilities, but India is not an NPT party and will have non-civil facilities and material outside of safeguards. However, there is an accepted IAEA framework for safeguards (INFCIRC/66) that pre-dates the NPT and is suited to safeguarding material in a non-NPT party without full-scope safeguards. In its separation plan, India has committed to safeguards in perpetuity.''

In November 2005, I asked Under Secretary Joseph what kinds of safeguards will be applied to India's declared civil sites, facilities, and locations. He responded that:

''Safeguards agreements are modeled after INFCIRC/153 (the NPT safeguards agreement) or INFCIRC/66 (the Agency's safeguards system predating the NPT). India will not likely sign a safeguards agreement based strictly on INFCIRC/153, as this would require safeguards on India's nuclear weapons program. NPT-acknowledged nuclear weapon states have so-called 'voluntary' safeguards agreements that draw on INFCIRC/153 language, but do not obligate the IAEA to actually apply safeguards and do allow for the removal of facilities or material from safeguards. We heard from other states at the recent NSG meeting that they would not support a ''voluntary offer'' arrangement as, in their view, it would be tantamount to granting de facto nuclear weapon state status to India. We have similarly indicated to India that we would not view such an arrangement as defensible from a nonproliferation standpoint. We therefore believe that the logical approach to formulating a safeguards agreement for India is to use INFCIRC/66, which is currently used at India's four safeguarded reactors. For the most part, INFCIRC/66 and INFCIRC/153 agreements result in very similar technical measures actually applied at nuclear facilities.''

In view of these responses, and since S. 2429 contained similar language, the Senate's India bill, S. 3709, specified with regard to India's safeguards agreement, and the determination the President had to make regarding it, that ''an agreement between India and the IAEA requiring the application of safeguards in perpetuity in accordance with IAEA standards, principles, and practices to civil nuclear facilities, programs, and materials . . . has entered into force and the text of such agreement has been made available to the appropriate congressional committees.''

The conference agreement before us today does not include the language from the S. 3709 regarding this element of the Presidential determination required to use the waiver authority we grant. Rather, the conference agreement provides in section 104(b)(2) that ''India and the IAEA have concluded all legal steps required prior to signature by the parties of an agreement requiring the application of IAEA safeguards in perpetuity in accordance with IAEA standards, principles, and practices, (including IAEA Board of Governors Document GOV/1621 (1973)) to India's civil nuclear facilities, materials, and programs . . . including materials used in or produced through the use of India's civil nuclear facilities.''

The conferees were assured by administration officials that the language referring to ''all legal steps'' includes approval by the IAEA Board of Governors. The conferees understand that safeguards agreements are signed after Board of Governors' approval, but that entry into force can take additional time. Since Board of Governors' approval would mean that the text of the safeguards agreement would be final, and it is unlikely that either the IAEA or India would sign an agreement that is not final, conferees agreed to this language. The conferees' intent was to secure as final a text as possible for congressional review since the text of the new Indian safeguards agreement would be submitted to Congress as a part of the Presidential determination and waiver authority contained in section 104 of this conference agreement. It is the view of the conferees that this language means that Congress will receive the final text of such an agreement as a part of the President's determination.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BIDEN. The Senate will shortly take a momentous step in U.S.-India relations by passing the conference report on H.R. 5682, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006. Enactment of this legislation brings us much closer to the day when India will resume peaceful nuclear commerce, despite its status as a state that has nuclear weapons and has never been a state party to the Nuclear Non-Proliferation Treaty. It will help bring India into the global nuclear nonproliferation system. It also helps to remove a major irritant in the relations between our two countries.

This bill is a tremendous victory for U.S.-India relations. And it increases the prospect for stability and progress in South Asia and the rest of the world.

It has become cliché to speak of the U.S.-India relationship as a bond between the world's oldest democracy and the world's largest democracy—but this cliché is also a fact. Shared political values are the foundation for our relationship, a firm belief in the dignity of man and the consent of the governed.

Senator LUGAR and I yield to no one in our commitment to nuclear nonproliferation. We have taken great care, in this legislation, to protect the role of Congress and of the international institutions that enforce nuclear nonproliferation.

This legislation was the result of hard compromises—compromises between our two countries and between Congress and the executive branch. The end result, however, was overwhelming bipartisan support, in both the House and the Senate. That level of broad, solid, bipartisan buy-in was absolutely essential when crafting legislation with such long-term impact on vital American interests.

I want to pay special tribute tonight to the chairman of the Senate Foreign Relations Committee, Senator LUGAR of Indiana, for his tremendous contribution to securing that broad, bipartisan consensus. The administration originally proposed legislation that would have effectively taken away the power of Congress to review an agreement for nuclear cooperation with India, and Senator LUGAR was under great pressure to accept that proposal. He did not do that. Instead, he held four hearings—three open and one closed—that allowed all sides to express their views and that enabled Senators from both parties to raise their concerns with the approval procedure that the administration had proposed. Then he and I worked to craft a Senate bill that passed by a vote of 16–2 in committee and 85–12 on the floor of the Senate.

Senator LUGAR performed a signal service to our country when he added title II to this legislation, the implementing legislation for the U.S. Additional Protocol with the International Atomic Energy Agency. It is fitting that this legislation has been combined with the India nuclear bill, since part of the nuclear deal is for India to negotiate its own Additional Protocol with the IAEA. It will also be a notable benefit to U.S. nuclear nonproliferation policy when the United States finally ratifies its Additional Protocol, giving our country greater credibility as it presses other countries to allow the IAEA to increase its inspections of their nuclear programs. Ratification of the U.S.-IAEA Additional Protocol was long delayed, and Senator LUGAR's leadership on this issue was absolutely vital to this final, successful conclusion.

In conference with the House of Representatives, Senator LUGAR and I once again worked for a measure that could gain broad support from the Senate. We worked with the House conferees to craft a bill that embodied the best ideas from each house of Congress. At the same time, we worked with the Administration to reach agreement on a wide range of issues, without sacrificing the principles that each house had written into its legislation. We and the other conferees chose substance over rhetoric. The result is a conference report that will command the same broad, bipartisan support today that was demonstrated in the Senate 3 weeks ago.

I would like also to acknowledge the staff members who have contributed to the success of this legislation. On the Senate side, the Foreign Relations Committee was most ably served by Ken Myers III, Thomas Moore, Edward Levine and Brian McKeon. Mr. Stephen Rademaker of the majority leader's staff was also an important contributor to our efforts. On the House side, the conferees were most ably served by Douglas Seay, David Fite and David Abramowitz, among others.

The U.S.-India agreement is much more than just a nuclear deal. I believe historians will see this as part of a dramatic and positive departure in the U.S.-India relationship that was begun by President Clinton and continued by President Bush.

In a time when relationships between states are critically important in shaping the world in which we live, no relationship is more important than the one we're building with India. There is still much to be done in India, as a stable and secure India is very much in America's national interest. We should work to help India increase its energy production, combat terrorism, and guard against epidemics of infectious diseases. We should help both India and Pakistan to ease tensions between their countries and, someday, to walk back from the nuclear precipice. And India should continue its progress toward the front rank of world leaders, and especially of leaders in combating the proliferation of nuclear, chemical and biological weapons. Enactment of this bill today helps both countries to keep moving on the path of cooperation for a better world.

In conclusion, I would like to turn to an issue raised recently by some experts, whether the legislation before us, by citing a particular IAEA document, might undermine the principle of perpetuity of safeguards in India. My view is that the IAEA document makes a real contribution to our understanding of safeguards perpetuity.

The document cited by this legislation appears in section 104(b)(2), the second determination that the President will have to make when submitting a U.S.-India agreement for nuclear cooperation to the Congress. It is an IAEA Board of Governors memo cited as GOV/1621 of 20 August 1973. We have been given permission to publish this document, so I will ask that it be printed in the RECORD at the end of these remarks.

The Board of Governors memo makes clear that safeguards on nuclear material will extend until that material no longer has any possible nuclear weapons use, or until it is exchanged with an equal amount of previously unsafeguarded material, or until it leaves the country—in which case safeguards may continue elsewhere. In other words, if you move some imported fuel or equipment to a new location, that location becomes subject to safeguards.

The memo also makes clear that safeguards on ''nuclear material, equipment, facilities or non-nuclear material'' supplied to a nuclear facility will apply as well to fissile material ''produced, processed or used in or in connection with'' a safeguarded facility. In other words, any fissile material produced by a safeguarded facility becomes subject to safeguards even after it leaves that facility. Until that output no longer has any possible nuclear weapons use, safeguards follow it; that is a real example of perpetuity of sanctions.

At the same time, perpetuity does not mean that a facility will be subject

to safeguards until the end of time. A facility can be decommissioned so that it, too, no longer has any possible nuclear weapons use. Or, if the only reason for safeguards is that the facility has imported equipment or material, removal of all such equipment or material from the facility could render it eligible for removal from safeguards. Thus, India's reprocessing plant is safeguarded when it handles spent fuel from imported uranium, but not when India is using it to reprocess spent fuel made from domestic uranium. That is the way safeguards have worked for years in India.

The Government of India has announced that eight more of its existing power reactors will be declared as civil and opened to IAEA inspection. India would gain great credibility if it were to let those reactors be inspected even if they use domestic nuclear fuel. Indian officials have suggested, however, that they may insist upon the right to remove those reactors from safeguards if foreign fuel supplies are cut off, and the safeguards agreement that India negotiates with the IAEA may allow for that. There is precedent for such an arrangement, in states that do not have full-scope safeguards, and it would be up to the IAEA Board of Governors, of which the United States is a member, to decide whether that arrangement was permissible in this case. It would be up to Congress and the Nuclear Suppliers Group, of course, to consider whether that sort of safeguards arrangement was sufficient to warrant authorizing peaceful nuclear commerce with India. And it would be up to the executive branch to determine whether to authorize a particular export to India, in light of the safeguards that would govern the facility for which the export was requested.

India has also said that many new power reactors will be put under IAEA safeguards. If those reactors are foreign-built, like the Tarapur reactor, there will be no way that they can be withdrawn from safeguards unless they are decommissioned. If they are domestic designs but use some foreign equipment, there will be no way to withdraw them from safeguards without first removing the foreign equipment. And if foreign equipment should be used in one of the eight domestically built reactors that are put under safeguards, then that equipment, too, would have to be removed before that reactor could be removed from safeguards.

As a matter of principle, then, perpetuity in safeguards applies more to material and equipment than it does to a whole facility, unless that facility is foreign-built. In practice, however, the only reactors that India might pull out of its safeguards regime would be the eight newly-safeguarded ones, and I believe that the only time that this might occur would be if India were to come under sanctions because of improper nuclear activities or weapons proliferation. In such a case, the regime for nuclear cooperation with India would likely be collapsing anyway.

The material follows.

SAFEGUARDS

(b) THE FORMULATION OF CERTAIN PROVISIONS IN AGREEMENTS UNDER THE AGENCY'S SAFEGUARDS SYSTEM (1965, AS PROVISIONALLY EXTENDED IN 1966 AND 1968)

Memorandum by the Director General

(1) A substantial number of Governors have urged that there should be a greater degree of standardization than in the past with respect to the duration and termination of such agreements as may henceforth be concluded under the Agency's Safeguards System (1965, as Provisionally Extended in 1966 and 1968) for the application of safeguards in connection with nuclear material, equipment, facilities or non-nuclear material supplied to States by third parties. To achieve this, it is recommended that the following two concepts should be reflected in these agreements:

(a) That the duration of the agreement should be related to the period of actual use of the items in the recipient State; and

(b) That the provisions for terminating the agreement should be formulated in such a way that the rights and obligations of the parties continue to apply in connection with supplied nuclear material and with special fissionable material produced, processed or used in or in connection with supplied nuclear material, equipment, facilities or non-nuclear material, until such time as the Agency has terminated the application of safeguards thereto, in accordance with the provisions of paragraph 26 or 27 of the Agency's Safeguards System.

A short exposition with respect to the application of these concepts is annexed hereto.

(2) The proposed standardization would appear likely to facilitate the uniform application of safeguards measures. It is furthermore to be noted that the combined operation of the two concepts would be consistent with the application of the general principle embodied in paragraph 16 of the Agency's Safeguards System.

REQUESTED ACTION BY THE BOARD

(3) In bringing this matter to the Board's attention, the Director General seeks the views of the Board as to whether it concurs with the two concepts set out in paragraph 1 above.

ANNEX

(1) In the case of receipt by a State of source or special fissionable material, equipment, facilities or non-nuclear material from a supplier outside that State, the duration of the relevant agreement under the Agency's Safeguards System would be related to the actual use in the recipient State of the material or items supplied. This may be accomplished by requiring, in accordance with present practice, that the material or items supplied be listed in the inventory called for by the agreement.

(2) The primary effect of termination of the agreement, either by act of the parties or effluxion of time, would be that no further supplied nuclear material, equipment, facilities or non-nuclear material could be added to the inventory. On the other hand, the rights and obligations of the parties, as provided for in the agreement, would continue to apply in connection with any supplied material or items and with any special fissionable material produced, processed or used in or in connection with any supplied material or items which had been included in the inventory, until such material or items had been removed from the inventory.

(3) With respect to nuclear material, conditions for removal are those set out in paragraph 26 or 27 of the Agency's Safeguards System; with respect to equipment, facilities and non-nuclear material, conditions for removal could be based on paragraph 26. A number of agreements already concluded have prescribed such conditions in part, by providing for deletion from the inventory of nuclear material, equipment and facilities which are returned to the supplying State or transferred (under safeguards) to a third State. The additional provisions contemplated would stipulate that items or non-nuclear material could be removed from the purview of the agreement if they had been consumed, were no longer usable for any nuclear activity relevant from the point of view of safeguards or had become practicably irrecoverable.

(4) The effect of reflecting the two concepts in agreements would be that special fissionable material which had been produced, processed or used in or in connection with supplied material or items before they were removed from the scope of the agreement, would remain or be listed in the inventory, and such special fissionable material, together with any supplied nuclear material remaining in the inventory, would be subject to safeguards until the Agency had terminated safeguards on that special fissionable and nuclear material in accordance with the provisions of the Agency's Safeguards System. Thus, the actual termination of the operation of the provisions of the agreement would take place only when everything had been removed from the inventory.●

Mr. LUGAR. Mr. President, today the Senate passes H.R. 5682, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act.

This agreement is the most important strategic diplomatic initiative undertaken by President Bush. By concluding this pact and the far-reaching set of cooperative agreements that accompany it, the President has embraced a long-term outlook that seeks to enhance the core strength of our foreign policy in a way that will give us new diplomatic options and improve global stability.

The Committee on Foreign Relations undertook an extensive review of this agreement. We held 4 public hearings with testimony from 17 witnesses, including Secretary of State Condoleezza Rice. We received a classified briefing from Under Secretaries of State Nick Burns and Bob Joseph. Numerous briefings were held for staff with experts from the Congressional Research Service, the State Department, and the National Security Council. I submitted more than 170 written questions for the record to the Department of State on details of the agreement and posted the answers on my web site.

The agreement allows India to receive nuclear fuel, technology, and reactors from the United States—benefits that were previously denied to India because of its status outside the Nuclear Non-Proliferation Treaty, (NPT). This pact can be a lasting incentive for India to abstain from further nuclear weapons tests and to cooperate closely with the United States in stopping proliferation, and our legislation further strengthens this situation.

The conference agreement before us is an important step toward implementing the nuclear agreement with India, but we should understand that it is not the final step. This legislation sets the rules for subsequent Congressional consideration of a so-called 123 agreement between the United States and India. A 123 agreement is the term for an agreement for civil nuclear cooperation arranged pursuant to the conditions outlined in section 123 of the Atomic Energy Act of 1954.

I am pleased to note that the conference agreement does not restrict nor does it predetermine congressional action on the forthcoming 123 agreement. Unlike the administration's original legislative proposal, this bill preserves congressional prerogatives with regard to consideration of a future 123 agreement. Under the administration's original proposal, the 123 agreement would have entered into force 90 days after submission unless both Houses of Congress voted against it and with majorities that could overcome a likely Presidential veto. I am pleased the administration changed course on this matter and agreed to submit the 123 agreement with India to Congress under existing procedures in the Atomic Energy Act. This means that both the House and the Senate must cast a positive vote of support before the 123 agreement can enter into force. In my view, this better protects Congress's role in the process and ensures congressional views will be taken into consideration. In addition, it does not limit our actions to a single ''no'' vote, which could have severe consequences for United States-India relations. It would be particularly risky if that were the only course available to Congress, no matter what its concerns may be.

Title II of this conference agreement contains legislation on the U.S. Additional Protocol to its safeguards agreement with the International Atomic Energy Agency AEA. President Bush called on the Senate to ratify this important agreement on February 11, 2004, and the Senate did so on March 31, 2004. This conference agreement contains important implementing provisions for our Additional Protocol that the Senate Committee on Foreign Relations has been working on for more than 2 years. This legislative measure is critical because our Additional Protocol is not a self-executing agreement, and passage of implementing legislation completes Congressional action and permits the agreement to come into force. Our action today will allow the President to complete U.S. ratification and make this Nation a party to this important IAEA safeguards measure. U.S. ratification and implementation of the Additional Protocol will give Secretary Rice and our representative to the IAEA in Vienna, Austria, an important diplomatic tool in the battle against proliferation as we maintain our longstanding leadership and support for the IAEA safeguards system. Our Additional Protocol is one part of that support, just like our annual voluntary contributions to the IAEA, and they involve significant congressional oversight and involvement. Approval of this legislation today is good news because it shows that Congress supports the critical nonproliferation work of the IAEA.

I thank Senator BIDEN for his close cooperation on developing this conference agreement. I thank our House colleagues, Chairman HYDE and Ranking Member LANTOS, for their close cooperation and hard work. Together, we have constructed a law that allows the United States to seize an important strategic opportunity while ensuring a strong congressional oversight role, reinforcing U.S. nonproliferation efforts and maintaining our responsibilities under the NPT. I also want to thank all members of the Foreign Relations Committee for their support.

Mr. BYRD. Mr. President, the Senate is set to give rubberstamp approval to legislation that would waive the most important parts of our nuclear nonproliferation laws, but only with respect to India. This so-called U.S.-India nuclear cooperation agreement is a mistake, and our Nation's efforts to draw a line in the sand against further proliferation of nuclear materials and technology may suffer as a result.

This agreement signals the willingness of the United States to look the other way when it comes to compliance with the Nuclear Non-Proliferation Treaty. At a time when nuclear weapons programs in North Korea and Iran are front-page news, the United States should not be giving its blessing to any nuclear weapons program that is not in one hundred percent compliance with all nonproliferation treaties. It is especially galling that the only thing the United States appears to be getting from this agreement is a vague assurance of improved relations. That just does not sounds like a good deal to me.

India is a strategically important country, and the influence of the world's most populous democracy is expected to increase in the coming years. Closer relations between the United States and India is a worthy goal. However, the nuclear cooperation agreement before the Senate is a bad deal for the United States, and I will not support it.

PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE SECOND SESSION OF THE ONE HUNDRED NINTH CONGRESS

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 503, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 503) providing for the sine die adjournment of the second session of the One Hundred Ninth Congress.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 503) was agreed to, as follows:

H. CON. RES. 503

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, December 8, 2006, or Saturday, December 9, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution; and that when the Senate adjourns on any day from Friday, December 8, 2006, through Wednesday, December 13, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

URGING AGREEMENT FOR PEACEKEEPING FORCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 631, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 631) urging the Government of Sudan and the international community to implement the agreement for a peacekeeping force under the command and control of the United Nations in Darfur.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, along with Senator BROWNBACK, Senator KENNEDY, and others, I rise today in support of a bipartisan resolution on the crisis in Darfur, Sudan, and the urgent need to get a robust peacekeeping force on the ground there as soon as possible.

This Congress will adjourn in the next several hours or several days, but

the crisis in Darfur continues. As it continues, many innocent people will lose their lives in what our administration and most of the world has characterized as genocide.

On Wednesday of this week, in a meeting with the United States Special Envoy to the Sudan, Andrew Natsios, we asked him: What can Congress do at this point in time to help? Along with some technical changes in law that we will certainly consider, Mr. Natsios asked that we pass this resolution. Again, I think his hope is we will bring this matter to the attention of the American people and express to the world community our continuing alarm over this crisis in Darfur.

The President approved Mr. Natsios to his position in September. For months before that, many of us here in the Senate had urged the President to name a special envoy. We believed that violence and suffering in Darfur demanded a single individual in a leadership position who could devote all his time and energy to working to resolve this terrible crisis. That places a special obligation on us to listen when Mr. Natsios asks for help.

The resolution before us spells out the terrible facts of the genocide in Darfur and outlines two significant responses by the international community. The first was the passage by the United Nations Security Council of Resolution 1706, which authorized a 23,000-person peacekeeping force to Darfur, which was to be deployed no later than October 1 of this year. It is now well into December, and not a single U.N. peacekeeper has been deployed to Darfur, for the simple reason the Sudanese Government has continued to refuse to give consent to this United Nations mission to be sent expressly to protect innocent people in Darfur.

It looked for a moment last month as if Secretary General Kofi Annan had managed to break through this impasse.

On November 16, Secretary General Annan, along with the African Union, met in Ethiopia and helped broker the Addis Ababa agreement with the Sudanese Foreign Minister. This agreement laid out a roadmap for a joint or hybrid peacekeeping mission combining United Nations and African Union personnel under U.N. command and control. The Sudanese agreed to this in principle, although they did not agree on the spot to the numbers spelled out in the agreement; namely, 10,000 additional military peacekeepers and 3,000 police officers. These troops could join the 7,000 African Union monitors already in Darfur.

The resolution we have introduced on a bipartisan basis expresses the support of the United States Senate for this agreement, as well as U.N. Security Council Resolution 1706. It also declares that numbers and standards laid out in the Addis Ababa agreement represent the minimum acceptable. Hundreds of thousands of people have died in Darfur over the last 3 years; 2½ million have been driven from their homes. In recent months, violence has escalated.

You and I and our colleagues in the Senate are thinking now about holiday gifts, Christmas gifts. We are thinking about being with our families and sharing a peaceful moment in our homes with our friends and with those we love at this time of year. As we consider the safety and security of our lives in the United States as we approach this holiday season, we cannot forget those who are suffering and dying around the world and in this spot on Earth known as Darfur. You cannot pick up a newspaper in America this week without seeing full-page ads urging the United States to take action, urging Congress to take action. This resolution we pass may not save a single life, but it may start a call to arms across this country and around the world that we will not tolerate a genocide.

Over 10 years ago there was a genocide in Rwanda. Sadly, we never accepted the reality of what faced us. Sadly, we never responded. There were a few stalwart, courageous voices in the Senate. My predecessor Senator Paul Simon, and the retiring Senator from Vermont, JIM JEFFORDS, spoke out. If they had been listened to, hundreds of thousands of lives could have been spared in the Rwandan genocide. Now this is our time.

I commend President Bush and his administration for acknowledging that, indeed, we face a genocide. But having made that admission, it calls on every civilized country on earth and every civilized person on Earth to do something, not just to acknowledge this terrible human tragedy but to do something.

In our meeting this week, special envoy Natsios described one murder among many. He told us of a woman in a refugee camp whose 1-year-old baby was shot and killed by a jingaweit militia man while she held the baby in her arms. The world cannot allow this to happen. Today we express our strongest support for a real peacekeeping force for Darfur made up of African Union and U.N. personnel to save the next child in a mother's arms.

I urge the Senate to pass this resolution. I say with real regret that it is certainly the least we can do today. I certainly wish we could do more.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 631) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 631

Whereas Congress declared on July 22, 2004 that the atrocities in Darfur were genocide;

Whereas, on September 9, 2004, Secretary of State Colin Powell testified that ''genocide has been committed in Darfur'';

Whereas, on June 30, 2005, President Bush confirmed that ''the violence in Darfur region is clearly genocide [and t]he human cost is beyond calculation'';

Whereas, on May 8, 2006, President Bush stated, ''We will call genocide by its rightful name, and we will stand up for the innocent until the peace of Darfur is secured.'';

Whereas hundreds of thousands of people have died and over 2,500,000 have been displaced in Darfur since 2003;

Whereas the Government of Sudan has failed in its responsibility to protect the many peoples of Darfur;

Whereas the international community has failed to hold persons responsible for crimes against humanity in Darfur accountable;

Whereas, on May 5, 2006, the Government of Sudan and the largest rebel faction in Darfur, the Sudan Liberation Movement, led by Minni Minnawi, signed the Darfur Peace Agreement (DPA);

Whereas the Government of Sudan has not disarmed and demobilized the Janjaweed despite repeated pledges to do so, including in the DPA;

Whereas violence in Darfur escalated in the months following the signing of the DPA, with increased attacks against civilians and humanitarian workers;

Whereas violence has spread to the neighboring states of Chad and the Central African Republic, threatening regional peace and security;

Whereas, in July 2006, more humanitarian aid workers were killed than in the previous 3 years combined;

Whereas increased violence has forced some humanitarian organizations to suspend operations, leaving 40 percent of the population of Darfur inaccessible to aid workers;

Whereas, on August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), asserting that the existing United Nations Mission in Sudan (UNMIS) ''shall take over from [African Mission in Sudan] AMIS responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006'', and that UNMIS ''shall be strengthened by up to 17,300 military personnel . . . up to 3,300 civilian police personnel and up to 16 Formed Police Units'', which ''shall begin to be deployed [to Darfur] no later than 1 October 2006'';

Whereas, on September 19, 2006, President Bush announced the appointment of Andrew Natsios as Presidential Special Envoy to Sudan to lead United States efforts to bring peace to the Darfur region in Sudan;

Whereas, on November 16, 2006, high-level consultations led by Kofi Annan, Secretary General of the United Nations, and Alpha Oumar Konare, Chairperson of the African Union Commission, and including representatives of the Arab League, the European Union, the Government of Sudan, and other national governments, produced the ''Addis Ababa Agreement'';

Whereas the Agreement stated that the Darfur conflict could be resolved only through an all-inclusive political process;

Whereas the Agreement stated that the DPA must be made more inclusive, and ''called upon all parties—Government and DPA non-signatories—to immediately commit to a cessation of hostilities in Darfur in order to give [the peace process] the best chances for success'';

Whereas the Agreement included a plan to establish a United Nations–African Union peacekeeping operation;

Whereas the Agreement stated that the peacekeeping operation would consist of

17,000 military troops and 3,000 police, and would have a primarily African character;

Whereas the Agreement stated that the peacekeeping operation must be logistically and financially sustainable, with support coming from the United Nations;

Whereas the Agreement stated that command and control structures for the United Nations–African Union force would be provided by the United Nations;

Whereas the Government of Sudan's Foreign Minister agreed to the conclusions of the High Level Consultation on the Situation in Darfur, though the Foreign Minister indicated that he would need to consult with his government on the size of the peacekeeping mission;

Whereas, at an international press conference on November 27, 2006, Sudanese President Omar Hassan Al-Bashir rejected the Addis Ababa Agreement and reiterated his objections to any substantive United Nations involvement in Darfur, saying, ''Troops in Darfur should be part of the [African Union] AU and under command of the AU'';

Whereas it is imperative that a peacekeeping force in Darfur have the sufficient strength and mandate to provide adequate security to the people of Darfur; and

Whereas Presidential Special Envoy Andrew Natsios set December 31, 2006 as the deadline for the Government of Sudan to comply with the demands of the international community or face serious consequences: Now, therefore, be it

Resolved, That the Senate—

(1) supports, given the rapidly deteriorating situation on the ground in Darfur, the principles of the Addis Ababa Agreement in order to increase security and stability for the people of Darfur;

(2) declares that the deployment of a United Nations–African Union peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement, is the minimum acceptable effort on the part of the international community to protect the people of Darfur;

(3) further supports the strengthening of the African Union peacekeeping mission in Sudan so that it may improve its performance with regards to civilian protection as the African Union peacekeeping mission begins to transfer responsibility for protecting the people of Darfur to the United Nations–African Union peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement;

(4) calls upon the Government of Sudan to immediately—

(A) allow the implementation of the United Nations light and heavy support packages as provided for in the Addis Ababa Agreement; and

(B) work with the United Nations and the international community to deploy United Nations peacekeepers to Darfur in keeping with United Nations Security Council Resolution 1706 (2006);

(5) calls upon all parties to the conflict to immediately—

(A) adhere to the 2004 N'Djamena ceasefire; and

(B) respect the impartiality and neutrality of humanitarian agencies so that relief workers can have unfettered access to their beneficiary populations and deliver desperately needed assistance;

(6) urges the President to—

(A) continue to work with other members of the international community, including the permanent members of the United Nations Security Council, the African Union, the European Union, the Arab League, Sudan's trading partners, and the Government of Sudan to facilitate the urgently needed deployment of the peacekeeping force called for by United Nations Security Council Resolution 1706;

(B) ensure the ability of any peacekeeping force deployed to Darfur to carry out its mandate by providing adequate funding and working with our international partners to provide technical assistance, logistical support, intelligence gathering capabilities, and military assets;

(C) work with members of the United Nations Security Council and the international community to develop and impose a set of meaningful economic and diplomatic sanctions against the Government of Sudan should the Government of Sudan continue to refuse to cooperate with the implementation of United Nations Security Council Resolution 1706 and the principles contained in the Addis Ababa Agreement; and

(D) work with members of the United Nations Security Council and the international community to address escalating insecurity in Chad and the Central African Republic; and

(7) strongly supports United Nations Security Council Resolution 1706 and the principles embedded therein.

URGING THE UNITED STATES AND THE EUROPEAN UNION TO WORK TOGETHER TO STRENGTHEN THE TRANSATLANTIC MARKET

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 632, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 632) urging the United States and the European Union to work together to strengthen the transatlantic market.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 632) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 632

Whereas a robust and cooperative transatlantic economic relationship is in the mutual interest of the United States and the European Union;

Whereas the strength of the transatlantic economic relationship underpins global economic stability and resiliency;

Whereas the United States–European Union economic relationship is the largest bilateral trade and investment relationship in the world, generating roughly $3,000,000,000,000 in total commercial sales annually and providing employment for up to 14,000,000 people in the United States and the European Union;

Whereas, at the 2004 United States–European Union Summit, President George W. Bush and the leadership of the European Union jointly pledged to strengthen the transatlantic economic relationship by improving regulatory cooperation through the Roadmap for United States–European Union Regulatory Cooperation and Transparency;

Whereas, at the 2005 United States–European Union Summit, the United States and the European Union agreed upon numerous measures to expand economic ties, including the establishment of an official dialogue on regulatory cooperation between the Office of Management and Budget of the United States and the European Commission;

Whereas, at the 2006 United States–European Union Summit, President George W. Bush, European Union Council President Wolfgang Schuessel, and European Commission President Jose Manuel Barroso declared in a joint statement, ''We will redouble our efforts to promote economic growth and innovation and reduce the barriers to transatlantic trade and investment by implementing all aspects of the Transatlantic Economic Initiative . . . .'';

Whereas, on November 9, 2006, the United States and the European Union held the second economic ministerial meeting to further the implementation of the agreements of the 2005 and 2006 United States–European Union Summits, focusing on regulatory cooperation, intellectual property rights, energy security, and innovation; and

Whereas non-tariff trade barriers such as regulatory divergence continue to pose the most significant obstacles to transatlantic trade, including in areas such as pharmaceuticals, automobile safety, information and communications technology standards, cosmetics, consumer product safety, consumer protection enforcement cooperation, unfair commercial practices, nutritional labeling, food safety, maritime equipment, eco-design, chemicals, energy efficiency, telecommunications and radiocommunications equipment, and medical devices: Now, therefore, be it

Resolved, That the Senate—

(1) supports efforts by the United States and the European Union to fulfill commitments made in recent United States–European Union Summits to implement all aspects of the United States–European Union Initiative to Enhance Transatlantic Economic Integration and Growth;

(2) calls upon the leadership of the United States and the European Union to identify and eliminate unnecessary regulatory compliance costs and non-tariff barriers to trade and investment at an accelerated pace; and

(3) urges the leadership of the United States and the European Union at the 2007 United States–European Union Summit to agree to—

(A) a target date of 2015 for completing the transatlantic market; and

(B) a jointly funded, cooperatively led study of existing obstacles to creating a transatlantic market, including sector-by-sector estimates of the costs of existing barriers to trade and investment, the costs and benefits of removing the barriers identified, and a timetable for removing those barriers.

CONDEMNING CONFERENCE DENYING THE HOLOCAUST OCCURRED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 633, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 633) condemning the conference denying that the Holocaust occurred to be held by the Government of Iran and its President, Mahmoud Ahmadinejad.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, as if read, without intervening action or debate.

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

The resolution (S. Res. 633) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 633

Whereas, on December 11 and 12, 2006, the Foreign Ministry of Iran will convene a conference in Tehran to provide Holocaust deniers a public platform from which to espouse their hatred;

Whereas 11,000,000 people, including 6,000,000 Jews, were viciously murdered in Nazi death camps during World War II;

Whereas President Dwight Eisenhower stated unequivocally, after visiting Nazi death camps in 1945, ''The things I saw beggar description. . . . The visual evidence and the verbal testimony of starvation, cruelty, and bestiality were . . . overpowering. . . . I made the visit deliberately in order to be in a position to give first-hand evidence of these things if ever, in the future, there develops a tendency to charge these allegations merely to 'propaganda'.'';

Whereas the Holocaust is an undeniable fact of history and the upcoming conference in Tehran will serve only to perpetuate intolerance and hatred;

Whereas Mahmoud Ahmadinejad, the President of Iran, has repeatedly said that Israel must be ''wiped off the map'' and that ''[a]nybody who recognizes Israel will burn in the fire of the Islamic nation's fury'';

Whereas the Secretary of State has identified Iran as a state sponsor of terrorism that has repeatedly provided support for acts of international terror;

Whereas the Government of Iran sponsors terrorist organizations such as Hezbollah, Hamas, Islamic Jihad, the al-Aqsa Martyrs Brigades, and the Popular Front for the Liberation of Palestine–General Command by providing funding, training, weapons, and safe haven to such organizations;

Whereas the Government of Iran has continually defied international demands to curtail its uranium enrichment programs and development of nuclear weapons;

Whereas the Government of Iran has provided resources, material, and support to organizations whose goal is to destabilize Iraq and Lebanon; and

Whereas the outrageous statements of Mr. Ahmadinejad do not represent the beliefs of Muslims worldwide: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the conference denying that the Holocaust occured that will take place in Tehran, Iran, under the aegis of the Foreign Ministry of Iran, on December 11 and 12, 2006; and

(2) calls on the President, on behalf of the United States, to thoroughly repudiate, in the strongest terms possible, the conference and its goal of denying that the Holocaust occured.

HONORING THE LIFE AND ACHIEVEMENTS OF TOM CARR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 634, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 634) honoring the life and achievements of Tom Carr, Congressional Research Service analyst, and extending the condolences of the Senate on the occasion of his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 634) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 634

Whereas Tom Carr served Congress with distinction for 31 years at the Library of Congress as an analyst for the Congressional Research Service;

Whereas Mr. Carr held a bachelor's degree in history from Catholic University in Washington, D.C., and a master's degree in information systems from Strayer University in Fredericksburg, Virginia;

Whereas Mr. Carr was born in Jacksonville, Illinois, and grew up in Atlanta, Georgia;

Whereas Mr. Carr was an expert on congressional committees, House and Senate floor procedure, and congressionally created commissions;

Whereas Mr. Carr was an enthusiastic teacher of congressional procedure to staff, helping them to do their jobs better;

Whereas Mr. Carr was an accomplished and entertaining public speaker who founded the Library of Congress chapter of the Toastmasters and was president of the Capitol Hill Toastmasters;

Whereas Mr. Carr worked tirelessly and cheerfully in service to Congress and set a high example for his colleagues;

Whereas Mr. Carr was distinguished for the generous enthusiasm with which he met the needs of colleagues and clients alike, as well as for his persistent and expansive good humor and wit; and

Whereas Mr. Carr faithfully discharged his duties and responsibilities in a wide variety of demanding positions in public life with honesty, integrity, loyalty, and humility: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and achievements of Congressional Research Service Analyst Tom Carr;

(2) expresses profound sorrow upon the occasion of Mr. Carr's death and extends heartful condolences to those who survive him: his wife Mary (Mimi), his sons Thomas and John, his mother Carswella, and his 9 brothers and sisters; and

(3) expresses its appreciation and respect for Mr. Carr's exemplary record as an analyst for Congress.

PREEMIE ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair now lay before the Senate the House message to accompany S. 707.

The Chair laid before the Senate a message from the House of Representatives, as follows:

S. 707

Resolved, That the bill from the Senate (S. 707) entitled ''An Act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act'' or the ''PREEMIE Act''.

SEC. 2. PURPOSE.

It the purpose of this Act to—

(1) reduce rates of preterm labor and delivery;

(2) work toward an evidence-based standard of care for pregnant women at risk of preterm labor or other serious complications, and for infants born preterm and at a low birthweight; and

(3) reduce infant mortality and disabilities caused by prematurity.

SEC. 3. RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND THE CARE, TREATMENT, AND OUTCOMES OF PRETERM AND LOW BIRTHWEIGHT INFANTS.

(a) GENERAL EXPANSION OF CDC RESEARCH.—Section 301 of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''(e) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall expand, intensify, and coordinate the activities of the Centers for Disease Control and Prevention with respect to preterm labor and delivery and infant mortality.''.

(b) STUDIES ON RELATIONSHIP BETWEEN PREMATURITY AND BIRTH DEFECTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall, subject to the availability of appropriations, conduct ongoing epidemiological studies on the relationship between prematurity, birth defects, and developmental disabilities.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the appropriate com1nittees of Congress reports concerning the progress and any results of studies conducted under paragraph (1).

(c) PREGNANCY RISK ASSESSMENT MONITORING SURVEY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall establish systems for the collection of maternal-infant clinical and biomedical information, including electronic health records, electronic databases, and biobanks, to link with the Pregnancy Risk Assessment Monitoring System (PRAMS) and other epidemiological studies of prematurity in order to track pregnancy outcomes and prevent preterm birth.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)$3,000,000 for each of fiscal years 2007 through 2011.

(d) EVALUATION OF EXISTING TOOLS AND MEASURES.—The Secretary of Health and Human Services shall review existing tools and measures to ensure that such tools and measures include information related to the known risk factors of low birth weight and preterm birth.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, except for subsection (c),

$5,000,000 for each of fiscal years 2007 through 2011.

SEC. 4. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended—

(1) by redesignating the second section 399O (relating to grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking) as section 399P; and

(2) by adding at the end the following:

"SEC. 399Q. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

''(a) IN GENERAL.—The Secretary, directly or through the awarding of grants to public or private nonprofit entities, may conduct demonstration projects for the purpose of improving the provision of information on prematurity to health professionals and other health care providers and the public and improving the treatment and outcomes for babies born preterm.

''(b) ACTIVITIES.—Activities to be carried out under the demonstration project under subsection (a) may include the establishment of—

''(1) programs to test and evaluate various strategies to provide information and education to health professionals, other health care providers, and the public concerning—

''(A) the signs of preterm labor, updated as new research results become available;

''(B) the screening for and the treating of infections;

''(c) counseling on optimal weight and good nutrition, including folic acid;

''(D) smoking cessation education and counseling;

''(E) stress management; and

''(F) appropriate prenatal care;

''(2) programs to improve the treatment and outcomes for babies born premature, including the use of evidence-based standards of care by health care professionals for pregnant women at risk of preterm labor or other serious complications and for infants born preterm and at a low birthweight;

''(3) programs to respond to the informational needs of families during the stay of an infant in a neonatal intensive care unit, during the transition of the infant to the home, and in the event of a newborn death; and

''(4) such other programs as the Secretary determines appropriate to achieve the purpose specified in subsection (a).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 through 2011.''.

SEC. 5. INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.

(a) PURPOSE.—It is the purpose of this section to stimulate multidisciplinary research, scientific exchange, and collaboration among the agencies of the Department of Health and Human Services and to assist the Department in targeting efforts to achieve the greatest advances toward the goal of reducing prematurity and low birthweight.

(b) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an Interagency Coordinating Council on Prematurity and Low Birthweight (referred to in this section as the Council) to carry out the purpose of this section.

(c) COMPOSITION.—The Council shall be composed of members to be appointed by the Secretary, including representatives of the agencies of the Department of Health and Human Services.

(d) ACTIVITIES.—The Council shall—

(1) annually report to the Secretary of Health and Human Services and Congress on current Departmental activities relating to prematurity and low birthweight;

(2) carry out other activities determined appropriate by the Secretary of Health and Human Services; and

(3) oversee the coordination of the implementation of this Act.

SEC. 6. SURGEON GENERAL'S CONFERENCE ON PRETERM BIRTH.

(a) CONVENING OF CONFERENCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Surgeon General of the Public Health Service, shall convene a conference on preterm birth.

(b) PURPOSE OF CONFERENCE.—The purpose of the conference convened under subsection (a) shall be to—

(1) increase awareness of preterm birth as a serious, common, and costly public health problem in the United States;

(2) review the findings and reports issued by the Interagency Coordinating Council, key stakeholders, and any other relevant entities; and

(3) establish an agenda for activities in both the public and private sectors that will speed the identification of, and treatments for, the causes of and risk factors for preterm labor and delivery.

(c) REPORT.—The Secretary of Health and Human Services shall submit to the Congress and make available to the public a report on the agenda established under subsection (b)(3), including recommendations for activities in the public and private sectors that will speed the identification of, and treatments for, the causes of and risk factors for preterm labor and delivery.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (other than subsection (c)) $125,000.

SEC. 7. EFFECTIVE DATE OF CERTAIN HEAD START REGULATIONS.

Section 1310.12(a) of title 45 of the Code of Federal Regulations (October 1, 2004) shall not be effective until June 30, 2007, or 60 days after the date of the enactment of a statute that authorizes appropriations for fiscal year 2007 to carry out the Head Start Act, whichever date is earlier.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. DODD. Mr. President, I rise today to speak in support of the passage of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act, the PREEMIE Act. This legislation which I introduced with Senator LAMAR ALEXANDER passed unanimously in the Senate last August and I am pleased to inform my colleagues that after working with the House on some modifications to the bill, it has now passed in both Chambers.

The PREEMIE Act takes a big step toward understanding the causes of premature birth and how to prevent it. Specifically, the bill authorizes approximately $65 million over 5 years to expand and intensify activities at the Centers for Disease Control and Prevention with respect to preterm births and infant mortality, to study the relationship between prematurity and birth defects, to carry out a public and health care provider education and supportive services effort, to authorize an Interagency Coordinating Council on Prematurity and Low Birthweight, and to convene a Surgeon General's Conference on Preterm Birth which will make recommendations to the public and private sectors on ways to better identify and treat the causes of and risk factors for preterm labor and delivery.

This is not the same bill the Senate passed unanimously. To begin with, this bill authorizes $26 million less than the bill the Senate passed last August. This is due in large part to the removal of authorizations for multidisciplinary research underway at the National Institutes of Health. It is my hope that despite these changes, the NIH will continue this vital research in order to better understand the role DNA plays in prematurity and to improve maternal and fetal health outcomes.

Nearly 1 out of every 8 babies in the U.S. is born prematurely—that is more than 1,300 babies each day and more than 500,000 each year. According to recent data, in 2002 the infant mortality rate actually increased for the first time since 1958. Much of this increase is attributable to infant death in the first month of life, of which prematurity is the leading cause.

Although we know some risk factors associated with prematurity such as advanced age of the mother, smoking, and certain chronic diseases, the cause of nearly 50 percent of all premature births is still unknown. Prematurity has been linked to such long-term health problems as cerebral palsy, chronic lung disease, and vision and hearing loss.

According to a recent report by the Institute of Medicine, medical care costs due to prematurity and low birth weight were $16.9 billion in 2005, $33,200 per preterm infant. The March of Dimes estimates that about half of preterm birth medical care costs were paid for by Medicaid. For employers, health care costs for a premature baby during the first year of life average $41,610 compared to $2,830 for a full-term baby. However, none of these numbers can quantify the emotional toll a premature birth takes on a family.

That is why the PREEMIE bill is so essential. This legislation will go a long way toward helping families during what can be the most difficult moments of their baby's life and will help us better understand and prevent premature births in the future.

I conclude by thanking Senator ALEXANDER for his leadership on this legislation. He has been a terrific partner in this effort and I look forward to working with him in the 110th Congress. I also thank Chairman ENZI and Ranking Member KENNEDY and their staffs for making the passage of the PREEMIE Act a priority this Congress. Lastly, I would to recognize Page Kranbuhl of Senator ALEXANDER's staff for her work on this legislation as well as Emil Wigode, Carolyn Doyle and Jo Merrill of the March of Dimes who have stood with us every step of the way.●

Mr. FRIST. I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

AUTHORIZING THE PRINTING AS A HOUSE DOCUMENT OF ''UNITED STATES HOUSE OF REPRESENTATIVES, THE COMMITTEE ON WAYS AND MEANS: A HISTORY, 1789–2006''

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 495, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 495), authorizing the printing as a House document of ''United States House of Representatives, The Committee on Ways and Means: A History, 1789–2006''.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 495) was agreed to.

DEPARTMENT OF STATE AUTHORITIES ACT OF 2006

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 6060.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6060) to authorize certain activities by the Department of State, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (H.R. 6060) was ordered to a third reading, was read the third time, and passed.

PHYSICIANS FOR UNDERSERVED AREAS ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4997, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4997) to extend for 2 years the authority to grant waivers of the foreign country residence requirement with respect to certain international medical graduates.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 4997) was ordered to a third reading, was read the third time, and passed.

BELARUS DEMOCRACY REAUTHORIZATION ACT OF 2006

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5948, received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5948) to reauthorize the Belarus Democracy Act of 2004.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 5948) was ordered to a third reading, was read the third time, and passed.

APPOINTING THE DAY FOR THE CONVENING OF THE FIRST SESSION OF THE ONE HUNDRED TENTH CONGRESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 101 which was received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 101) appointing the day for the convening of the first session of the One Hundred Tenth Congress.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. FRIST. I ask unanimous consent that the resolution be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The joint resolution (H.J. Res. 101) was ordered to a third reading, was read the third time, and passed.

CORRECTING THE ENROLLMENT OF H.R. 5782

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 502 which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 502) to correct the enrollment of the bill H.R. 5782.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 502) was agreed to.

UNITED STATES-MEXICO TRANSBOUNDARY AQUIFER ASSESSMENT ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives to accompany S. 214 to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

There being no objection, the Presiding Officer (Mr. BURR) laid before the Senate the following message from the House of Representatives:

S. 214

Resolved, That the bill from the Senate (S. 214) entitled ''An Act to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States-Mexico Transboundary Aquifer Assessment Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to systematically assess priority transboundary aquifers.

SEC. 3. DEFINITIONS.

In this Act:

(1) AQUIFER.—The term ''aquifer'' means a subsurface water-bearing geologic formation from which significant quantities of water may be extracted.

(2) IBWC.—The term ''IBWC'' means the International Boundary and Water Commission, an agency of the Department of State.

(3) INDIAN TRIBE.—The term ''Indian tribe'' means an Indian tribe, band, nation, or other organized group or community—

(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

(4) PARTICIPATING STATE.—The term ''Participating State'' means each of the States of Arizona, New Mexico, and Texas.

(5) PRIORITY TRANSBOUNDARY AQUIFER.—The term ''priority transboundary aquifer'' means a transboundary aquifer that has been designated for study and analysis under the program.

(6) PROGRAM.—The term ''program'' means the United States-Mexico transboundary aquifer assessment program established under section 4(a).

(7) RESERVATION.—The term ''reservation'' means land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(9) TRANSBOUNDARY AQUIFER.—The term ''transboundary aquifer'' means an aquifer that underlies the boundary between a Participating State and Mexico.

(10) TRI-REGIONAL PLANNING GROUP.—The term ''Tri-Regional Planning Group'' means the binational planning group comprised of—

(A) the Junta Municipal de Agua y Saneamiento de Ciudad Juarez;

(B) the El Paso Water Utilities Public Service Board; and

(C) the Lower Rio Grande Water Users Organization.

(11) WATER RESOURCES RESEARCH INSTITUTES.—The term ''water resources research institutes'' means the institutes within the Participating States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation and cooperation with the Participating States, the water resources research institutes, Sandia National Laboratories, and other appropriate entities in the United States and Mexico, and the IBWC, as appropriate, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and model priority transboundary aquifers along the United States-Mexico border at a level of detail determined to be appropriate for the particular aquifer.

(b) OBJECTIVES.—The objectives of the program are to—

(1) develop and implement an integrated scientific approach to identify and assess priority transboundary aquifers, including—

(A) for purposes of subsection (c)(2), specifying priority transboundary aquifers for further analysis by assessing—

(i) the proximity of a proposed priority transboundary aquifer to areas of high population density;

(ii) the extent to which a proposed priority transboundary aquifer would be used;

(iii) the susceptibility of a proposed priority transboundary aquifer to contamination; and

(iv) any other relevant criteria;

(B) evaluating all available data and publications as part of the development of study plans for each priority transboundary aquifer;

(C) creating a new, or enhancing an existing, geographic information system database to characterize the spatial and temporal aspects of each priority transboundary aquifer; and

(D) using field studies, including support for and expansion of ongoing monitoring and metering efforts, to develop—

(i) the additional data necessary to adequately define aquifer characteristics; and

(ii) scientifically sound groundwater flow models to assist with State and local water management and administration, including modeling of relevant groundwater and surface water interactions;

(2) consider the expansion or modification of existing agreements, as appropriate, between the United States Geological Survey, the Participating States, the water resources research institutes, and appropriate authorities in the United States and Mexico, to—

(A) conduct joint scientific investigations;

(B) archive and share relevant data; and

(C) carry out any other activities consistent with the program; and

(3) produce scientific products for each priority transboundary aquifer that—

(A) are capable of being broadly distributed; and

(B) provide the scientific information needed by water managers and natural resource agencies on both sides of the United States-Mexico border to effectively accomplish the missions of the managers and agencies.

(c) DESIGNATION OF PRIORITY TRANSBOUNDARY AQUIFERS.—

(1) IN GENERAL.—For purposes of the program, the Secretary shall designate as priority transboundary aquifers—

(A) the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico;

(B) the Santa Cruz River Valley aquifers underlying Arizona and Sonora, Mexico; and

(C) the San Pedro aquifers underlying Arizona and Sonora, Mexico.

(2) ADDITIONAL AQUIFERS.—The Secretary may, using the criteria under subsection (b)(1)(A), evaluate and designate additional priority transboundary aquifers which underlie New Mexico or Texas.

(d) COOPERATION WITH MEXICO.—To ensure a comprehensive assessment of priority transboundary aquifers, the Secretary shall, to the maximum extent practicable, work with appropriate Federal agencies and other organizations to develop partnerships with, and receive input from, relevant organizations in Mexico to carry out the program.

(e) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements and other agreements with the water resources research institutes and other Participating State entities to carry out the program.

SEC. 5. IMPLEMENTATION OF PROGRAM.

(a) COORDINATION WITH STATES, TRIBES, AND OTHER ENTITIES.—The Secretary shall coordinate the activities carried out under the program with—

(1) the appropriate water resource agencies in the Participating States;

(2) any affected Indian tribes;

(3) any other appropriate entities that are conducting monitoring and metering activity with respect to a priority transboundary aquifer; and

(4) the IBWC, as appropriate.

(b) NEW ACTIVITY.—After the date of enactment of this Act, the Secretary shall not initiate any new field studies or analyses under the program before consulting with, and coordinating the activity with, any Participating State water resource agencies that have jurisdiction over the aquifer.

(c) STUDY PLANS; COST ESTIMATES.—

(1) IN GENERAL.—The Secretary shall work closely with appropriate Participating State water resource agencies, water resources research institutes, and other relevant entities to develop a study plan, timeline, and cost estimate for each priority transboundary aquifer to be studied under the program.

(2) REQUIREMENTS.—A study plan developed under paragraph (1) shall, to the maximum extent practicable—

(A) integrate existing data collection and analyses conducted with respect to the priority transboundary aquifer;

(B) if applicable, improve and strengthen existing groundwater flow models developed for the priority transboundary aquifer; and

(C) be consistent with appropriate State guidelines and goals.

SEC. 6. EFFECT.

(a) IN GENERAL.—Nothing in this Act affects—

(1) the jurisdiction or responsibility of a Participating State with respect to managing surface or groundwater resources in the Participating State;

(2) the water rights of any person or entity using water from a transboundary aquifer; or

(3) State water law, or an interstate compact or international treaty governing water.

(b) TREATY.—Nothing in this Act shall delay or alter the implementation or operation of any works constructed, modified, acquired, or used within the territorial limits of the United States relating to the waters governed by the Treaty Between the United States and Mexico Regarding Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, Treaty Series 994 (59 Stat. 1219).

SEC. 7. REPORTS.

Not later than 5 years after the date of enactment of this Act, and on completion of the program in fiscal year 2016, the Secretary shall submit to the appropriate water resource agency in the Participating States, an interim and final report, respectively, that describes—

(1) any activities carried out under the program;

(2) any conclusions of the Secretary relating to the status of priority transboundary aquifers; and

(3) the level of participation in the program of entities in Mexico.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $50,000,000 for the period of fiscal years 2007 through 2016.

(b) DISTRIBUTION OF FUNDS.—Of the amounts made available under subsection (a), 50 percent shall be made available to the water resources research institutes to provide funding to appropriate entities in the Participating States (including Sandia National Laboratories, State agencies, universities, the Tri-Regional Planning Group, and other relevant organizations) and to implement cooperative agreements entered into with appropriate entities in Mexico to conduct specific authorized activities in furtherance of the program, including the binational collection and exchange of scientific data.

(c) CRITERIA.—Funding provided to an appropriate entity in Mexico pursuant to subsection (b) shall be contingent on that entity providing 50 percent of the necessary resources (including in-kind services) to further assist in carrying out the authorized activity.

SEC. 9. SUNSET OF AUTHORITY.

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

Mr. FRIST. I ask unanimous consent that the Senate agree to the amendment of the House.

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

RURAL WATER SUPPLY ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair now lay before the Senate a message from the House of Representatives to accompany S. 895 to authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

There being no objection, the Presiding Officer (Mr. BURR) laid before the Senate the following message from the House of Representatives:

S. 895

Resolved, That the bill from the Senate (S. 895) entitled ''An Act to direct the Secretary

of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Rural Water Supply Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RECLAMATION RURAL WATER SUPPLY ACT OF 2006

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Rural water supply program.
Sec. 104. Rural water programs assessment.
Sec. 105. Appraisal investigations.
Sec. 106. Feasibility studies.
Sec. 107. Miscellaneous.
Sec. 108. Reports.
Sec. 109. Authorization of appropriations.
Sec. 110. Termination of authority.

TITLE II—TWENTY-FIRST CENTURY WATER WORKS ACT

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Project eligibility.
Sec. 204. Loan guarantees.
Sec. 205. Defaults.
Sec. 206. Operations, maintenance, and replacement costs.
Sec. 207. Title to newly constructed facilities.
Sec. 208. Water rights.
Sec. 209. Interagency coordination and cooperation.
Sec. 210. Records; audits.
Sec. 211. Full faith and credit.
Sec. 212. Report.
Sec. 213. Effect on the reclamation laws.
Sec. 214. Authorization of appropriations.
Sec. 215. Termination of authority.

TITLE III—REPORT ON TRANSFER OF RECLAMATION FACILITIES

Sec. 301. Report.

TITLE I—RECLAMATION RURAL WATER SUPPLY ACT OF 2006

SEC. 101. SHORT TITLE.

This title may be cited as the ''Reclamation Rural Water Supply Act of 2006''.

SEC. 102. DEFINITIONS.

In this title:

(1) CONSTRUCTION.—The term ''construction'' means the installation of infrastructure and the upgrading of existing facilities in locations in which the infrastructure or facilities are associated with the new infrastructure of a rural water project recommended by the Secretary pursuant to this title.

(2) FEDERAL RECLAMATION LAW.—The term ''Federal reclamation law'' means the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(3) INDIAN.—The term ''Indian'' means an individual who is a member of an Indian tribe.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) NON-FEDERAL PROJECT ENTITY.—The term ''non-Federal project entity'' means a State, regional, or local authority, Indian tribe or tribal organization, or other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association.

(6) OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—The term ''operations, maintenance, and replacement costs'' means all costs for the operation of a rural water supply project that are necessary for the safe, efficient, and continued functioning of the project to produce the benefits described in a feasibility study.

(B) INCLUSIONS.—The term ''operations, maintenance, and replacement costs'' includes—

(i) repairs of a routine nature that maintain a rural water supply project in a well kept condition;

(ii) replacement of worn-out project elements; and

(iii) rehabilitation activities necessary to bring a deteriorated project back to the original condition of the project.

(C) EXCLUSION.—The term ''operations, maintenance, and replacement costs'' does not include construction costs.

(7) PROGRAM.—The term ''Program'' means the rural water supply program carried out under section 103.

(8) RECLAMATION STATES.—The term ''Reclamation States'' means the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

(9) RURAL WATER SUPPLY PROJECT.—

(A) IN GENERAL.—The term ''rural water supply project'' means a project that is designed to serve a community or group of communities, each of which has a population of not more than 50,000 inhabitants, which may include Indian tribes and tribal organizations, dispersed homesites, or rural areas with domestic, industrial, municipal, and residential water.

(B) INCLUSION.—The term ''rural water supply project'' includes—

(i) incidental noncommercial livestock watering and noncommercial irrigation of vegetation and small gardens of less than 1 acre; and

(ii) a project to improve rural water infrastructure, including—

(I) pumps, pipes, wells, and other diversions;

(II) storage tanks and small impoundments;

(III) water treatment facilities for potable water supplies, including desalination facilities;

(IV) equipment and management tools for water conservation, groundwater recovery, and water recycling; and

(V) appurtenances.

(C) EXCLUSION.—The term ''rural water supply project'' does not include—

(i) commercial irrigation; or

(ii) major impoundment structures.

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

(11) TRIBAL ORGANIZATION.—The term ''tribal organization'' means—

(A) the recognized governing body of an Indian tribe; and

(B) any legally established organization of Indians that is controlled, sanctioned, or chartered by the governing body or democratically elected by the adult members of the Indian community to be served by the organization.

SEC. 103. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal project entities and consistent with this title, may carry out a rural water supply program in Reclamation States to—

(1) investigate and identify opportunities to ensure safe and adequate rural water supply projects for domestic, municipal, and industrial use in small communities and rural areas of the Reclamation States;

(2) plan the design and construction, through the conduct of appraisal investigations and feasibility studies, of rural water supply projects in Reclamation States; and

(3) oversee, as appropriate, the construction of rural water supply projects in Reclamation States that are recommended by the Secretary in a feasibility report developed pursuant to section 106 and subsequently authorized by Congress.

(b) NON-FEDERAL PROJECT ENTITY.—Any activity carried out under this title shall be carried out in cooperation with a qualifying non-Federal project entity, consistent with this title.

(c) ELIGIBILITY CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, consistent with this title, develop and publish in the Federal Register criteria for—

(1) determining the eligibility of a rural community for assistance under the Program; and

(2) prioritizing requests for assistance under the Program.

(d) FACTORS.—The criteria developed under subsection (c) shall take into account such factors as whether—

(1) a rural water supply project—

(A) serves—

(i) rural areas and small communities; or

(ii) Indian tribes; or

(B) promotes and applies a regional or watershed perspective to water resources management;

(2) there is an urgent and compelling need for a rural water supply project that would—

(A) improve the health or aesthetic quality of water;

(B) result in continuous, measurable, and significant water quality benefits; or

(C) address current or future water supply needs;

(3) a rural water supply project helps meet applicable requirements established by law; and

(4) a rural water supply project is cost effective.

(e) INCLUSIONS.—The Secretary may include—

(1) to the extent that connection provides a reliable water supply, a connection to preexisting infrastructure (including impoundments and conveyance channels) as part of a rural water supply project; and

(2) notwithstanding the limitation on population under section 102(9)(A), a town or community with a population in excess of 50,000 inhabitants in an area served by a rural water supply project if, at the discretion of the Secretary, the town or community is considered to be a critical partner in the rural supply project.

SEC. 104. RURAL WATER PROGRAMS ASSESSMENT.

(a) IN GENERAL.—In consultation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, the Director of the Indian Health Service, the Secretary of Housing and Urban Development, and the Secretary of the Army, the Secretary shall develop an assessment of—

(1) the status of all rural water supply projects under the jurisdiction of the Secretary authorized but not completed prior to the date of enactment of this Act, including appropriation amounts, the phase of development, total anticipated costs, and obstacles to completion;

(2) the current plan (including projected financial and workforce requirements) for the completion of the projects identified in paragraph (1) within the time frames established under the provisions of law authorizing the projects or the final engineering reports for the projects;

(3) the demand for new rural water supply projects;

(4) rural water programs within other agencies and a description of the extent to which those programs provide support for rural water supply projects and water treatment programs in Reclamation States, including an assessment of the requirements, funding levels, and conditions of eligibility for the programs assessed;

(5) the extent of the demand that the Secretary can meet with the Program;

(6) how the Program will complement authorities already within the jurisdiction of the Secretary and the heads of the agencies with whom the Secretary consults; and

(7) improvements that can be made to coordinate and integrate the authorities of the agencies with programs evaluated under paragraph (4), including any recommendations to consolidate some or all of the activities of the agencies with respect to rural water supply.

(b) CONSULTATION WITH STATES.—Before finalizing the assessment developed under subsection (a), the Secretary shall solicit comments from States with identified rural water needs.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a detailed report on the assessment conducted under subsection (a).

SEC. 105. APPRAISAL INVESTIGATIONS.

(a) IN GENERAL.—On request of a non-Federal project entity with respect to a proposed rural water supply project that meets the eligibility criteria published under section 103(c) and subject to the availability of appropriations, the Secretary may—

(1) receive and review an appraisal investigation that is—

(A) developed by the non-Federal project entity, with or without support from the Secretary; and

(B) submitted to the Secretary by the non-Federal project entity;

(2) conduct an appraisal investigation; or

(3) provide a grant to, or enter into a cooperative agreement with, the non-Federal project entity to conduct an appraisal investigation, if the Secretary determines that—

(A) the non-Federal project entity is qualified to complete the appraisal investigation in accordance with the criteria published under section 103(c); and

(B) using the non-Federal project entity to conduct the appraisal investigation is a cost-effective alternative for completing the appraisal investigation.

(b) DEADLINE.—An appraisal investigation conducted under subsection (a) shall be scheduled for completion not later than 2 years after the date on which the appraisal investigation is initiated.

(c) APPRAISAL REPORT.—In accordance with subsection (f), after an appraisal investigation is submitted to the Secretary under subsection (a)(1) or completed under paragraph (2) or (3) of subsection (a), the Secretary shall prepare an appraisal report that—

(1) considers—

(A) whether the project meets—

(i) the appraisal criteria developed under subsection (d); and

(ii) the eligibility criteria developed under section 103(c);

(B) whether viable water supplies and water rights exist to supply the project, including all practicable water sources such as lower quality waters, nonpotable waters, and water reuse-based water supplies;

(C) whether the project has a positive effect on public health and safety;

(D) whether the project will meet water demand, including projected future needs;

(E) the extent to which the project provides environmental benefits, including source water protection;

(F) whether the project applies a regional or watershed perspective and promotes benefits in the region in which the project is carried out;

(G) whether the project—

(i)(I) implements an integrated resources management approach; or

(II) enhances water management flexibility, including providing for—

(aa) local control to manage water supplies under varying water supply conditions; and

(bb) participation in water banking and markets for domestic and environmental purposes; and

(ii) promotes long-term protection of water supplies;

(H) preliminary cost estimates for the project; and

(I) whether the non-Federal project entity has the capability to pay 100 percent of the costs associated with the operations, maintenance, and replacement of the facilities constructed or developed as part of the rural water supply project; and

(2) provides recommendations on whether a feasibility study should be initiated under section 106(a).

(d) APPRAISAL CRITERIA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate criteria (including appraisal factors listed under subsection (c)) against which the appraisal investigations shall be assessed for completeness and appropriateness for a feasibility study.

(2) INCLUSIONS.—To minimize the cost of a rural water supply project to a non-Federal project entity, the Secretary shall include in the criteria methods to scale the level of effort needed to complete the appraisal investigation relative to the total size and cost of the proposed rural water supply project.

(e) REVIEW OF APPRAISAL INVESTIGATION.—

(1) IN GENERAL.—Not later than 90 days after the date of submission of an appraisal investigation under paragraph (1) or (3) of subsection (a), the Secretary shall provide to the non-Federal entity that conducted the investigation a determination of whether the investigation has included the information necessary to determine whether the proposed rural water supply project satisfies the criteria promulgated under subsection (d).

(2) NO SATISFACTION OF CRITERIA.—If the Secretary determines that the appraisal investigation submitted by a non-Federal entity does not satisfy the criteria promulgated under subsection (d), the Secretary shall inform the non-Federal entity of the reasons why the appraisal investigation is deficient.

(3) RESPONSIBILITY OF SECRETARY.—If an appraisal investigation as first submitted by a non-Federal entity does not provide all necessary information, as defined by the Secretary, the Secretary shall have no obligation to conduct further analysis until the non-Federal project entity submitting the appraisal study conducts additional investigation and resubmits the appraisal investigation under this subsection.

(f) APPRAISAL REPORT.—Once the Secretary has determined that an investigation provides the information necessary under subsection (e), the Secretary shall—

(1) complete the appraisal report required under subsection (c);

(2) make available to the public, on request, the appraisal report prepared under this title; and

(3) promptly publish in the Federal Register a notice of the availability of the results.

(g) COSTS.—

(1) FEDERAL SHARE.—The Federal share of an appraisal investigation conducted under subsection (a) shall be 100 percent of the total cost of the appraisal investigation, up to $200,000.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if the cost of conducting an appraisal investigation is more than $200,000, the non-Federal share of the costs in excess of $200,000 shall be 50 percent.

(B) EXCEPTION.—The Secretary may reduce the non-Federal share required under subparagraph (A) if the Secretary determines that there is an overwhelming Federal interest in the appraisal investigation.

(C) FORM.—The non-Federal share under subparagraph (A) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the appraisal investigation.

(h) CONSULTATION; IDENTIFICATION OF FUNDING SOURCES.—In conducting an appraisal investigation under subsection (a)(2), the Secretary shall—

(1) consult and cooperate with the non-Federal project entity and appropriate State, tribal, regional, and local authorities;

(2) consult with the heads of appropriate Federal agencies to—

(A) ensure that the proposed rural water supply project does not duplicate a project carried out under the authority of the agency head; and

(B) if a duplicate project is being carried out, identify the authority under which the duplicate project is being carried out; and

(3) identify what funding sources are available for the proposed rural water supply project.

SEC. 106. FEASIBILITY STUDIES.

(a) IN GENERAL.—On completion of an appraisal report under section 105(c) that recommends undertaking a feasibility study and subject to the availability of appropriations, the Secretary shall—

(1) in cooperation with a non-Federal project entity, carry out a study to determine the feasibility of the proposed rural water supply project;

(2) receive and review a feasibility study that is—

(A) developed by the non-Federal project entity, with or without support from the Secretary; and

(B) submitted to the Secretary by the non-Federal project entity; or

(3)(A) provide a grant to, or enter into a cooperative agreement with, a non-Federal project entity to conduct a feasibility study, for submission to the Secretary, if the Secretary determines that—

(i) the non-Federal entity is qualified to complete the feasibility study in accordance with the criteria promulgated under subsection (d); and

(ii) using the non-Federal project entity to conduct the feasibility study is a cost-effective alternative for completing the appraisal investigation; or

(B) if the Secretary determines not to provide a grant to, or enter into a cooperative agreement with, a non-Federal project entity under subparagraph (A), provide to the non-Federal project entity notice of the determination, including an explanation of the reason for the determination.

(b) REVIEW OF NON-FEDERAL FEASIBILITY STUDIES.—

(1) IN GENERAL.—In conducting a review of a feasibility study submitted under paragraph (2) or (3) of subsection (a), the Secretary shall—

(A) in accordance with the feasibility factors described in subsection (c) and the criteria promulgated under subsection (d), assess the completeness of the feasibility study; and

(B) if the Secretary determines that a feasibility study is not complete, notify the non-Federal entity of the determination.

(2) REVISIONS.—If the Secretary determines under paragraph (1)(B) that a feasibility study is not complete, the non-Federal entity shall pay any costs associated with revising the feasibility study.

(c) FEASIBILITY FACTORS.—Feasibility studies authorized or reviewed under this title shall include an assessment of—

(1) near- and long-term water demand in the area to be served by the rural water supply project;

(2) advancement of public health and safety of any existing rural water supply project and other benefits of the proposed rural water supply project;

(3) alternative new water supplies in the study area, including any opportunities to treat and use low-quality water, nonpotable water, water reuse-based supplies, and brackish and saline waters through innovative and economically viable treatment technologies;

(4) environmental quality and source water protection issues related to the rural water supply project;

(5) innovative opportunities for water conservation in the study area to reduce water use and water system costs, including—

(A) nonstructural approaches to reduce the need for the project; and

(B) demonstration technologies;

(6) the extent to which the project and alternatives take advantage of economic incentives and the use of market-based mechanisms;

(7)(A) the construction costs and projected operations, maintenance, and replacement costs of all alternatives; and

(B) the economic feasibility and lowest cost method of obtaining the desired results of each alternative, taking into account the Federal cost-share;

(8) the availability of guaranteed loans for a proposed rural water supply project;

(9) the financial capability of the non-Federal project entity to pay the non-Federal project entity's proportionate share of the design and construction costs and 100 percent of operations, maintenance, and replacement costs, including the allocation of costs to each non-Federal project entity in the case of multiple entities;

(10) whether the non-Federal project entity has developed an operations, management, and replacement plan to assist the non-Federal project entity in establishing rates and fees for beneficiaries of the rural water supply project that includes a schedule identifying the annual operations, maintenance, and replacement costs that should be allocated to each non-Federal entity participating in the project;

(11)(A) the non-Federal project entity administrative organization that would implement construction, operations, maintenance, and replacement activities; and

(B) the fiscal, administrative, and operational controls to be implemented to manage the project;

(12) the extent to which assistance for rural water supply is available under other Federal authorities;

(13) the engineering, environmental, and economic activities to be undertaken to carry out the proposed rural water supply project;

(14) the extent to which the project involves partnerships with other State, local, or tribal governments or Federal entities; and

(15) in the case of a project intended for Indian tribes and tribal organizations, the extent to which the project addresses the goal of economic self-sufficiency.

(d) FEASIBILITY STUDY CRITERIA.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate criteria (including the feasibility factors listed under subsection (c)) under which the feasibility studies shall be assessed for completeness and appropriateness.

(2) INCLUSIONS.—The Secretary shall include in the criteria promulgated under paragraph (1) methods to scale the level of effort needed to complete the feasibility assessment relative to the total size and cost of the proposed rural water supply project and reduce total costs to non-Federal entities.

(e) FEASIBILITY REPORT.—

(1) IN GENERAL.—After completion of appropriate feasibility studies for rural water supply projects that address the factors described in subsection (c) and the criteria promulgated under subsection (d), the Secretary shall—

(A) develop a feasibility report that includes—

(i) a recommendation of the Secretary on—

(I) whether the rural water supply project should be authorized for construction; and

(II) the appropriate non-Federal share of construction costs, which shall be—

(aa) at least 25 percent of the total construction costs; and

(bb) determined based on an analysis of the capability-to-pay information considered under subsections (c)(9) and (f); and

(ii) if the Secretary recommends that the project should be authorized for construction—

(I) what amount of grants, loan guarantees, or combination of grants and loan guarantees should be used to provide the Federal cost share;

(II) a schedule that identifies the annual operations, maintenance, and replacement costs that should be allocated to each non-Federal entity participating in the rural water supply project; and

(III) an assessment of the financial capability of each non-Federal entity participating in the rural water supply project to pay the allocated annual operation, maintenance, and replacement costs for the rural water supply project;

(B) submit the report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives;

(C) make the report publicly available, along with associated study documents; and

(D) publish in the Federal Register a notice of the availability of the results.

(f) CAPABILITY-TO-PAY.—

(1) IN GENERAL.—In evaluating a proposed rural water supply project under this section, the Secretary shall—

(A) consider the financial capability of any non-Federal project entities participating in the rural water supply project to pay 25 percent or more of the capital construction costs of the rural water supply project; and

(B) recommend an appropriate Federal share and non-Federal share of the capital construction costs, as determined by the Secretary.

(2) FACTORS.—In determining the financial capability of non-Federal project entities to pay for a rural water supply project under paragraph (1), the Secretary shall evaluate factors for the project area, relative to the State average, including—

(A) per capita income;

(B) median household income;

(C) the poverty rate;

(D) the ability of the non-Federal project entity to raise tax revenues or assess fees;

(E) the strength of the balance sheet of the non-Federal project entity; and

(F) the existing cost of water in the region.

(3) INDIAN TRIBES.—In determining the capability-to-pay of Indian tribe project beneficiaries, the Secretary may consider deferring the collection of all or part of the non-Federal construction costs apportioned to Indian tribe project beneficiaries unless or until the Secretary determines that the Indian tribe project beneficiaries should pay—

(A) the costs allocated to the beneficiaries; or

(B) an appropriate portion of the costs.

(g) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Federal share of the cost of a feasibility study carried out under this section shall not exceed 50 percent of the study costs.

(2) FORM.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(3) FINANCIAL HARDSHIP.—The Secretary may increase the Federal share of the costs of a feasibility study if the Secretary determines, based on a demonstration of financial hardship, that the non-Federal participant is unable to contribute at least 50 percent of the costs of the study.

(4) LARGER COMMUNITIES.—In conducting a feasibility study of a rural water supply system that includes a community with a population in excess of 50,000 inhabitants, the Secretary may require the non-Federal project entity to pay more than 50 percent of the costs of the study.

(h) CONSULTATION AND COOPERATION.—In addition to the non-Federal project entity, the Secretary shall consult and cooperate with appropriate Federal, State, tribal, regional, and local authorities during the conduct of each feasibility assessment and development of the feasibility report conducted under this title.

SEC. 107. MISCELLANEOUS.

(a) AUTHORITY OF SECRETARY.—The Secretary may enter into contracts, financial assistance agreements, and such other agreements, and promulgate such regulations, as are necessary to carry out this title.

(b) TRANSFER OF PROJECTS.—Nothing in this title authorizes the transfer of pre-existing facilities or pre-existing components of any water system from Federal to private ownership or from private to Federal ownership.

(c) FEDERAL RECLAMATION LAW.—Nothing in this title supersedes or amends any Federal law associated with a project, or portion of a project, constructed under Federal reclamation law.

(d) INTERAGENCY COORDINATION.—The Secretary shall coordinate the Program carried out under this title with existing Federal and State rural water and wastewater programs to facilitate the most efficient and effective solution to meeting the water needs of the non-Federal project sponsors.

(e) MULTIPLE INDIAN TRIBES.—In any case in which a contract is entered into with, or a grant is made, to an organization to perform services benefitting more than 1 Indian tribe under this title, the approval of each such Indian tribe shall be a prerequisite to entering into the contract or making the grant.

(f) OWNERSHIP OF FACILITIES.—Title to any facility planned, designed, and recommended for construction under this title shall be held by the non-Federal project entity.

(g) EXPEDITED PROCEDURES.—If the Secretary determines that a community to be served by a proposed rural water supply project has urgent and compelling water needs, the Secretary shall, to the maximum extent practicable, expedite appraisal investigations and reports conducted under section 105 and feasibility studies and reports conducted under section 106.

(h) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—Nothing in this title preempts or affects State water law or an interstate compact governing water.

(2) COMPLIANCE REQUIRED.—The Secretary shall comply with State water laws in carrying out this title.

(i) NO ADDITIONAL REQUIREMENTS.—Nothing in this title requires a feasibility study for, or imposes any other additional requirements with respect to, rural water supply projects or programs that are authorized before the date of enactment of this Act.

SEC. 108. REPORTS.

Beginning in fiscal year 2007, and each fiscal year thereafter through fiscal year 2012, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report that describes the number and type of full-time equivalent positions in the Department of the Interior and the amount of overhead costs of the Department of the Interior that are allocated to carrying out this title for the applicable fiscal year.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $15,000,000 for each of fiscal years 2007 through 2016, to remain available until expended.

(b) RURAL WATER PROGRAMS ASSESSMENT.—Of the amounts made available under subsection (a), not more than $1,000,000 may be made available to carry out section 104 for each of fiscal years 2007 and 2008.

(c) CONSTRUCTION COSTS.—No amounts made available under this section shall be used to pay construction costs associated with any rural water supply project.

SEC. 110. TERMINATION OF AUTHORITY.

The authority of the Secretary to carry out this title terminates on September 30, 2016.

TITLE II—TWENTY-FIRST CENTURY WATER WORKS ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Twenty-First Century Water Works Act''.

SEC. 202. DEFINITIONS.

In this title:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) LENDER.—The term ''lender'' means—

(A) a non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulation (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)); or

(B) a clean renewable energy bond lender (as defined in section 54(j)(2) of the Internal Revenue Code of 1986 (as in effect on the date of enactment of this Act)).

(3) LOAN GUARANTEE.—The term ''loan guarantee'' has the meaning given the term ''loan guarantee'' in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(4) NON-FEDERAL BORROWER.—The term ''non-Federal borrower'' means—

(A) a State (including a department, agency, or political subdivision of a State); or

(B) a conservancy district, irrigation district, canal company, water users' association, Indian tribe, an agency created by interstate compact, or any other entity that has the capacity to contract with the United States under Federal reclamation law.

(5) OBLIGATION.—The term ''obligation'' means a loan or other debt obligation that is guaranteed under this section.

(6) PROJECT.—The term ''project'' means—

(A) a rural water supply project (as defined in section 102(9));

(B) an extraordinary operation and maintenance activity for, or the rehabilitation or replacement of, a facility—

(i) that is authorized by Federal reclamation law and constructed by the United States under such law; or

(ii) in connection with which there is a repayment or water service contract executed by the United States under Federal reclamation law; or

(C) an improvement to water infrastructure directly associated with a reclamation project that, based on a determination of the Secretary—

(i) improves water management; and

(ii) fulfills other Federal goals.

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

SEC. 203. PROJECT ELIGIBILITY.

(a) ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—The Secretary shall develop and publish in the Federal Register criteria for determining the eligibility of a project for financial assistance under section 204.

(2) INCLUSIONS.—Eligibility criteria shall include—

(A) submission of an application by the lender to the Secretary;

(B) demonstration of the creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features to ensure repayment;

(C) demonstration by the non-Federal borrower, to the satisfaction of the Secretary, of the ability of the non-Federal borrower to repay the project financing from user fees or other dedicated revenue sources;

(D) demonstration by the non-Federal borrower, to the satisfaction of the Secretary, of the ability of the non-Federal borrower to pay all operations, maintenance, and replacement costs of the project facilities; and

(E) such other criteria as the Secretary determines to be appropriate.

(b) WAIVER.—The Secretary may waive any of the criteria in subsection (a)(2) that the Secretary determines to be duplicative or rendered unnecessary because of an action already taken by the United States.

(c) PROJECTS PREVIOUSLY AUTHORIZED.—A project that was authorized for construction under Federal reclamation laws prior to the date of enactment of this Act shall be eligible for assistance under this title, subject to the criteria established by the Secretary under subsection (a).

(d) CRITERIA FOR RURAL WATER SUPPLY PROJECTS.—A rural water supply project that is determined to be feasible under section 106 is eligible for a loan guarantee under section 204.

SEC. 204. LOAN GUARANTEES.

(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary may make available to lenders for a project meeting the eligibility criteria established in section 203 loan guarantees to supplement private-sector or lender financing for the project.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—Loan guarantees under this section for a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements as the Secretary determines to be appropriate to protect the financial interests of the United States.

(2) AMOUNT.—Loan guarantees by the Secretary shall not exceed an amount equal to 90 percent of the cost of the project that is the subject of the loan guarantee, as estimated at the time at which the loan guarantee is issued.

(3) INTEREST RATE.—An obligation shall bear interest at a rate that does not exceed a level that the Secretary determines to be appropriate, taking into account the prevailing rate of interest in the private sector for similar loans and risks.

(4) AMORTIZATION.—A loan guarantee under this section shall provide for complete amortization of the loan guarantee within not more than 40 years.

(5) NONSUBORDINATION.—An obligation shall be subject to the condition that the obligation is not subordinate to other financing.

(c) PREPAYMENT AND REFINANCING.—Any prepayment or refinancing terms on a loan guarantee shall be negotiated between the non-Federal borrower and the lender with the consent of the Secretary.

SEC. 205. DEFAULTS.

(a) PAYMENTS BY SECRETARY.—

(1) IN GENERAL.—If a borrower defaults on the obligation, the holder of the loan guarantee shall have the right to demand payment of the unpaid amount from the Secretary.

(2) PAYMENT REQUIRED.—By such date as may be specified in the loan guarantee or related agreements, the Secretary shall pay to the holder of the loan guarantee the unpaid interest on, and unpaid principal of, the obligation with respect to which the borrower has defaulted, unless the Secretary finds that there was not default by the borrower in the payment of interest or principal or that the default has been remedied.

(3) FORBEARANCE.—Nothing in this subsection precludes any forbearance by the holder of the obligation for the benefit of the non-Federal borrower that may be agreed on by the parties to the obligation and approved by the Secretary.

(b) SUBROGATION.—

(1) IN GENERAL.—If the Secretary makes a payment under subsection (a), the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the loan guarantee or related agreements, including, as appropriate, the authority (notwithstanding any other provision of law) to—

(A) complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to the loan guarantee or related agreements; or

(B) permit the non-Federal borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project if the Secretary determines the purposes to be in the public interest.

(2) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a loan guarantee or related agreement, shall be superior to the rights of any other person with respect to the property.

(c) PAYMENT OF PRINCIPAL AND INTEREST BY SECRETARY.—With respect to any obligation guaranteed under this section, the Secretary may enter into a contract to pay, and pay, holders of the obligation, for and on behalf of the non-Federal borrower, from funds appropriated for that purpose, the principal and interest payments that become due and payable on the unpaid balance of the obligation if the Secretary finds that—

(1)(A) the non-Federal borrower is unable to meet the payments and is not in default;

(B) it is in the public interest to permit the non-Federal borrower to continue to pursue the purposes of the project; and

(C) the probable net benefit to the Federal Government in paying the principal and interest will be greater than that which would result in the event of a default;

(2) the amount of the payment that the Secretary is authorized to pay shall be no greater than the amount of principal and interest that the non-Federal borrower is obligated to pay under the agreement being guaranteed; and

(3) the borrower agrees to reimburse the Secretary for the payment (including interest) on terms and conditions that are satisfactory to the Secretary.

(d) ACTION BY ATTORNEY GENERAL.—

(1) NOTIFICATION.—If the non-Federal borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.

(2) RECOVERY.—On notification, the Attorney General shall take such action as is appropriate to recover the unpaid principal and interest due from—

(A) such assets of the defaulting non-Federal borrower as are associated with the obligation; or

(B) any other security pledged to secure the obligation.

SEC. 206. OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.

(a) IN GENERAL.—The non-Federal share of operations, maintenance, and replacement costs for a project receiving Federal assistance under this title shall be 100 percent.

(b) PLAN.—On request of the non-Federal borrower, the Secretary may assist in the development of an operation, maintenance, and replacement plan to provide the necessary framework to assist the non-Federal borrower in establishing rates and fees for project beneficiaries.

SEC. 207. TITLE TO NEWLY CONSTRUCTED FACILITIES.

(a) NEW PROJECTS AND FACILITIES.—All new projects or facilities constructed in accordance with this title shall remain under the jurisdiction and control of the non-Federal borrower subject to the terms of the repayment agreement.

(b) EXISTING PROJECTS AND FACILITIES.—Nothing in this title affects the title of—

(1) reclamation projects authorized prior to the date of enactment of this Act;

(2) works supplemental to existing reclamation projects; or

(3) works constructed to rehabilitate existing reclamation projects.

SEC. 208. WATER RIGHTS.

(a) IN GENERAL.—Nothing in this title preempts or affects State water law or an interstate compact governing water.

(b) COMPLIANCE REQUIRED.—The Secretary shall comply with State water laws in carrying out this title. Nothing in this title affects or preempts State water law or an interstate compact governing water.

SEC. 209. INTERAGENCY COORDINATION AND COOPERATION.

(a) CONSULTATION.—The Secretary shall consult with the Secretary of Agriculture before promulgating criteria with respect to financial appraisal functions and loan guarantee administration for activities carried out under this title.

(b) MEMORANDUM OF AGREEMENT.—The Secretary and the Secretary of Agriculture shall enter into a memorandum of agreement providing for Department of Agriculture financial

appraisal functions and loan guarantee administration for activities carried out under this title.

SEC. 210. RECORDS; AUDITS.

(a) IN GENERAL.—A recipient of a loan guarantee shall keep such records and other pertinent documents as the Secretary shall prescribe by regulation, including such records as the Secretary may require to facilitate an effective audit.

(b) ACCESS.—The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access, for the purpose of audit, to the records and other pertinent documents.

SEC. 211. FULL FAITH AND CREDIT.

The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

SEC. 212. REPORT.

Not later than 1 year after the date on which the eligibility criteria are published in the Federal Register under section 203(a), and every 2 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the implementation of the loan guarantee program under section 204.

SEC. 213. EFFECT ON THE RECLAMATION LAWS.

(a) RECLAMATION PROJECTS.—Nothing in this title supersedes or amends any Federal law associated with a project, or a portion of a project, constructed under the reclamation laws.

(b) NO NEW OR SUPPLEMENTAL BENEFITS.—Any assistance provided under this title shall not—

(1) be considered to be a new or supplemental benefit for purposes of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.); or

(2) affect any contract in existence on the date of enactment of this Act that is executed under the reclamation laws.

SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.

SEC. 215. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—Subject to subsection (b), the authority of the Secretary to carry out this title terminates on the date that is 10 years after the date of enactment of this Act.

(b) EXCEPTION.—The termination of authority under subsection (a) shall have no effect on—

(1) any loans guaranteed by the United States under this title; or

(2) the administration of any loan guaranteed under this title before the effective date of the termination of authority.

TITLE III—REPORT ON TRANSFER OF RECLAMATION FACILITIES

SEC. 301. REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes any impediments and activities that significantly delay the ability of the Secretary to complete timely transfers of title to reclamation facilities to qualified non-Federal entities under laws authorizing the transfers.

(b) CONSULTATION.—In preparing the report under subsection (a), the Secretary shall consult with any appropriate non-Federal parties, including reclamation water and power customers.

Amend the title so as to read ''An Act to authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.''.

Mr. FRIST. I ask unanimous consent that the Senate agree to the amendment of the House.

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

DEMOCRATIC REPUBLIC OF THE CONGO RELIEF, SECURITY, AND DEMOCRACY PROMOTION ACT OF 2006

Mr. FRIST. Mr President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2125) to promote relief, security, and democracy in the Democratic Republic of the Congo.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 2125

Resolved, That the bill from the Senate (S. 2125) entitled ''An Act to promote relief, security, and democracy in the Democratic Republic of the Congo'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006''.

TITLE I—BILATERAL ACTION ON ADDRESSING URGENT NEEDS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) The National Security Strategy of the United States, dated September 17, 2002, concludes that ''[i]n Africa, promise and opportunity sit side-by-side with disease, war, and desperate poverty. This threatens both a core value of the United States preserving human dignity and our strategic priority combating global terror. American interests and American principles, therefore, lead in the same direction: we will work with others for an African continent that lives in liberty, peace, and growing prosperity.''.

(2) On February 16, 2005, the Director of the Central Intelligence Agency testified, ''In Africa, chronic instability will continue to hamper counterterrorism efforts and pose heavy humanitarian and peacekeeping burdens.''.

(3) According to the United States Agency for International Development, ''Given its size, population, and resources, the Congo is an important player in Africa and of long-term interest to the United States.''.

(4) The Democratic Republic of the Congo is 2,345,410 square miles (approximately ¼ the size of the United States), lies at the heart of Africa, and touches every major region of sub-Saharan Africa. Therefore, a secure, peaceful, and prosperous Democratic Republic of the Congo would have a profound impact on progress throughout Africa.

(5) The most recent war in the Democratic Republic of the Congo, which erupted in 1998, spawned some of the world's worst human rights atrocities and drew in six neighboring countries.

(6) Despite the conclusion of a peace agreement and subsequent withdrawal of foreign forces in 2003, both the real and perceived presence of armed groups hostile to the Governments of Uganda, Rwanda, and Burundi continue to serve as a major source of regional instability and an apparent pretext for continued interference in the Democratic Republic of the Congo by its neighbors.

(7) A mortality study completed in December 2004 by the International Rescue Committee found that 31,000 people were dying monthly and 3,800,000 people had died in the previous six years because of the conflict in the Democratic Republic of the Congo and resulting disintegration of the social service infrastructure, making this one of the deadliest conflicts since World War II.

(8) In 2004, Amnesty International estimated that at least 40,000 women and girls were systematically raped and tortured in the Democratic Republic of the Congo since 1998, and nearly two-thirds of ongoing abuses against women and girls are perpetrated by members of the security forces, particularly the Forces Armes de la Republique Democratique du Congo (FARDC) and the Police Nationale Congolaise (PNC).

(9) According to the Department of State, ''returning one of Africa's largest countries [the Democratic Republic of the Congo] to full peace and stability will require significant United States investments in support of national elections, the reintegration of former combatants, the return and reintegration of refugees and [internally displaced persons], establishment of central government control over vast territories, and promotion of national reconciliation and good governance''.

SEC. 102. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to help promote, reinvigorate, and support the political process in the Democratic Republic of the Congo in order to press all parties in the Transitional National Government and the succeeding government to implement fully and to institutionalize mechanisms, including national and international election observers, fair and transparent voter registration procedures, and a significant civic awareness and public education campaign created for the July 30, 2006, elections and future elections in the Democratic Republic of the Congo, to ensure that elections are carried out in a fair and democratic manner;

(2) to urge the Government of the Democratic Republic of the Congo to recognize and act upon its responsibilities to immediately bring discipline to its security forces, hold those individuals responsible for atrocities and other human rights violations, particularly the rape of women and girls as an act of war, accountable and bring such individuals to justice;

(3) to help ensure that, once a stable national government is established in the Democratic Republic of the Congo, it is committed to multiparty democracy, open and transparent governance, respect for human rights and religious freedom, ending the violence throughout the country, promoting peace and stability with its neighbors, rehabilitating the national judicial system and enhancing the rule of law, combating corruption, instituting economic reforms to promote development, and creating an environment to promote private investment;

(4) to assist the Government of the Democratic Republic of the Congo as it seeks to meet the basic needs of its citizens, including security, safety, and access to health care, education, food, shelter, and clean drinking water;

(5) to support security sector reform by assisting the Government of the Democratic Republic of the Congo to establish a viable and professional national army and police force that respects human rights and the rule of law, is under effective civilian control, and possesses a viable presence throughout the entire country, provided the Democratic Republic of the Congo meets all requirements for United States military assistance under existing law;

(6) to help expedite planning and implementation of programs associated with the disarmament, demobilization, repatriation, reintegration, and rehabilitation process in the Democratic Republic of the Congo;

(7) to support efforts of the Government of the Democratic Republic of the Congo, the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC), and other entities, as appropriate, to disarm, demobilize, and repatriate the Democratic Forces for the Liberation of Rwanda and other illegally armed groups;

(8) to make all efforts to ensure that the Government of the Democratic Republic of the Congo—

(A) is committed to responsible and transparent management of natural resources across the country; and

(B) takes active measures—

(i) to promote economic development;

(ii) to hold accountable individuals who illegally exploit the country's natural resources; and

(iii) to implement the Extractive Industries Transparency Initiative by enacting laws requiring disclosure and independent auditing of company payments and government receipts for natural resource extraction;

(9) to promote a viable civil society and to enhance nongovernmental organizations and institutions, including religious organizations, the media, political parties, trade unions, and trade and business associations, that can act as a stabilizing force and effective check on the government;

(10) to help rebuild and enhance infrastructure, communications, and other mechanisms that will increase the ability of the central government to manage internal affairs, encourage economic development, and facilitate relief efforts of humanitarian organizations;

(11) to help halt the high prevalence of sexual abuse and violence perpetrated against women and children in the Democratic Republic of the Congo and mitigate the detrimental effects from acts of this type of violence by undertaking a number of health, education, and psycho-social support programs;

(12) to work aggressively on a bilateral basis to urge governments of countries contributing troops to the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC) to enact and enforce laws on trafficking in persons and sexual abuse that meet international standards, promote codes of conduct for troops serving as part of United Nations peacekeeping missions, and immediately investigate and punish citizens who are responsible for abuses in the Democratic Republic of the Congo;

(13) to assist the Government of the Democratic Republic of the Congo as undertakes steps to—

(A) protect internally displaced persons and refugees in the Democratic Republic of the Congo and border regions from all forms of violence, including gender-based violence and other human rights abuses;

(B) address other basic needs of vulnerable populations with the goal of allowing these conflict-affected individuals to ultimately return to their homes; and

(C) assess the magnitude of the problem of orphans from conflict and HIV/AIDS in the Democratic Republic of the Congo, and work to establish a program of national support;

(14) to engage with governments working to promote peace and security throughout the Democratic Republic of the Congo and hold accountable individuals, entities, and countries working to destabilize the country; and

(15) to promote appropriate use of the forests of the Democratic Republic of the Congo in a manner that benefits the rural population in that country that depends on the forests for their livelihoods and protects national and environmental interests.

SEC. 103. BILATERAL ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

(a) FUNDING FOR FISCAL YEARS 2006 AND 2007.—Of the amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 454, chapter 469), and the Arms Export Control Act (22 U.S.C. 2751 et seq.) for fiscal year 2006 and 2007, at least $52,000,000 for each such fiscal year should be allocated for bilateral assistance programs in the Democratic Republic of the Congo.

(b) FUTURE YEAR FUNDING.—It is the sense of Congress that the Department of State should submit budget requests in fiscal years 2008 and 2009 that contain increases in bilateral assistance for the Democratic Republic of the Congo that are appropriate if progress is being made, particularly cooperation by the Government of the Democratic Republic of the Congo, toward accomplishing the policy objectives described in section 102.

(c) COORDINATION WITH OTHER DONOR NATIONS.—The United States should work with other donor nations, on a bilateral and multilateral basis, to increase international contributions to the Democratic Republic of the Congo and accomplish the policy objectives described in section 102.

SEC. 104. ACCOUNTABILITY FOR THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO.

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

(1) the Government of the Democratic Republic of the Congo must be committed to achieving the policy objectives described in section 102 if the efforts of the United States and other members of the international community are to be effective in bringing relief, security, and democracy to the country;

(2) the Government of the Democratic Republic of the Congo should immediately exercise control over and discipline its armed forces, stop the mass rapes at the hands of its armed forces, and hold those responsible for these acts accountable before an appropriate tribunal;

(3) the Government of the Democratic Republic of the Congo, in collaboration with international aid agencies, should establish expert teams to assess the needs of the victims of rape and provide health, counseling, and social support services that such victims need; and

(4) the international community, through the United Nations peacekeeping mission, humanitarian and development relief, and other forms of assistance, is providing a substantial amount of funding that is giving the Government of the Democratic Republic of the Congo an opportunity to make progress towards accomplishing the policy objectives described in section 102, but this assistance cannot continue in perpetuity.

(b) TERMINATION OF ASSISTANCE.—It is the sense of Congress that the Secretary of State should withhold assistance otherwise available under this Act if the Secretary determines that the Government of the Democratic Republic of the Congo is not making sufficient progress towards accomplishing the policy objectives described in section 102.

SEC. 105. WITHHOLDING OF ASSISTANCE.

The Secretary of State is authorized to withhold assistance made available under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than humanitarian, peacekeeping, and counterterrorism assistance, for a foreign country if the Secretary determines that the government of the foreign country is taking actions to destabilize the Democratic Republic of the Congo.

SEC. 106. REPORT ON PROGRESS TOWARD ACCOMPLISHING POLICY OBJECTIVES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the progress made toward accomplishing the policy objectives described in section 102.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a description of any major impediments that prevent the accomplishment of the policy objectives described in section 102, including any destabilizing activities undertaken in the Democratic Republic of Congo by governments of neighboring countries;

(2) an evaluation of United States policies and foreign assistance programs designed to accomplish such policy objectives; and

(3) recommendations for—

(A) improving the policies and programs referred to in paragraph (2); and

(B) any additional bilateral or multilateral actions necessary to promote peace and prosperity in the Democratic Republic of the Congo.

SEC. 107. SPECIAL ENVOY FOR THE GREAT LAKES REGION.

Not later than 60 days after the date of the enactment of this Act, the President should appoint a Special Envoy for the Great Lakes Region to help coordinate efforts to resolve the instability and insecurity in Eastern Congo.

TITLE II—MULTILATERAL ACTIONS TO ADDRESS URGENT NEEDS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 201. PROMOTION OF UNITED STATES POLICY TOWARD THE DEMOCRATIC REPUBLIC OF THE CONGO IN THE UNITED NATIONS SECURITY COUNCIL.

The United States should use its voice and vote in the United Nations Security Council—

(1) to address exploitation at the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC) by continuing to urge, when credible allegations exist, appropriate investigation of alleged perpetrators and, as necessary, prosecution of United Nations personnel responsible for sexual abuses in the Democratic Republic of the Congo;

(2) to conclude at the earliest possible date a Memorandum of Understanding relating to binding codes of conduct and programs for the prevention of sexual abuse and trafficking in persons to be undertaken by the United Nations for all countries that contribute troops to MONUC, to include the assumption of personal liability for the provision of victims assistance and child support, as appropriate, by those who violate the codes of conduct;

(3) to strengthen the authority and capacity of MONUC by—

(A) providing specific authority and obligation to prevent and effectively counter imminent threats;

(B) clarifying and strengthening MONUC's rules of engagement to enhance the protection of vulnerable civilian populations;

(C) enhancing the surveillance and intelligence-gathering capabilities available to MONUC;

(D) where consistent with United States policy, making available personnel, communications, and military assets that improve the effectiveness of robust peacekeeping, mobility, and command and control capabilities of MONUC; and

(E) providing MONUC with the authority and resources needed to effectively monitor arms trafficking and natural resource exploitation at key border posts and airfields in the eastern part of the Democratic Republic of the Congo;

(4) to encourage regular visits of the United Nations Security Council to monitor the situation in the Democratic Republic of the Congo;

(5) to ensure that the practice of recruiting and arming children in the Democratic Republic of the Congo is immediately halted pursuant to Security Council Resolutions 1460 (2003) and 1539 (2004);

(6) to strengthen the arms embargo imposed pursuant to Security Council Resolution 1493 (2003) and ensure that violators are held accountable through appropriate measures, including the possible imposition of sanctions;

(7) to allow for the more effective protection and monitoring of natural resources in the Democratic Republic of the Congo, especially in the eastern part of the country, and for public disclosure and independent auditing of natural resource revenues to help ensure transparent and accountable management of these revenues;

(8) to press countries in the Congo region to help facilitate an end to the violence in the Democratic Republic of the Congo and promote relief, security, and democracy throughout the region; and

(9) to encourage the United Nations Secretary-General to become more involved in completing the policy objectives described in paragraphs (1) and (2) of section 102 and ensure that recent fighting in North Kivu, which displaced over 150,000 people, as well as fighting in Ituri and other areas, does not create widespread instability throughout the country.

SEC. 202. INCREASING CONTRIBUTIONS AND OTHER HUMANITARIAN AND DEVELOPMENT ASSISTANCE THROUGH INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—The President should instruct the United States permanent representative or executive director, as the case may be, to the United Nations voluntary agencies, including the World Food Program, the United Nations Development Program, and the United Nations High Commissioner for Refugees, and other appropriate international organizations to use the voice and vote of the United States to support additional humanitarian and development assistance for the Democratic Republic of the Congo in order to accomplish the policy objectives described in section 102.

(b) SUPPORT CONTINGENT ON PROGRESS.—If the Secretary of State determines that the Government of the Democratic Republic of the Congo is not making sufficient progress towards accomplishing the policy objectives described in section 102, the President shall consider withdrawing United States support for the assistance described in subsection (a) when future funding decisions are considered.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate concur in the House amendment and the motion to reconsider be laid upon the table.

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

MARINE DEBRIS RESEARCH, PREVENTION, AND REDUCTION ACT

Mr. FRIST. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 362) to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 362

Resolved, That the bill from the Senate (S. 362) entitled ''An Act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marine Debris Research, Prevention, and Reduction Act''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety;

(2) to reactivate the Interagency Marine Debris Coordinating Committee; and

(3) to develop a Federal marine debris information clearinghouse.

SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Prevention and Removal Program to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

(b) PROGRAM COMPONENTS.—The Administrator, acting through the Program and subject to the availability of appropriations, shall carry out the following activities:

(1) MAPPING, IDENTIFICATION, IMPACT ASSESSMENT, REMOVAL, AND PREVENTION.—The Administrator shall, in consultation with relevant Federal agencies, undertake marine debris mapping, identification, impact assessment, prevention, and removal efforts, with a focus on marine debris posing a threat to living marine resources and navigation safety, including—

(A) the establishment of a process, building on existing information sources maintained by Federal agencies such as the Environmental Protection Agency and the Coast Guard, for cataloguing and maintaining an inventory of marine debris and its impacts found in the navigable waters of the United States and the United States exclusive economic zone, including location, material, size, age, and origin, and impacts on habitat, living marine resources, human health, and navigation safety;

(B) measures to identify the origin, location, and projected movement of marine debris within United States navigable waters, the United States exclusive economic zone, and the high seas, including the use of oceanographic, atmospheric, satellite, and remote sensing data; and

(C) development and implementation of strategies, methods, priorities, and a plan for preventing and removing marine debris from United States navigable waters and within the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear and other marine debris.

(2) REDUCING AND PREVENTING LOSS OF GEAR.—The Administrator shall improve efforts to reduce adverse impacts of lost and discarded fishing gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

(B) development of effective nonregulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in its recovery.

(3) OUTREACH.—The Administrator shall undertake outreach and education of the public and other stakeholders, such as the fishing industry, fishing gear manufacturers, and other marine-dependent industries, and the plastic and waste management industries, on sources of marine debris, threats associated with marine debris and approaches to identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigational safety, including outreach and education activities through public-private initiatives. The Administrator shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915).

(c) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

(1) IN GENERAL.—The Administrator, acting through the Program, shall enter into cooperative agreements and contracts and provide financial assistance in the form of grants for projects to accomplish the purpose set forth in section 2(1).

(2) GRANT COST SHARING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), Federal funds for any grant under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Administrator may waive all or part of the matching requirement under subparagraph (A) if the Administrator determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(3) AMOUNTS PAID AND SERVICES RENDERED UNDER CONSENT.—

(A) CONSENT DECREES AND ORDERS.—If authorized by the Administrator or the Attorney General, as appropriate, the non-Federal share of the cost of a project carried out under this Act may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) OTHER DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) ELIGIBILITY.—Any State, local, or tribal government whose activities affect research or regulation of marine debris, and any institution of higher education, nonprofit organization, or commercial organization with expertise in a field related to marine debris, is eligible to submit to the Administrator a marine debris proposal under the grant program.

(5) GRANT CRITERIA AND GUIDELINES.—Within 180 days after the date of the enactment of this Act, the Administrator shall promulgate necessary guidelines for implementation of the grant program, including development of criteria and priorities for grants. In developing those guidelines, the Administrator shall consult with—

(A) the Interagency Committee;

(B) regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(C) State, regional, and local governmental entities with marine debris experience;

(D) marine-dependent industries; and

(E) nongovernmental organizations involved in marine debris research, prevention, or removal activities.

(6) PROJECT REVIEW AND APPROVAL.—The Administrator shall—

(A) review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of this Act;

(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

(C) provide notification of that approval or disapproval to the person who submitted the proposal.

(7) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success in meeting its stated goals, and impact of the grant activities on the marine debris problem.

SEC. 4. COAST GUARD PROGRAM.

(a) STRATEGY.—The Commandant of the Coast Guard, in consultation with the Interagency Committee, shall—

(1) take actions to reduce violations of and improve implementation of MARPOL Annex V and the Act to Prevent Pollution from Ships (33

U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels;

(2) take actions to cost-effectively monitor and enforce compliance with MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), including through cooperation and coordination with other Federal and State enforcement programs;

(3) take actions to improve compliance with requirements under MARPOL Annex V and section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) that all United States ports and terminals maintain and monitor the adequacy of receptacles for the disposal of plastics and other garbage, including through promoting voluntary government-industry partnerships;

(4) develop and implement a plan, in coordination with industry and recreational boaters, to improve ship-board waste management, including recordkeeping, and access to waste reception facilities for ship-board waste;

(5) take actions to improve international cooperation to reduce marine debris; and

(6) establish a voluntary reporting program for commercial vessel operators and recreational boaters to report incidents of damage to vessels and disruption of navigation caused by marine debris, and observed violations of laws and regulations relating to the disposal of plastics and other marine debris.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the Coast Guard's progress in implementing subsection (a).

(c) EXTERNAL EVALUATION AND RECOMMENDATIONS ON ANNEX V.—

(1) IN GENERAL.—The Commandant of the Coast Guard shall enter into an arrangement with the National Research Council under which the National Research Council shall submit, by not later than 18 months after the date of the enactment of this Act and in consultation with the Commandant and the Interagency Committee, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive report on the effectiveness of international and national measures to prevent and reduce marine debris and its impact.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an evaluation of international and domestic implementation of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) and recommendations of cost-effective actions to improve implementation and compliance with such measures to reduce impacts of marine debris;

(B) recommendation of additional Federal or international actions, including changes to international and domestic law or regulations, needed to further reduce the impacts of marine debris; and

(C) evaluation of the role of floating fish aggregation devices in the generation of marine debris and existing legal mechanisms to reduce impacts of such debris, focusing on impacts in the Western Pacific and Central Pacific regions.

SEC. 5. INTERAGENCY COORDINATION.

(a) INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ESTABLISHMENT OF INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—There is established an Interagency Marine Debris Coordinating Committee to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, States, Indian tribes, and other nations, as appropriate.''; and

(2) in subsection (c), by inserting ''public, interagency'' before ''forum''.

(b) DEFINITION OF MARINE DEBRIS.—The Administrator and the Commandant of the Coast Guard, in consultation with the Interagency Committee established under subsection (a), shall jointly develop and promulgate through regulations a definition of the term ''marine debris'' for purposes of this Act.

(c) REPORTS.—

(1) INTERAGENCY REPORT ON MARINE DEBRIS IMPACTS AND STRATEGIES.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Interagency Committee, through the chairperson, shall complete and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives a report that—

(i) identifies sources of marine debris;

(ii) the ecological and economic impact of marine debris;

(iii) alternatives for reducing, mitigating, preventing, and controlling the harmful affects of marine debris;

(iv) the social and economic costs and benefits of such alternatives; and

(v) recommendations to reduce marine debris both domestically and internationally.

(B) RECOMMENDATIONS.—The report shall provide strategies and recommendations on—

(i) establishing priority areas for action to address leading problems relating to marine debris;

(ii) developing strategies and approaches to prevent, reduce, remove, and dispose of marine debris, including through private-public partnerships;

(iii) establishing effective and coordinated education and outreach activities; and

(iv) ensuring Federal cooperation with, and assistance to, the coastal States (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)), Indian tribes, and local governments in the identification, determination of sources, prevention, reduction, management, mitigation, and control of marine debris and its adverse impacts.

(2) ANNUAL PROGRESS REPORTS.—Not later than 3 years after the date of the enactment of this Act, and biennially thereafter, the Interagency Committee, through the chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purpose of this Act. The report shall include—

(A) the status of implementation of any recommendations and strategies of the Interagency Committee and analysis of their effectiveness;

(B) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;

(C) a review of the National Oceanic and Atmospheric Administration program authorized by section 3, including projects funded and accomplishments relating to reduction and prevention of marine debris;

(D) a review of Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and

(E) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.

SEC. 6. FEDERAL INFORMATION CLEARINGHOUSE.

The Administrator, in coordination with the Interagency Committee, shall—

(1) maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested persons to improve marine debris source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data; and

(2) take the necessary steps to ensure the confidentiality of such information (especially proprietary information), for any information required by the Administrator to be submitted by the fishing industry under this section.

SEC. 7. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) INTERAGENCY COMMITTEE.—The term ''Interagency Committee'' means the Interagency Marine Debris Coordinating Committee established under section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914).

(3) UNITED STATES EXCLUSIVE ECONOMIC ZONE.—The term ''United States exclusive economic zone'' means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as ''eastern special areas'' in article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

(4) MARPOL; ANNEX V; CONVENTION.—The terms ''MARPOL'', ''Annex V'', and ''Convention'' have the meaning given those terms under section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

(5) NAVIGABLE WATERS.—The term ''navigable waters'' means waters of the United States, including the territorial sea.

(6) TERRITORIAL SEA.—The term ''territorial sea'' means the waters of the United States referred to in Presidential Proclamation No. 5928, dated December 27, 1988.

(7) PROGRAM.—The term ''Program'' means the Marine Debris Prevention and Removal Program established under section 3.

(8) STATE.—The term ''State'' means—

(A) any State of the United States that is impacted by marine debris within its seaward or Great Lakes boundaries;

(B) the District of Columbia;

(C) American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands; and

(D) any other territory or possession of the United States, or separate sovereign in free association with the United States, that is impacted by marine debris within its seaward boundaries.

SEC. 8. RELATIONSHIP TO OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year 2006 through 2010—

(1) to the Administrator for carrying out sections 3 and 6, $10,000,000, of which no more than 10 percent may be for administrative costs; and

(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out section 4, $2,000,000, of which no more than 10 percent may be used for administrative costs.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

PRESERVING CRIME VICTIM'S RESTITUTION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 4055 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4055) to address the effect of the death of a defendant in the Federal criminal proceedings.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 4055) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4055

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 ''Preserving Crime Victims' Restitution Act of 2006''.

SEC. 2. EFFECT OF DEATH OF A DEFENDANT IN FEDERAL CRIMINAL PROCEEDINGS.

(a) IN GENERAL.—Subchapter A of chapter 227 of title 18, United States Code, is amended by adding at the end the following:

''§ 3560. Effect of death of a defendant in Federal criminal proceedings

''(a) GENERAL RULE.—Notwithstanding any other provision of law, the death of a defendant who has been convicted of a Federal criminal offense shall not be the basis for abating or otherwise invalidating a plea of guilty or nolo contendere accepted, a verdict returned, a sentence announced, or a judgment entered prior to the death of that defendant, or for dismissing or otherwise invalidating the indictment, information, or complaint on which such a plea, verdict, sentence, or judgment is based, except as provided in this section.

''(b) DEATH AFTER PLEA OR VERDICT.—

''(1) ENTRY OF JUDGMENT.—If a defendant dies after a plea of guilty or nolo contendere has been accepted or a verdict has been returned, but before judgment is entered, the court shall enter a judgment incorporating the plea of guilty or nolo contendere or the verdict, with the notation that the defendant died before the judgment was entered.

''(2) PUNITIVE SANCTIONS.—

''(A) DEATH BEFORE SENTENCE ANNOUNCED.—If a defendant dies after a plea of guilty or nolo contendere has been accepted or a verdict has been returned and before a sentence has been announced, no sentence of probation, supervision, or imprisonment may be imposed, no criminal forfeiture may be ordered, and no liability for a fine or special assessment may be imposed on the defendant or the defendant's estate.

''(B) DEATH AFTER SENTENCING OR JUDGMENT.—The death of a defendant after a sentence has been announced or a judgment has been entered, and before that defendant has exhausted or waived the right to a direct appeal—

''(i) shall terminate any term of probation, supervision, or imprisonment, and shall terminate the liability of that defendant to pay any amount remaining due of a criminal forfeiture, of a fine under section 3613(b), or of a special assessment under section 3013; and

''(ii) shall not require return of any portion of any criminal forfeiture, fine, or special assessment already paid.

''(3) RESTITUTION.—

''(A) DEATH BEFORE SENTENCE ANNOUNCED.—If a defendant dies after a plea of guilty or nolo contendere has been accepted or a verdict has been returned and before a sentence has been announced, the court shall, upon a motion under subsection (c)(2) by the Government or any victim of that defendant's crime, commence a special restitution proceeding at which the court shall adjudicate and enter a final order of restitution against the estate of that defendant in an amount equal to the amount that would have been imposed if that defendant were alive.

''(B) DEATH AFTER SENTENCING OR JUDGMENT.—The death of a defendant after a sentence has been announced shall not be a basis for abating or otherwise invalidating restitution announced at sentencing or ordered after sentencing under section 3664(d)(5) of this title or any other provision of law.

''(4) CIVIL PROCEEDINGS.—The death of a defendant after a plea of guilty or nolo contendere has been accepted, a verdict returned, a sentence announced, or a judgment entered, shall not prevent the use of that plea, verdict, sentence, or judgment in civil proceedings, to the extent otherwise permitted by law.

''(c) APPEALS, MOTIONS, AND PETITIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), after the death of a defendant convicted in a criminal case—

''(A) no appeal, motion, or petition by or on behalf of that defendant or the personal representative or estate of that defendant, the Government, or a victim of that defendant's crime seeking to challenge or reinstate a plea of guilty or nolo contendere accepted, a verdict returned, a sentence announced, or a judgment entered prior to the death of that defendant shall be filed in that case after the death of that defendant; and

''(B) any pending motion, petition, or appeal in that case shall be dismissed with the notation that the dismissal is due to the death of the defendant.

''(2) EXCEPTIONS.—

''(A) RESTITUTION.—After the death of a defendant convicted in a criminal case, the personal representative of that defendant, the Government, or any victim of that defendant's crime may file or pursue an otherwise permissible direct appeal, petition for mandamus or a writ of certiorari, or an otherwise permissible motion described in section 3663, 3663A, 3664, or 3771, to the extent that the appeal, petition, or motion raises an otherwise permissible claim to—

''(i) obtain, in a special restitution proceeding, a final order of restitution under subsection (b)(3);

''(ii) enforce, correct, amend, adjust, reinstate, or challenge any order of restitution; or

''(iii) challenge or reinstate a verdict, plea of guilty or nolo contendere, sentence, or judgment on which—

''(I) a restitution order is based; or

''(II) restitution is being or will be sought by an appeal, petition, or motion under this paragraph.

''(B) OTHER CIVIL ACTIONS AFFECTED.—After the death of a defendant convicted in a criminal case, the personal representative of that defendant, the Government, or any victim of that defendant's crime may file or pursue an otherwise permissible direct appeal, petition for mandamus or a writ of certiorari, or an otherwise permissible motion under the Federal Rules of Criminal Procedure, to the extent that the appeal, petition, or motion raises an otherwise permissible claim to challenge or reinstate a verdict, plea of guilty or nolo contendere, sentence, or judgment that the appellant, petitioner, or movant shows by a preponderance of the evidence is, or will be, material in a pending or reasonably anticipated civil proceeding, including civil forfeiture proceedings.

''(C) COLLATERAL CONSEQUENCES.—

''(i) IN GENERAL.—Except as provided in subparagraphs (A) and (B), the Government may not restrict any Federal benefits or impose collateral consequences on the estate or a family member of a deceased defendant based solely on the conviction of a defendant who died before that defendant exhausted or waived the right to direct appeal unless, not later than 90 days after the death of that defendant, the Government gives notice to that estate or family member of the intent of the Government to take such action.

''(ii) PERSONAL REPRESENTATIVE.—If the Government gives notice under clause (i), the court shall appoint a personal representative for the deceased defendant that is the subject of that notice, if not otherwise appointed, under section (d)(2)(A).

''(iii) TOLLING.—If the Government gives notice under clause (i), any filing deadline that might otherwise apply against the defendant, the estate of the defendant, or a family member of the defendant shall be tolled until the date of the appointment of that defendant's personal representative under clause (ii).

''(3) BASIS.—In any appeal, petition, or motion under paragraph (2), the death of the defendant shall not be a basis for relief.

''(d) PROCEDURES REGARDING CONTINUING LITIGATION.—

''(1) IN GENERAL.—The standards and procedures for a permitted appeal, petition, motion, or other proceeding under subsection (c)(2) shall be the standards and procedures otherwise provided by law, except that the personal representative of the defendant shall be substituted for the defendant.

''(2) SPECIAL PROCEDURES.—If continuing litigation is initiated or could be initiated under subsection (c)(2), the following procedures shall apply:

''(A) NOTICE AND APPOINTMENT OF PERSONAL REPRESENTATIVE.—The district court before which the criminal case was filed (or the appellate court if the matter is pending on direct appeal) shall—

''(i) give notice to any victim of the convicted defendant under section 3771(a)(2), and to the personal representative of that defendant or, if there is none, the next of kin of that defendant; and

''(ii) appoint a personal representative for that defendant, if not otherwise appointed.

''(B) COUNSEL.—Counsel shall be appointed for the personal representative of a defendant convicted in a criminal case who dies if counsel would have been available to that defendant, or if the personal representative of that defendant requests counsel and otherwise qualifies for the appointment of counsel, under section 3006A.

''(C) TOLLING.—The court shall toll any applicable deadline for the filing of any motion, petition, or appeal during the period beginning on the date of the death of a defendant convicted in a criminal case and ending on the later of—

''(i) the date of the appointment of that defendant's personal representative; or

''(ii) where applicable, the date of the appointment of counsel for that personal representative.

''(D) RESTITUTION.—If restitution has not been fully collected on the date on which a defendant convicted in a criminal case dies—

''(i) any amount owed under a restitution order (whether issued before or after the death of that defendant) shall be collectible from any property from which the restitution could have been collected if that defendant had survived, regardless of whether that property is included in the estate of that defendant;

''(ii) any restitution protective order in effect on the date of the death of that defendant shall continue in effect unless modified by the court after hearing or pursuant to a motion by the personal representative of that defendant, the Government, or any victim of that defendant's crime; and

''(iii) upon motion by the Government or any victim of that defendant's crime, the court shall take any action necessary to preserve the availability of property for restitution under this section.

''(e) FORFEITURE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the death of an individual does not affect the Government's ability to seek, or to continue to pursue, civil forfeiture of property as authorized by law.

''(2) TOLLING OF LIMITATIONS FOR CIVIL FORFEITURE.—Notwithstanding the expiration of any civil forfeiture statute of limitations or any time limitation set forth in section 983(a) of this title, not later than the later of the time period otherwise authorized by law and 2 years after the date of the death of an individual against whom a criminal indictment alleging forfeiture is pending, the Government may commence civil forfeiture proceedings against any interest in any property alleged to be forfeitable in the indictment of that individual.

''(f) DEFINITIONS.—In this section—

''(1) the term 'accepted', relating to a plea of guilty or nolo contendere, means that a court has determined, under rule 11(b) of the Federal Rules of Criminal Procedure, that the plea is voluntary and supported by a factual basis, regardless of whether final acceptance of that plea may have been deferred pending review of a presentence report or otherwise;

''(2) the term 'announced', relating to a sentence, means that the sentence has been orally stated in open court;

''(3) the term 'convicted' refers to a defendant—

''(A) whose plea of guilty or nolo contendere has been accepted; or

''(B) against whom a verdict of guilty has been returned;

''(4) the term 'direct appeal' means an appeal filed, within the period provided by rule 4(b) of the Federal Rules of Appellate Procedure, from the entry of the judgment or order of restitution, including review by the Supreme Court of the United States; and

''(5) the term 'returned', relating to a verdict, means that the verdict has been orally stated in open court.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 227 of title 18, United States Code, is amended by adding at the end the following:

''3560. Effect of death of a defendant in Federal criminal proceedings.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to any criminal case or appeal pending on or after July 1, 2006.

SEC. 4. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this Act, the amendments made by this Act, and the application of such provisions or amendments to any person or circumstance shall not be affected.

RAILROAD RETIREMENT DISABILITY EARNINGS ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and pensions be discharged from further consideration of H.R. 5483, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5483) to increase the earning limitations under the Railroad Retirement Act and to index the amount of allowable earnings consistent with increases in the substantial gainful activity dollar amount under the Social Security Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent, that the bill, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 5483) was ordered to a third reading, was read the third time, and passed.

ABOLITION OF MODERN-DAY SLAVERY

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 549, and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 549) expressing the sense of the Senate regarding modern-day slavery.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 549) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

CHARITABLE ORGANIZATION FIREFIGHTER PAYMENTS

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6429 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6429) to treat payments by charitable organizations with respect to certain firefighters as exempt payments.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I further ask that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 6429) was ordered to a third reading, was read the third time, and passed.

U.S. SAFE WEB ACT OF 2005

Mr. FRIST. I ask unanimous consent that the Chair now lay before the Senate the House message to accompany S. 1608.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

S. 1608

Resolved, That the bill from the Senate (S. 1608) entitled ''An Act to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006'' or the ''U.S. SAFE WEB Act of 2006''.

SEC. 2. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by adding at the end the following:

'' 'Foreign law enforcement agency' means—

''(1) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

''(2) any multinational organization, to the extent that it is acting on behalf of an entity described in paragraph (1).''.

SEC. 3. AVAILABILITY OF REMEDIES.

Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by adding at the end the following:

''(4)(A) For purposes of subsection (a), the term 'unfair or deceptive acts or practices' includes such acts or practices involving foreign commerce that—

''(i) cause or are likely to cause reasonably foreseeable injury within the United States; or

''(ii) involve material conduct occurring within the United States.

''(B) All remedies available to the Commission with respect to unfair and deceptive acts or practices shall be available for acts and practices described in this paragraph, including restitution to domestic or foreign victims.''.

SEC. 4. POWERS OF THE COMMISSION.

(a) PUBLICATION OF INFORMATION; REPORTS.—Section 6(f) of the Federal Trade Commission Act (15 U.S.C. 46(f)) is amended—

(1) by inserting ''(1)'' after ''such information'' the first place it appears; and

(2) by striking ''purposes.'' and inserting ''purposes, and (2) to any officer or employee of any foreign law enforcement agency under the same circumstances that making material available to foreign law enforcement agencies is permitted under section 21(b).''.

(b) OTHER POWERS OF THE COMMISSION.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is further amended by inserting after subsection (i) and before the proviso the following:

''(j) INVESTIGATIVE ASSISTANCE FOR FOREIGN LAW ENFORCEMENT AGENCIES.—

''(1) IN GENERAL.—Upon a written request from a foreign law enforcement agency to provide assistance in accordance with this subsection, if the requesting agency states that it is investigating, or engaging in enforcement proceedings against, possible violations of laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any provision of the laws administered by the Commission, other than Federal antitrust laws (as defined in section 12(5) of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211(5))), to provide the assistance described in paragraph (2) without requiring that the conduct identified in the request constitute a violation of the laws of the United States.

''(2) TYPE OF ASSISTANCE.—In providing assistance to a foreign law enforcement agency under this subsection, the Commission may—

''(A) conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance, using all investigative powers authorized by this Act; and

''(B) when the request is from an agency acting to investigate or pursue the enforcement of civil laws, or when the Attorney General refers a request to the Commission from an agency acting to investigate or pursue the enforcement of criminal laws, seek and accept appointment by a United States district court of Commission attorneys to provide assistance to foreign and international tribunals and to litigants before such tribunals on behalf of a foreign law enforcement agency pursuant to section 1782 of title 28, United States Code.

''(3) CRITERIA FOR DETERMINATION.—In deciding whether to provide such assistance, the Commission shall consider all relevant factors, including—

''(A) whether the requesting agency has agreed to provide or will provide reciprocal assistance to the Commission;

''(B) whether compliance with the request would prejudice the public interest of the United States; and

''(C) whether the requesting agency's investigation or enforcement proceeding concerns acts or practices that cause or are likely to cause injury to a significant number of persons.

''(4) INTERNATIONAL AGREEMENTS.—If a foreign law enforcement agency has set forth a legal basis for requiring execution of an international agreement as a condition for reciprocal assistance, or as a condition for provision of materials or information to the Commission, the Commission, with prior approval and ongoing oversight of the Secretary of State, and with final approval of the agreement by the Secretary of State, may negotiate and conclude an international agreement, in the name of either the United States or the Commission, for the purpose of obtaining such assistance, materials, or information. The Commission may undertake in such an international agreement to—

''(A) provide assistance using the powers set forth in this subsection;

''(B) disclose materials and information in accordance with subsection (f) and section 21(b); and

''(C) engage in further cooperation, and protect materials and information received from disclosure, as authorized by this Act.

''(5) ADDITIONAL AUTHORITY.—The authority provided by this subsection is in addition to, and not in lieu of, any other authority vested in the Commission or any other officer of the United States.

''(6) LIMITATION.—The authority granted by this subsection shall not authorize the Commission to take any action or exercise any power with respect to a bank, a savings and loan institution described in section 18(f)(3) (15 U.S.C. 57a(f)(3)), a Federal credit union described in section 18(f)(4) (15 U.S.C. 57a(f)(4)), or a common carrier subject to the Act to regulate commerce, except in accordance with the undesignated proviso following the last designated subsection of section 6 (15 U.S.C. 46).

''(7) ASSISTANCE TO CERTAIN COUNTRIES.—The Commission may not provide investigative assistance under this subsection to a foreign law enforcement agency from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

''(k) REFERRAL OF EVIDENCE FOR CRIMINAL PROCEEDINGS.—

''(1) IN GENERAL.—Whenever the Commission obtains evidence that any person, partnership, or corporation, either domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, to transmit such evidence to the Attorney General, who may institute criminal proceedings under appropriate statutes. Nothing in this paragraph affects any other authority of the Commission to disclose information.

''(2) INTERNATIONAL INFORMATION.—The Commission shall endeavor to ensure, with respect to memoranda of understanding and international agreements it may conclude, that material it has obtained from foreign law enforcement agencies acting to investigate or pursue the enforcement of foreign criminal laws may be used for the purpose of investigation, prosecution, or prevention of violations of United States criminal laws.

''(l) EXPENDITURES FOR COOPERATIVE ARRANGEMENTS.—To expend appropriated funds for—

''(1) operating expenses and other costs of bilateral and multilateral cooperative law enforcement groups conducting activities of interest to the Commission and in which the Commission participates; and

''(2) expenses for consultations and meetings hosted by the Commission with foreign government agency officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to the Commission's mission, development and implementation of cooperation agreements, and provision of technical assistance for the development of foreign consumer protection or competition regimes, such expenses to include necessary administrative and logistic expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including—

''(A) such incidental expenses as meals taken in the course of such attendance;

''(B) any travel and transportation to or from such meetings; and

''(C) any other related lodging or subsistence.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—The Federal Trade Commission is authorized to expend appropriated funds not to exceed $100,000 per fiscal year for purposes of section 6(l) of the Federal Trade Commission Act (15 U.S.C. 46(l)) (as added by subsection (b) of this section), including operating expenses and other costs of the following bilateral and multilateral cooperative law enforcement agencies and organizations:

(1) The International Consumer Protection and Enforcement Network.

(2) The International Competition Network.

(3) The Mexico-U.S.-Canada Health Fraud Task Force.

(4) Project Emptor.

(5) The Toronto Strategic Partnership and other regional partnerships with a nexus in a Canadian province.

(d) CONFORMING AMENDMENT.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by striking ''clauses (a) and (b)'' in the proviso following subsection (l) (as added by subsection (b) of this section) and inserting ''subsections (a), (b), and (j)''.

SEC. 5. REPRESENTATION IN FOREIGN LITIGATION.

Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended by adding at the end the following:

''(c) FOREIGN LITIGATION.—

''(1) COMMISSION ATTORNEYS.—With the concurrence of the Attorney General, the Commission may designate Commission attorneys to assist the Attorney General in connection with litigation in foreign courts on particular matters in which the Commission has an interest.

''(2) REIMBURSEMENT FOR FOREIGN COUNSEL.—The Commission is authorized to expend appropriated funds, upon agreement with the Attorney General, to reimburse the Attorney General for the retention of foreign counsel for litigation in foreign courts and for expenses related to litigation in foreign courts in which the Commission has an interest.

''(3) LIMITATION ON USE OF FUNDS.—Nothing in this subsection authorizes the payment of claims or judgments from any source other than the permanent and indefinite appropriation authorized by section 1304 of title 31, United States Code.

''(4) OTHER AUTHORITY.—The authority provided by this subsection is in addition to any other authority of the Commission or the Attorney General.''.

SEC. 6. SHARING INFORMATION WITH FOREIGN LAW ENFORCEMENT AGENCIES.

(a) MATERIAL OBTAINED PURSUANT TO COMPULSORY PROCESS.—Section 21(b)(6) of the Federal Trade Commission Act (15 U.S.C. 57b–2(b)(6)) is amended by adding at the end ''The custodian may make such material available to any foreign law enforcement agency upon the prior certification of an appropriate official of any such foreign law enforcement agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement purposes, if—

''(A) the foreign law enforcement agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) foreign laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any law administered by the Commission;

''(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government;

''(C) the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) or, in the case of a Federal credit union, the National Credit Union Administration, has given its prior approval if the materials to be provided under subparagraph (B) are requested by the foreign law enforcement agency for the purpose of investigating, or engaging in enforcement proceedings based on, possible violations of law by a bank, a savings and loan institution described

in section 18(f)(3) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(3)), or a Federal credit union described in section 18(f)(4) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(4)); and

''(D) the foreign law enforcement agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

Nothing in the preceding sentence authorizes the disclosure of material obtained in connection with the administration of the Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)) to any officer or employee of a foreign law enforcement agency.''.

(b) INFORMATION SUPPLIED BY AND ABOUT FOREIGN SOURCES.—Section 21(f) of the Federal Trade Commission Act (15 U.S.C. 57b–2(f)) is amended to read as follows:

''(f) EXEMPTION FROM PUBLIC DISCLOSURE.—

''(1) IN GENERAL.—Any material which is received by the Commission in any investigation, a purpose of which is to determine whether any person may have violated any provision of the laws administered by the Commission, and which is provided pursuant to any compulsory process under this Act or which is provided voluntarily in place of such compulsory process shall not be required to be disclosed under section 552 of title 5, United States Code, or any other provision of law, except as provided in paragraph (2)(B) of this section.

''(2) MATERIAL OBTAINED FROM A FOREIGN SOURCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

''(i) any material obtained from a foreign law enforcement agency or other foreign government agency, if the foreign law enforcement agency or other foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

''(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

''(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign law enforcement agencies or other foreign government agencies.

''(B) SAVINGS PROVISION.—Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.''.

SEC. 7. CONFIDENTIALITY; DELAYED NOTICE OF PROCESS.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21 the following:

''SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF COMPULSORY PROCESS FOR CERTAIN THIRD PARTIES.

''(a) APPLICATION WITH OTHER LAWS.—The Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, shall apply with respect to the Commission, except as otherwise provided in this section.

''(b) PROCEDURES FOR DELAY OF NOTIFICATION OR PROHIBITION OF DISCLOSURE.—The procedures for delay of notification or prohibition of disclosure under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, including procedures for extensions of such delays or prohibitions, shall be available to the Commission, provided that, notwithstanding any provision therein—

''(1) a court may issue an order delaying notification or prohibiting disclosure (including extending such an order) in accordance with the procedures of section 1109 of the Right to Financial Privacy Act (12 U.S.C. 3409) (if notification would otherwise be required under that Act), or section 2705 of title 18, United States Code, (if notification would otherwise be required under chapter 121 of that title), if the presiding judge or magistrate judge finds that there is reason to believe that such notification or disclosure may cause an adverse result as defined in subsection (g) of this section; and

''(2) if notification would otherwise be required under chapter 121 of title 18, United States Code, the Commission may delay notification (including extending such a delay) upon the execution of a written certification in accordance with the procedures of section 2705 of that title if the Commission finds that there is reason to believe that notification may cause an adverse result as defined in subsection (g) of this section.

''(c) EX PARTE APPLICATION BY COMMISSION.—

''(1) IN GENERAL.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the Commission may apply ex parte to a presiding judge or magistrate judge for an order prohibiting the recipient of compulsory process issued by the Commission from disclosing to any other person the existence of the process, notwithstanding any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia. The presiding judge or magistrate judge may enter such an order granting the requested prohibition of disclosure for a period not to exceed 60 days if there is reason to believe that disclosure may cause an adverse result as defined in subsection (g). The presiding judge or magistrate judge may grant extensions of this order of up to 30 days each in accordance with this subsection, except that in no event shall the prohibition continue in force for more than a total of 9 months.

''(2) APPLICATION.—This subsection shall apply only in connection with compulsory process issued by the Commission where the recipient of such process is not a subject of the investigation or proceeding at the time such process is issued.

''(3) LIMITATION.—No order issued under this subsection shall prohibit any recipient from disclosing to a Federal agency that the recipient has received compulsory process from the Commission.

''(d) NO LIABILITY FOR FAILURE TO NOTIFY.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the recipient of compulsory process issued by the Commission under this Act shall not be liable under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, or under any contract or other legally enforceable agreement, for failure to provide notice to any person that such process has been issued or that the recipient has provided information in response to such process. The preceding sentence does not exempt any recipient from liability for—

''(1) the underlying conduct reported;

''(2) a failure to comply with the record retention requirements under section 1104(c) of the Right to Financial Privacy Act (12 U.S.C. 3404), where applicable; or

''(3) any failure to comply with any obligation the recipient may have to disclose to a Federal agency that the recipient has received compulsory process from the Commission or intends to provide or has provided information to the Commission in response to such process.

''(e) VENUE AND PROCEDURE.—

''(1) IN GENERAL.—All judicial proceedings initiated by the Commission under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), chapter 121 of title 18, United States Code, or this section may be brought in the United States District Court for the District of Columbia or any other appropriate United States District Court. All ex parte applications by the Commission under this section related to a single investigation may be brought in a single proceeding.

''(2) IN CAMERA PROCEEDINGS.—Upon application by the Commission, all judicial proceedings pursuant to this section shall be held in camera and the records thereof sealed until expiration of the period of delay or such other date as the presiding judge or magistrate judge may permit.

''(f) SECTION NOT TO APPLY TO ANTITRUST INVESTIGATIONS OR PROCEEDINGS.—This section shall not apply to an investigation or proceeding related to the administration of Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211).

''(g) ADVERSE RESULT DEFINED.—For purposes of this section the term 'adverse result' means—

''(1) endangering the life or physical safety of an individual;

''(2) flight from prosecution;

''(3) the destruction of, or tampering with, evidence;

''(4) the intimidation of potential witnesses; or

''(5) otherwise seriously jeopardizing an investigation or proceeding related to fraudulent or deceptive commercial practices or persons involved in such practices, or unduly delaying a trial related to such practices or persons involved in such practices, including, but not limited to, by—

''(A) the transfer outside the territorial limits of the United States of assets or records related to fraudulent or deceptive commercial practices or related to persons involved in such practices;

''(B) impeding the ability of the Commission to identify persons involved in fraudulent or deceptive commercial practices, or to trace the source or disposition of funds related to such practices; or

''(C) the dissipation, fraudulent transfer, or concealment of assets subject to recovery by the Commission.''.

(b) CONFORMING AMENDMENT.—Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (C) by striking ''or'' after the semicolon;

(2) in subparagraph (D) by inserting ''or'' after the semicolon; and

(3) by inserting after subparagraph (D) the following:

''(E) under section 21A of this Act;''.

SEC. 8. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is further amended by adding after section 21A (as added by section 7 of this Act) the following:

''SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

''(a) IN GENERAL.—

''(1) NO LIABILITY FOR PROVIDING CERTAIN MATERIAL.—An entity described in paragraphs (2) or (3) of subsection (d) that voluntarily provides material to the Commission that such entity reasonably believes is relevant to—

''(A) a possible unfair or deceptive act or practice, as defined in section 5(a) of this Act; or

''(B) assets subject to recovery by the Commission, including assets located in foreign jurisdictions;

shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material.

''(2) LIMITATIONS.—Nothing in this subsection shall be construed to exempt any such entity from liability—

''(A) for the underlying conduct reported; or

''(B) to any Federal agency for providing such material or for any failure to comply with any obligation the entity may have to notify a Federal agency prior to providing such material to the Commission.

''(b) CERTAIN FINANCIAL INSTITUTIONS.—An entity described in paragraph (1) of subsection (d) shall, in accordance with section 5318(g)(3) of title 31, United States Code, be exempt from liability for making a voluntary disclosure to the Commission of any possible violation of law or regulation, including—

''(1) a disclosure regarding assets, including assets located in foreign jurisdictions—

''(A) related to possibly fraudulent or deceptive commercial practices;

''(B) related to persons involved in such practices; or

''(C) otherwise subject to recovery by the Commission; or

''(2) a disclosure regarding suspicious chargeback rates related to possibly fraudulent or deceptive commercial practices.

''(c) CONSUMER COMPLAINTS.—Any entity described in subsection (d) that voluntarily provides consumer complaints sent to it, or information contained therein, to the Commission shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material. This subsection shall not provide any exemption from liability for the underlying conduct.

''(d) APPLICATION.—This section applies to the following entities, whether foreign or domestic:

''(1) A financial institution as defined in section 5312 of title 31, United States Code.

''(2) To the extent not included in paragraph (1), a bank or thrift institution, a commercial bank or trust company, an investment company, a credit card issuer, an operator of a credit card system, and an issuer, redeemer, or cashier of travelers' checks, money orders, or similar instruments.

''(3) A courier service, a commercial mail receiving agency, an industry membership organization, a payment system provider, a consumer reporting agency, a domain name registrar or registry acting as such, and a provider of alternative dispute resolution services.

''(4) An Internet service provider or provider of telephone services.''.

SEC. 9. STAFF EXCHANGES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by adding after section 25 the following new section:

''SEC. 25A. STAFF EXCHANGES.

''(a) IN GENERAL.—The Commission may—

''(1) retain or employ officers or employees of foreign government agencies on a temporary basis as employees of the Commission pursuant to section 2 of this Act or section 3101 or section 3109 of title 5, United States Code; and

''(2) detail officers or employees of the Commission to work on a temporary basis for appropriate foreign government agencies.

''(b) RECIPROCITY AND REIMBURSEMENT.—The staff arrangements described in subsection (a) need not be reciprocal. The Commission may accept payment or reimbursement, in cash or in kind, from a foreign government agency to which this section is applicable, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements.

''(c) STANDARDS OF CONDUCT.—A person appointed under subsection (a)(1) shall be subject to the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees that are applicable to the type of appointment.''.

SEC. 10. INFORMATION SHARING WITH FINANCIAL REGULATORS.

Section 1112(e) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(e)) is amended by inserting ''the Federal Trade Commission,'' after ''the Securities and Exchange Commission,''.

SEC. 11. AUTHORITY TO ACCEPT REIMBURSEMENTS.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating section 26 as section 28; and

(2) by inserting after section 25A, as added by section 9 of this Act, the following:

''SEC. 26. REIMBURSEMENT OF EXPENSES.

''The Commission may accept payment or reimbursement, in cash or in kind, from a domestic or foreign law enforcement agency, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, or employees in carrying out any activity pursuant to a statute administered by the Commission without regard to any other provision of law. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Commission.''.

SEC. 12. PRESERVATION OF EXISTING AUTHORITY.

The authority provided by this Act, and by the Federal Trade Commission Act (15 U.S.C. 41 et seq.) and the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), as such Acts are amended by this Act, is in addition to, and not in lieu of, any other authority vested in the Federal Trade Commission or any other officer of the United States.

SEC. 13. SUNSET.

This Act , and the amendments made by this Act , shall cease to have effect on the date that is 7 years after the date of enactment of this Act.

SEC. 14. REPORT.

Not later than 3 years after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report describing its use of and experience with the authority granted by this Act, along with any recommendations for additional legislation. The report shall include—

(1) the number of cross-border complaints received by the Commission;

(2) identification of the foreign agencies to which the Commission has provided nonpublic investigative information under this Act;

(3) the number of times the Commission has used compulsory process on behalf of foreign law enforcement agencies pursuant to section 6 of the Federal Trade Commission Act (15 U.S.C. 46), as amended by section 4 of this Act;

(4) a list of international agreements and memoranda of understanding executed by the Commission that relate to this Act;

(5) the number of times the Commission has sought delay of notice pursuant to section 21A of the Federal Trade Commission Act, as added by section 7 of this Act, and the number of times a court has granted a delay;

(6) a description of the types of information private entities have provided voluntarily pursuant to section 21B of the Federal Trade Commission Act, as added by section 8 of this Act;

(7) a description of the results of cooperation with foreign law enforcement agencies under section 21 of the Federal Trade Commission Act (15 U.S.C. 57–2) as amended by section 6 of this Act;

(8) an analysis of whether the lack of an exemption from the disclosure requirements of section 552 of title 5, United States Code, with regard to information or material voluntarily provided relevant to possible unfair or deceptive acts or practices, has hindered the Commission in investigating or engaging in enforcement proceedings against such practices; and

(9) a description of Commission litigation brought in foreign courts.

Mr. FRIST. I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

UNANIMOUS CONSENT AGREEMENT—TRIBUTES TO RETIRING SENATORS

Mr. FRIST. I ask unanimous consent that the tributes to retiring Senators be printed as a Senate document and that Senators be permitted to submit tributes until December 27, 2006.

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

AUTHORITY TO FILE

Mr. FRIST. I ask unanimous consent that on December 22, 2006, between the hours of 10 a.m. and 11 a.m, committees have the authority to file special reports on nonlegislative matters only. This does not include executive matters such as treaties or nominations, nor does it allow committees to report bills or resolutions after the sine die adjournment.

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

APPOINTMENT AUTHORITY

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

SIGNING AUTHORITY

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader, the junior Senator from Virginia, and the junior Senator from Mississippi be authorized to sign duly enrolled bills or joint resolutions.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic

leaders of the Senate and House of Representatives, pursuant to Public Law 109–236, appoints Dr. James L. Weeks, of Maryland, to serve as a member of the MINER Act Technical Study Panel.

ORDERS FOR THURSDAY, JANUARY 4, 2007

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned sine die pursuant to the provisions of H. Con. Res. 503, until 12 noon on Thursday, January 4.

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

LAST FAREWELL

Mr. FRIST. Mr. President, today we were able to finish up our work in a very successful way before we leave for the year. We passed a continuing funding resolution, the critical tax extenders package, and a number of important legislative items, as well as a list of executive nominations. We have had a long week—a productive week—and I do want to thank all my colleagues for their patience and their dedicated efforts.

As we close, I also want to thank all of the staff at the desk and those in the offices above this Chamber and below this Chamber who will be here long after we adjourn, preparing and finalizing all of the business we have just completed.

I would be remiss if I did not recognize the pages who are with us tonight, and those who are not with us tonight, but those who have all left their home States to come to Washington for the semester to work in this Chamber.

We thank each and every one of you for your tremendous, tremendous work. It is 4:34 a.m. now, and we have finished a long day, and people always laugh when I say being Senate majority leader is like doing heart transplants. But times like this make it all very clear that they are very similar because at about 4:34 a.m. in the morning, we would be putting those last few stitches in the transplanted heart. And as you do that, you begin to feel that anticipation of that heart, all of a sudden starting to beat again and coming alive, which gives new life and rebirth to an individual who would otherwise die.

I say that because that is what I would be doing if I were not here, and I was doing 12, 13 years ago. I may well be doing it next year. But that sort of change is good. And change can be, as I said yesterday, constructive. It can be rebirth. And it can give real hope.

I gave my formal remarks on leaving the Senate yesterday, but the words I speak over the next 2 minutes are the very last I will ever give in this Chamber. In 2 minutes, maybe less, that door closes, and the chapter ends.

After I gave my farewell address yesterday, I had dinner last night with Karyn and with my three boys, Jonathan, Bryan, and Harrison, who had all come back to hear my farewell address yesterday. They had to fly in from New York, take a train from New Jersey, and come up from Tennessee. And because we are empty nesters, they are all out of the house now. It is getting increasingly rare that we are all together.

But one of the things we did last night is we sat around a table—it happened to be at a restaurant—and thought a little bit about past experiences. And you can imagine how their lives have changed over 12 years. We knew this night would come, this final minute or so would come, for a long time. I have known for 12 years, and that is the normal life cycle that one can expect if you are a citizen legislator, which I have said again and again that is what I tried to be in self-limiting my period here in the Senate.

But over that period, we have seen these three young boys—all very young—grow into three robust young men. I have seen a wife grow more beautiful by the day. I have seen a relationship of family, and a relationship between a husband and a wife, grow stronger over these 12 years through this opportunity the people of Tennessee have given me and Karyn and my three boys to serve them.

I have seen faith strengthened and challenged by the responsibility the people of Tennessee give us as elected officials when they select us to represent their hopes and their dreams.

I have also seen in this body, in watching my colleagues and being with my colleagues, a group of men and a group of women who are very good people, with good intentions, who are unselfish, who are people of faith, people of vision, people with real dreams, not perfect, as we all know—and we all have our foibles, and we all have our weaknesses—but people who are good.

My dad always used to say: ''Good people beget good people.'' ''Good people beget good people.'' And I think that as we go through periods of change here, we can have that tradition of good people in this body begetting good people to continue.

I will close, again quoting from Dad's letter I mentioned yesterday that he wrote to future generations prior to his death.

I mentioned yesterday that that is a great thing for all of us to do later in life. What advice would you give people you will never see a generation or two generations later? I will close with his words from that same letter. This was after a list of things he wrote, giving his counsel and advice—very simple things, by the way, commonsense things. He said:

> Finally, I believe it is so terribly important in life to stay humble. Use your talents wisely and use other people's talents to help other people.

''Help other people.''

ADJOURNMENT SINE DIE

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned sine die under the provisions of H. Con. Res 503.

There being no objection, the Senate, at 4:39 a.m., adjourned sine die until Thursday, January 4, 2007.

NOMINATIONS RETURNED TO THE PRESIDENT

Friday, December 8, 2006

The following nominations transmitted by the President of the United States to the Senate during the second session of the 109th Congress, and upon which no action was had at the time of the sine die adjournment of the Senate, failed of confirmation under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate.

AMTRAK

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ASIAN DEVELOPMENT BANK

CURTIS S. CHIN, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR.

BROADCASTING BOARD OF GOVERNORS

D. JEFFREY HIRSCHBERG, OF WISCONSIN, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007.

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006.

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2009.

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS. (REAPPOINTMENT).

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007.

CENTRAL INTELLIGENCE

JOHN A. RIZZO, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MICHAEL DOLAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009.

STEPHEN GOLDSMITH, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2010, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RICHARD ALLAN HILL, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2009.

CORPORATION FOR PUBLIC BROADCASTING

WARREN BELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

ANTHONY JOSEPH PRINCIPI, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

DEPARTMENT OF COMMERCE

JANE C. LUXTON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.

DEPARTMENT OF DEFENSE

PETER CYRIL WYCHE FLORY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

PETER CYRIL WYCHE FLORY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

ERIC S. EDELMAN, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

DORRANCE SMITH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

GORDON ENGLAND, OF TEXAS, TO BE DEPUTY SECRETARY OF DEFENSE, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

MICHAEL J. BURNS, OF NEW MEXICO, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

DEPARTMENT OF ENERGY

KEVIN M. KOLEVAR, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF ENERGY (ELECTRICITY DELIVERY AND ENERGY RELIABILITY).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANIEL MERON, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

DANIEL MERON, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF HOMELAND SECURITY

JULIE L. MYERS, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

JULIE L. MYERS, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

GREGORY B. CADE, OF VIRGINIA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SCOTT A. KELLER, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF JUSTICE

EARL CRUZ AGUIGUI, OF GUAM, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES MARSHAL FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS.

ALICE S. FISHER, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

PHILLIP J. GREEN, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

WILLIAM W. MERCER, OF MONTANA, TO BE ASSOCIATE ATTORNEY GENERAL.

JOHN ROBERTS HACKMAN, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.

STEVEN G. BRADBURY, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

DEPARTMENT OF LABOR

PAUL DE CAMP, OF VIRGINIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR.

RICHARD STICKLER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF STATE

C. BOYDEN GRAY, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

ELLEN R. SAUERBREY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (POPULATION, REFUGEES, AND MIGRATION).

ELLEN R. SAUERBREY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (POPULATION, REFUGEES, AND MIGRATION), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

C. BOYDEN GRAY, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DAWN M. LIBERI, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

RICHARD E. HOAGLAND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

CECIL E. FLOYD, OF SOUTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JOHN ROBERT BOLTON, OF MARYLAND, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

JOHN ROBERT BOLTON, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

STANLEY DAVIS PHILLIPS, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

SAM FOX, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

DEPARTMENT OF THE INTERIOR

CARL JOSEPH ARTMAN, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

JOHN RAY CORRELL, OF INDIANA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT.

DEPARTMENT OF THE TREASURY

CATHERINE G. WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008.

PETER E. CIANCHETTE, OF MAINE, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2010.

DEPARTMENT OF VETERANS AFFAIRS

THOMAS E. HARVEY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS).

ELECTION ASSISTANCE COMMISSION

CAROLINE C. HUNTER, OF FLORIDA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2009.

ROSEMARY E. RODRIGUEZ, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2007.

ENVIRONMENTAL PROTECTION AGENCY

ROGER ROMULUS MARTELLA, JR., OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

ALEX A. BEEHLER, OF MARYLAND, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY.

WILLIAM LUDWIG WEHRUM, JR., OF TENNESSEE, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DAVID PALMER, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2011.

EXECUTIVE OFFICE OF THE PRESIDENT

BENJAMIN A. POWELL, OF FLORIDA, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SUSAN E. DUDLEY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET.

JAMES F.X. O'GARA, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY.

EXPORT-IMPORT BANK OF THE UNITED STATES

MICHAEL W. TANKERSLEY, OF TEXAS, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK.

FEDERAL ELECTION COMMISSION

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009.

STEVEN T. WALTHER, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009.

HANS VON SPAKOVSKY, OF GEORGIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011.

ROBERT D. LENHARD, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011.

STEVEN T. WALTHER, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HANS VON SPAKOVSKY, OF GEORGIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ROBERT D. LENHARD, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

FEDERAL LABOR RELATIONS AUTHORITY

WAYNE CARTWRIGHT BEYER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2010.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MICHAEL F. DUFFY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2012.

MICHAEL F. DUFFY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2012, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ARLENE HOLEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2010.

FOREIGN CLAIMS SETTLEMENT COMMISSION

DAVID B. RIVKIN, JR., OF VIRGINIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2007.

INTER-AMERICAN FOUNDATION

ADOLFO A. FRANCO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2008.

ROGER W. WALLACE, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008.

HECTOR E. MORALES, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2010.

INTERNATIONAL MONETARY FUND

MARGRETHE LUNDSAGER, OF VIRGINIA, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

CHARLES DARWIN SNELLING, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2012.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ALLEN C. GUELZO, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 2006.

NATIONAL INSTITUTE FOR LITERACY

PATRICIA MATHES, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2007.

NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009.

PETER N. KIRSANOW, OF OHIO, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008.

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

PETER N. KIRSANOW, OF OHIO, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL MEDIATION BOARD

PETER W. TREDICK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2009.

NATIONAL SECURITY EDUCATION BOARD

ANDREW J. MCKENNA, JR., OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

REFORM BOARD (AMTRAK)

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

SOCIAL SECURITY ADMINISTRATION

MICHAEL J. ASTRUE, OF MASSACHUSETTS, TO BE COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013.

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 19, 2007.

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013.

JEFFREY ROBERT BROWN, OF ILLINOIS, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2008, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

THE JUDICIARY

CAROL A. DALTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

VANESSA LYNNE BRYANT, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.

S. PAMELA GRAY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

PHILIP S. GUTIERREZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

VALERIE L. BAKER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

MARCIA MORALES HOWARD, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

LESLIE SOUTHWICK, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

GREGORY KENT FRIZZELL, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA.

LISA GODBEY WOOD, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF GEORGIA.

DEBRA ANN LIVINGSTON, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

RAYMOND M. KETHLEDGE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

STEPHEN JOSEPH MURPHY III, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

JOHN PRESTON BAILEY, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.

MARY O. DONOHUE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK.

JOHN ALFRED JARVEY, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA.

ROBERT JAMES JONKER, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN.

PAUL LEWIS MALONEY, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN.

JANET T. NEFF, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN.

SARA ELIZABETH LIOI, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

NORA BARRY FISCHER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

ROSLYNN RENEE MAUSKOPF, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

LIAM O'GRADY, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

LAWRENCE JOSEPH O'NEILL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA.

HALIL SULEYMAN OZERDEN, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

OTIS D. WRIGHT II, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

GEORGE H. WU, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

THOMAS M. HARDIMAN, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

WILLIAM LINDSAY OSTEEN, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

MARTIN KARL REIDINGER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA.

THOMAS D. SCHROEDER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

TERRENCE W. BOYLE, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

WILLIAM JAMES HAYNES II, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

PETER D. KEISLER, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

WILLIAM GERRY MYERS III, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

JAMES EDWARD ROGAN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

BENJAMIN HALE SETTLE, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

MICHAEL BRUNSON WALLACE, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

HEIDI M. PASICHOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

FREDERICK J. KAPALA, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

THOMAS ALVIN FARR, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JAMES R. KUNDER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

KATHERINE ALMQUIST, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

UNITED STATES INSTITUTE OF PEACE

RON SILVER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

JUDY VAN REST, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

UNITED STATES INTERNATIONAL TRADE COMMISSION

DEAN A. PINKERT, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2015.

IRVING A. WILLIAMSON, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2014.

UNITED STATES POSTAL SERVICE

ELLEN C. WILLIAMS, OF KENTUCKY, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2016.

UNITED STATES SENTENCING COMMISSION

DABNEY LANGHORNE FRIEDRICH, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 31, 2009.

BERYL A. HOWELL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011.

JOHN R. STEER, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011.

IN THE AIR FORCE

AIR FORCE NOMINATION OF COLONEL LYN D. SHERLOCK TO BE BRIGADIER GENERAL.

IN THE ARMY

ARMY NOMINATION OF COL. MARC L. WARREN TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. KENNY C. MONTOYA TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. ERVIN PEARSON TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COLONEL CURTIS D. POTTS TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. GREGORY E. COUCH TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF BRIG. GEN. CARROLL F. POLLETT TO BE MAJOR GENERAL.

ARMY NOMINATION OF COL. JAMES T. COOK TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF BRIG. GEN. WILLIAM C. KIRKLAND TO BE MAJOR GENERAL.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF BRIG. GEN. JAMES L. WILLIAMS TO BE MAJOR GENERAL.

MARINE CORPS NOMINATION OF COL. TRACY L. MORK TO BE BRIGADIER GENERAL.

IN THE ARMY

ARMY NOMINATION OF JAMES E. OHARE TO BE COLONEL.

ARMY NOMINATION OF GRAHAM A. CASTILLO TO BE COLONEL.

ARMY NOMINATION OF ROBERT R. DAVENPORT TO BE COLONEL.

ARMY NOMINATION OF LESLIE N. SWARTZ TO BE COLONEL.

ARMY NOMINATION OF JAMES B. SAYERS TO BE COLONEL.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF JAMES STEPHENSON.

FOREIGN SERVICE NOMINATION OF EDGAR FULTON, JR.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF KURT E. DIEHL TO BE COLONEL.

MARINE CORPS NOMINATION OF ROBERT W. LAATSCH TO BE LIEUTENANT COLONEL.

IN THE NAVY

NAVY NOMINATION OF JAMES R. CARLSON II TO BE COMMANDER.

DISCHARGED NOMINATIONS

The Senate Committee on the Judiciary was discharged from further consideration of the following nomination and the nomination was confirmed:

RACHEL K. PAULOSE, OF MINNESOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS.

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was confirmed:

PAUL A. SCHNEIDER, OF MARYLAND, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

FOREIGN SERVICE NOMINATIONS BEGINNING WITH WILLIAM R. BROWNFIELD AND ENDING WITH DAVID M. YEUTTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 28, 2006.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JAMES A. JIMENEZ AND ENDING WITH MIREILLE L. ZIESENISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH LAURIE JEANNE MEININGER AND ENDING WITH MELISSA S. ZADNIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations and the nominations were confirmed:

STEVEN R. CHEALANDER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2007.

COAST GUARD NOMINATION OF REAR ADM. (SELECT) CYNTHIA A. COOGAN TO BE REAR ADMIRAL (LOWER HALF).

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATION OF RAYMOND C. SLAGLE TO BE CAPTAIN.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH CARYN M. ARNOLD AND ENDING WITH PHOEBE A. WOODWORTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

CHARLES E. DORKEY III, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

COAST GUARD NOMINATION OF GREG E. VERSAW TO BE LIEUTENANT.

COAST GUARD NOMINATIONS BEGINNING WITH RICARDO M. ALONSO AND ENDING WITH ANDREW J. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

COAST GUARD NOMINATIONS BEGINNING WITH ANDREA L. CONTRATTO AND ENDING WITH STEPHEN B. NYE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2006.

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nominations and the nominations were confirmed:

LELAND A. STROM, OF ILLINOIS, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING OCTOBER 13, 2012.

MARK EVERETT KEENUM, OF MISSISSIPPI, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES.

MARK EVERETT KEENUM, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were confirmed:

BLANCA E. ENRIQUEZ, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING JANUARY 30, 2009.

GERALD WALPIN, OF NEW YORK, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

SARA ALICIA TUCKER, OF CALIFORNIA, TO BE UNDER SECRETARY OF EDUCATION.

DANA GIOIA, OF CALIFORNIA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH CHRISTOPHER J. BENGSON AND ENDING WITH CHAYANIN MUSIKASINTHORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

PUBLIC HEALTH SERVICE NOMINATION OF LEAH HILL TO BE ASSISTANT SURGEON.

WILLIAM FRANCIS PRICE, JR., OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

ROBERT BRETLEY LOTT, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

CHARLOTTE P. KESSLER, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

JOAN ISRAELITE, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

BENJAMIN DONENBERG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

FORESTSTORN HAMILTON, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

TERRY L. CLINE, OF OKLAHOMA, TO BE ADMINISTRATOR OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

ELIZABETH DOUGHERTY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2007.

ELIZABETH DOUGHERTY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2010.

*JOHN PEYTON, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OFTHE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2011.

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was confirmed:

GERALD WALPIN, OF NEW YORK, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination and the nomination was confirmed:

DIANNE I. MOSS, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2007.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination and the nomination was confirmed:

LEON R. SEQUEIRA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination and the nomination was confirmed:

JILL E. SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2009.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, December 8, 2006:

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

D. MICHAEL RAPPOPORT, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MICHAEL BUTLER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008.

ENVIRONMENTAL PROTECTION AGENCY

MOLLY A. O'NEILL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

NATIONAL MEDIATION BOARD

HARRY R. HOGLANDER, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2008.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

STEPHEN M. PRESCOTT, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING APRIL 15, 2011.

ANNE JEANNETTE UDALL, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2010.

DEPARTMENT OF COMMERCE

JOHN M. R. KNEUER, OF NEW JERSEY, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

JOHN PEYTON, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2011.

UNITED STATES POSTAL SERVICE

JAMES H. BILBRAY, OF NEVADA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2015.

THURGOOD MARSHALL, JR., OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2011.

POSTAL RATE COMMISSION

DAN GREGORY BLAIR, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2012.

SMALL BUSINESS ADMINISTRATION

JOVITA CARRANZA, OF ILLINOIS, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

DIANE HUMETEWA, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING AUGUST 25, 2012.

ERIC D. EBERHARD, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2012.

DEPARTMENT OF THE TREASURY

PAUL CHERECWICH, JR., OF UTAH, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2009.

DEBORAH L. WINCE-SMITH, OF VIRGINIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2010.

SOCIAL SECURITY ADMINISTRATION

JEFFREY ROBERT BROWN, OF ILLINOIS, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2008.

MARK J. WARSHAWSKY, OF MARYLAND, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2012.

DANA K. BILYEU, OF NEVADA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2010.

DEPARTMENT OF THE TREASURY

PHILLIP L. SWAGEL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

MICHELE A. DAVIS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

ANTHONY W. RYAN, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

ROBERT F. HOYT, OF MARYLAND, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY.

ERIC SOLOMON, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED:

To be rear admiral (lower half)

REAR ADM. (SELECT) CYNTHIA A. COOGAN

COMMODITY CREDIT CORPORATION

MARK EVERETT KEENUM, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

COMMODITY FUTURES TRADING COMMISSION

JILL E. SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2009.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

GERALD WALPIN, OF NEW YORK, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

DEPARTMENT OF AGRICULTURE

MARK EVERETT KEENUM, OF MISSISSIPPI, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES.

DEPARTMENT OF EDUCATION

SARA ALICIA TUCKER, OF CALIFORNIA, TO BE UNDER SECRETARY OF EDUCATION.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

TERRY L. CLINE, OF OKLAHOMA, TO BE ADMINISTRATOR OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF HOMELAND SECURITY

PAUL A. SCHNEIDER, OF MARYLAND, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF JUSTICE

RACHEL K. PAULOSE, OF MINNESOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF LABOR

LEON R. SEQUEIRA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

FARM CREDIT ADMINISTRATION

LELAND A. STROM, OF ILLINOIS, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING OCTOBER 13, 2012.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DANA GIOIA, OF CALIFORNIA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS.

WILLIAM FRANCIS PRICE, JR., OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

ROBERT BRETLEY LOTT, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

CHARLOTTE P. KESSLER, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

JOAN ISRAELITE, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

BENJAMIN DONENBERG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

FORESTSTORN HAMILTON, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

NATIONAL INSTITUTE FOR LITERACY

BLANCA E. ENRIQUEZ, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING JANUARY 30, 2009.

NATIONAL MEDIATION BOARD

ELIZABETH DOUGHERTY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2007.

ELIZABETH DOUGHERTY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2010.

NATIONAL TRANSPORTATION SAFETY BOARD

STEVEN R. CHEALANDER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2007.

OVERSEAS PRIVATE INVESTMENT CORPORATION

DIANNE I. MOSS, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE

INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2007.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

CHARLES E. DORKEY III, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

A.J. EGGENBERGER, OF MONTANA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2008.

THE JUDICIARY

KENT A. JORDAN, OF DELAWARE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

MARGARET A. RYAN, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

SCOTT WALLACE STUCKY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. THOMAS J. SELLARS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DONALD C. LEINS

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROBERT T. BRAY
BRIGADIER GENERAL RAYMOND W. CARPENTER
BRIGADIER GENERAL HUNTINGTON B. DOWNER, JR.
BRIGADIER GENERAL JAMES W. NUTTALL
BRIGADIER GENERAL DARREN G. OWENS
BRIGADIER GENERAL JAMES I. PYLANT
BRIGADIER GENERAL STEVEN D. SAUNDERS
BRIGADIER GENERAL RANDAL E. THOMAS
BRIGADIER GENERAL PATRICK D. WILSON

To be brigadier general

COLONEL ROMA J. AMUNDSON
COLONEL VIRGINIA G. BARHAM
COLONEL ROLAND L. CANDEE
COLONEL ALLEN M. HARRELL
COLONEL JAMES A. HOYER
COLONEL STEVEN P. HUBER
COLONEL RONALD W. HUFF
COLONEL DAVID F. IRWIN
COLONEL SCOTT W. JOHNSON
COLONEL THEODORE D. JOHNSON
COLONEL JEFFERY D. KINARD
COLONEL SCOTT D. LEGWOLD
COLONEL WALTER E. LIPPINCOTT
COLONEL WILLIAM M. MALOAN
COLONEL RANDALL R. MARCHI
COLONEL CRUZ M. MEDINA
COLONEL RICHARD S. MILLER
COLONEL STUART C. PIKE
COLONEL DANNY K. SPEIGNER
COLONEL STANLEY M. STRICKLEN
COLONEL MARGARET S. WASHBURN
COLONEL TONY N. WINGO

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. ROBERT F. WILLARD

IN THE COAST GUARD

COAST GUARD NOMINATION OF GREG E. VERSAW TO BE LIEUTENANT.

COAST GUARD NOMINATIONS BEGINNING WITH RICARDO M. ALONSO AND ENDING WITH ANDREW J. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

COAST GUARD NOMINATIONS BEGINNING WITH ANDREA L. CONTRATTO AND ENDING WITH STEPHEN B. NYE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2006.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH WILLIAM R. BROWNFIELD AND ENDING WITH DAVID M. YEUTTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 28, 2006.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JAMES A. JIMENEZ AND ENDING WITH MIREILLE L. ZIESENISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH LAURIE JEANNE MEININGER AND ENDING WITH MELISSA S. ZADNIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATION OF RAYMOND C. SLAGLE TO BE CAPTAIN.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH CARYN M. ARNOLD AND ENDING WITH PHOEBE A. WOODWORTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH CHRISTOPHER J. BENGSON AND ENDING WITH CHAYANIN MUSIKASINTHORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

PUBLIC HEALTH SERVICE NOMINATION OF LEAH HILL TO BE ASSISTANT SURGEON.

IN THE AIR FORCE

AIR FORCE NOMINATION OF JEFFREY C. CARSTENS TO BE COLONEL.

AIR FORCE NOMINATION OF STEPHEN R. GERINGER TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF PAUL M. ROBERTS TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH NEVANNA I. KOICHEFF AND ENDING WITH PERLITA K. TAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH JERZY J. CHACHAJ AND ENDING WITH GREG GORDON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH NORMAN B. DIMOND AND ENDING WITH MARK A. DEATON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2006.

IN THE ARMY

ARMY NOMINATION OF WILLIE G. BARNES TO BE COLONEL.

ARMY NOMINATION OF DANIEL P. MC LEMORE TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JOSEF R. SMITH AND ENDING WITH MICHAEL D. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH ROBERT M. BLACKMON AND ENDING WITH BRADLEY M. VOORHEES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH NICHOLAS C. BAKRIS AND ENDING WITH ANDREW D. MAGNET, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH DAVID E. GREEN AND ENDING WITH MARTIN L. LADWIG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH MOON H. LEE AND ENDING WITH PHILLIP C. ZINNI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH TERRELL W. BLANCHARD AND ENDING WITH ROBERT L. VOGELSANG III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

ARMY NOMINATION OF VICTORIA L. SMITH TO BE MAJOR.

ARMY NOMINATION OF IRA S. DERRICK TO BE MAJOR.

ARMY NOMINATION OF JOSEPH W. BROWN TO BE MAJOR.

ARMY NOMINATION OF REBECCA L. BLANKENSHIP TO BE MAJOR.

ARMY NOMINATION OF MARK M. KUBA TO BE COLONEL.

ARMY NOMINATION OF CRAIG H. RHYNE, JR. TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH LORRAINE T. BREEN AND ENDING WITH THOMAS G. SUTLIVE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH DEBRA L. COHEN AND ENDING WITH KYLE J. ZABLOCKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

ARMY NOMINATIONS BEGINNING WITH NORMAN F. ALLEN AND ENDING WITH DARIA P. WOLLSCHLAEGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

ARMY NOMINATIONS BEGINNING WITH MICHAEL R. ABERLE AND ENDING WITH MARC L. ZUFFA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

ARMY NOMINATIONS BEGINNING WITH ROBIN B. ALLEN AND ENDING WITH ARTHUR D. WELLMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

ARMY NOMINATIONS BEGINNING WITH JOHN G. ALVAREZ AND ENDING WITH TRACY O. WYATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

ARMY NOMINATIONS BEGINNING WITH JEFFREY S. ASHLEY AND ENDING WITH THOMAS G. WINTHROP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

ARMY NOMINATION OF SHELLY M. TAYLOR TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH OMAR L. HAMADA AND ENDING WITH SETH W. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2006.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH KIMBERLY S. EVANS AND ENDING WITH JOHN E. LEE III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

NAVY NOMINATION OF DAVID J. ALLEN TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH HARRY T. WHELAN AND ENDING WITH WILLIAM G. RHEA III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

NAVY NOMINATIONS BEGINNING WITH KEITH T. ADKINS AND ENDING WITH DORSEY WISOTSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2006.