

S. 3887

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. RES. 485

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 485, a resolution to express the sense of the Senate concerning the value of family planning for American women.

S. RES. 559

At the request of Ms. SNOWE, her name was added as a cosponsor of S. Res. 559, a resolution calling on the President to take immediate steps to help stop the violence in Darfur.

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 559, *supra*.

AMENDMENT NO. 4921

At the request of Mr. DEMINT, the names of the Senator from Montana (Mr. BURNS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 4921 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW:

S. 3888. A bill to amend title XVIII of the Social Security Act to sunset the sustainable growth rate formula as of January 1, 2009, in order to expedite Congressional action in establishing a new physician payment system that would appropriately reimburse physicians by keeping pace with increases in medical practice costs and providing stable, positive Medicare updates; to the Committee on Finance.

Ms. STABENOW. Mr. President, I am pleased to introduce the "Fix and Improve Reimbursement (FAIR) for Physicians Act of 2006" today with the support of the Michigan State Medical Society and the Michigan Osteopathic Association.

Over 20,000 M.D.'s and D.O.'s in Michigan provide more than 1.4 million seniors and people with disabilities with high-quality medical services under the Medicare program. Our Michigan families have received fantastic care, from fantastic doctors.

But will they continue to? Not unless we do something about the payment system used to reimburse physicians for Medicare services. Beginning January 1, 2007, the Medicare Sustainable Growth Rate (SGR) formula will cut payments to physicians and health care professionals by 5.1 percent. What does that mean in dollar terms? Medicare payments in Michigan alone will be cut by \$137 million in 2007; the aver-

age cut for a physician in Michigan would be \$34,000 per year.

That doesn't make any sense. Medical costs are going up. How can doctors provide the same high-quality care when costs are going up and their payments are going down?

It makes even less sense when you realize physicians and other health care professionals have been struggling with this payment system for years. The SGR formula resulted in significant payment cuts in 2002, and would have resulted in payment cuts in 2003, 2004, 2005 and 2006 had Congress not intervened.

And it won't stop with the cut in 2007. According to the Medicare Payment Advisory Commission (MedPAC) and the Board of Trustees of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, the Medicare SGR formula will result in substantial payment cuts to physicians and health care professionals through at least 2015.

The cuts are scheduled to total 40 percent by 2015, costing Michigan doctors in excess of \$8 billion between 2007 and 2015.

Can doctors absorb these kinds of cuts and continue to serve all Medicare beneficiaries with high-quality care? Absolutely not. The cuts would be particularly devastating for primary care doctors, the very doctors that, according to MedPAC, many Medicare beneficiaries rely on for important health care management. MedPAC states in their March 2006 report that they "are concerned that such consecutive annual cuts would threaten access to physician care services over time, particularly primary care services." They go on to say that "payment policies that may discourage medical students and residents from becoming primary care physicians raise particular concern".

A recent survey conducted by the AMA suggests that if the scheduled cuts go into effect, 45 percent of doctors will decrease the number of Medicare patients they accept—and this at a time that the Medicare population is burgeoning! Further, 50 percent of doctors will defer purchase of health information technology, 37 percent of doctors practicing in rural communities will be forced to discontinue rural outreach services, and 43 percent of physicians will decrease the number of new TRICARE patients they suggest.

This is not a new issue. MedPAC considers the Medicare SGR formula a flawed, inequitable mechanism for controlling the volume of services and first recommended repeal of the Medicare SGR formula in 2001. Since then they have consistently recommended repealing the formula.

But what has Congress done? Have we repealed the SGR? No. Instead, each year since 2003 Congress has acted to override the formula temporarily. While these actions have prevented cuts since 2002, nobody can believe this

is a good way of going about business. Congress tends to act very late in the year—or AFTER the cuts have actually gone into effect—which results in instability and unpredictability for physicians, health care professionals, seniors and individuals with disabilities.

Further, annual Congressional actions to override SGR don't solve the long-term problem as the formula extracts the added spending in future years by imposing even more drastic cuts.

We know what we need to do. A Medicare physician payment system that will provide stable, positive payment updates is critical to preserve Medicare beneficiaries' access to high-quality care and allow doctors to invest in health information technology and quality improvement programs.

While a new system is being developed, we know we need to adopt MedPAC's recommendation to update payments for physicians' services under the Medicare program by the projected change in input prices less MedPAC's expectation for productivity growth. The "Preserving Patient Access to Physicians Act of 2005", which I introduced last year with Senator KYL, would do just that. It would have provided physicians with a 2.7 percent update in 2006 and would provide a 2.8 percent update in 2007.

When I introduced that legislation I said that it was just the beginning. I said that our bill was necessary to provide updates for a couple of years but that we cannot continue to use stop-gap measures, and must replace the SGR with a payment system that actually makes sense and reflects the costs of providing physician care to Medicare beneficiaries.

This bill—the "Fix and Improve Reimbursement (FAIR) for Physicians Act of 2006"—takes the next step. The purpose of the "FAIR for Physicians Act" is to sunset the Medicare sustainable growth rate formula in order to expedite Congressional action in establishing a new physician payment system under the Medicare program that would appropriately reimburse physicians by keeping pace with increases in medical practice costs and providing stable, positive Medicare updates.

The "Fair for Physicians Act" would repeal the SGR formula as of January 1, 2009. I continue to believe that we must adopt MedPAC's recommendation for updates in 2007 and 2008 to give seniors access to high-quality care while giving Congress time to develop an alternative payment system.

To help Congress with developing the new payment system, the "Fair for Physicians Act" establishes a new, 17 member "Physician Payment Update Commission", the "Physician Commission". The members of the Physician Commission will include members with a wide variety of expertise in the delivery and financing of health care, but—and I believe this is critical—individuals who are physicians and other health professionals shall constitute a

majority of the membership of the Commission.

The new Physician Commission will study all matters relating to payment rates under the Medicare physician fee schedule, and develop recommendations on the establishment of a new system that would appropriately reimburse physicians by keeping pace with increases in medical practice costs.

We need to do this right, but we also need to get it done soon. Our physicians and health care professionals, and our Medicare beneficiaries, have been dealing with an unworkable, unsustainable system for too long.

Therefore, the Physician Commission must report to the appropriate Congressional Committees and MedPAC by December 1, 2007. MedPAC then has a month to review the recommendations of the Physician Commission and submit a report to the appropriate Committees. MedPAC's report must include a review of the recommendations, including the reasons for their support if they support their recommendations and, if they do not support the recommendations, the reasons for that, and their own recommendations.

I know we need to get this done by January 1, 2009 and I know we can get this done by January 1, 2009. My bill would repeal the SGR formula as of that date, and establish a new Commission to develop a new payment system by that time, to ensure that our Nation's 42 million Medicare beneficiaries continue to have access to high quality physician care.

In the meantime, we must provide updates based on MedPAC's recommendations.

The Medicare program is one of the most successful federal programs of all time. It has lifted countless seniors out of poverty, and it has ensured access to necessary, affordable, quality medical care for our most vulnerable citizens for the last 40 years.

We can—and must—fix the physician payment formula to maintain Medicare's record of success in providing access to high-quality Medicare services for all of our seniors and people with disabilities.

By Mr. FEINGOLD:

S. 3889. A bill to enhance housing and emergency assistance to victims of Hurricanes Katrina, Rita, and Wilma of 2005, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, today I am introducing the gulf coast Housing Accessibility Act to address some of the challenges facing survivors of Hurricanes Katrina and Rita a year after the hurricanes struck the gulf coast. Two weeks ago, we commemorated the anniversary of Hurricane Katrina and honored those who lost their lives and those who lost their livelihoods last year. A year later, the people of New Orleans and the gulf coast continue to deal with an unfortunate reality—that in a lot of neighbor-

hoods, it looks like the hurricanes hit a week ago, not a year ago.

Over the past year, I have heard from a number of Wisconsinites upset with the Federal Government's response to Katrina. They have made powerful pleas to not forget about the people who lost their homes, their communities and their way of life.

In July, I visited some neighborhoods in the New Orleans area that were ravaged by Hurricane Katrina. The painful realities about life there were everywhere—abandoned businesses, and homes and neighborhoods that were totally destroyed by the hurricane and its aftermath. The challenge of rebuilding is enormous. But what's even tougher is trying to rebuild in a way that helps everyone come back, not just people with access to more resources and different options. It is the responsibility of all levels of government to help those who want to come back regardless of their income level. We must ensure that the rebuilt gulf coast reflects the same cultural diversity that made it an American gem before the hurricanes struck. This legislation seeks to meet some of that responsibility by providing low income individuals and families with immediate and long term housing assistance as they rebuild their lives and move back to the gulf coast.

There are so many ways that gulf coast communities still need help—creating jobs, rebuilding the school systems, and gutting damaged homes so that they can be rebuilt. And, when you see those blocks and blocks of neighborhoods that were destroyed—with no sign of reconstruction—it's clear just how much help the people of New Orleans and the gulf coast need to find affordable housing.

Housing has to be affordable so that the gulf coast can get back to work. So many of the people who are the lifeblood of the tourism industry—like hotel and restaurant workers—want to call New Orleans home again, but they can't move back if they can't afford any place to live.

It's a testament to the strength of these communities that so many people want to come back, at every income level. You can't do that if you were working a minimum wage job that doesn't exist anymore, and you were renting an apartment that ended up engulfed in flood water.

There are a lot of barriers to moving back for homeowners, but it's also tough for gulf coast citizens who were renting when the hurricane hit. In the year since the hurricane struck, rents in the gulf coast region have skyrocketed, which makes it even more difficult for low income renters to return to their homes. With a significant percentage of renters in the New Orleans area before Katrina, we need to ensure that the housing assistance in the gulf coast is aimed at helping renters, as well as homeowners, rebuild their lives.

We've got to do something to help displaced residents—particularly low-

income individuals—who want to move back to New Orleans. I have put together a few different ideas into one bill, building on some really good work on housing issues by some of my colleagues in the Senate. This bill doesn't tackle every problem, but it will help address some of the tough housing issues facing New Orleans and the gulf coast. It includes housing vouchers to help make rents affordable for the lowest income people and families. It also makes housing like the Katrina cottages—which are more like homes, and less like trailers—more available to those who want them. There have been a lot of problems with the FEMA trailers, so it's important to give people the option of living in a more permanent home. And finally it allows HUD to handle temporary rental assistance programs from here on out, instead of FEMA, which isn't equipped to handle housing issues like these for the long haul.

Not only does this legislation address the needs of current Katrina survivors, but the changes it makes to the Stafford Act to allow FEMA to provide permanent and semi-permanent housing, as well as allowing HUD to provide temporary housing assistance instead of FEMA, apply to future disasters also. The importance of this cannot be stressed enough—we in government must learn from our past mistakes and work to prevent such a horrible government response to future disasters.

A year after Hurricane Katrina and Hurricane Rita, there is so much that we can still do—and that Congress can do—to help the gulf coast recover. We need to have serious conversations about the persistent poverty that still exists in the gulf coast and around our nation, for this poverty magnified the disaster of Hurricane Katrina. We need to develop solutions to address this poverty that exists in cities and rural communities throughout our country. We need to work to ensure the levees are built correctly. We need to better protect the diminishing wetlands of the gulf coast. But we also have to focus on the here and now—what people are facing on the gulf coast today. As we look at the images of the hurricanes a year later, and we remember what people went through, we also have to recognize how far we have to go, and rededicate ourselves to helping the people of the gulf coast make it home again.

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

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

S. 3889

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 "Gulf Coast Housing Accessibility Act of 2006".

SEC. 2. PROJECT-BASED VOUCHERS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development (in this Act referred to as the “Secretary”) shall allocate additional assistance for project-based housing vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) for individuals and households located within the area in which assistance to individuals has been authorized by the President under a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as a consequence of Hurricane Katrina, Rita, or Wilma of 2005.

(b) AUTHORIZED USES.—The Secretary shall make funds available under this section for project-based vouchers used to support—

(1) affordable housing in repaired or rebuilt housing that has been damaged or destroyed as a consequence of Hurricane Katrina, Rita, or Wilma of 2005; or

(2) to support affordable housing in new housing structures in the affected areas created under the low income housing tax credit under section 42 or section 1400N(c) of the Internal Revenue Code of 1986.

(c) FUNDS.—

(1) IN GENERAL.—Of amounts authorized under this section, funds shall be made available for 4,500 project-based vouchers for—

(A) support of housing units for persons, including adults and children, with disabilities;

(B) elderly families; and

(C) individuals and families who were homeless prior to the occurrence of the disaster.

(2) DEFINITIONS.—As used in this subsection:

(A) DISABILITY.—The term “disability” has the same meaning as in section 422(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11382(2)).

(B) HOMELESS.—The term “homeless” has the same meaning as the term “homeless children and youths” as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), except that such term shall also include any adult individual who is homeless.

(d) REQUESTS FOR ASSISTANCE.—The Secretary shall award the project-based vouchers authorized under this section to a State agency designated by the Governor of the State, upon submission of a request to the Secretary, in such form and containing such information as the Secretary may require. If a State agency is unable to provide such a request, a local housing agency may submit the request for funds to implement project-based vouchers under this section. If a State agency enters into an agreement with 1 or more local housing agencies to transfer the administration of vouchers after commitment to a particular development, the Secretary shall make the appropriate transfer.

(e) EXEMPTION FROM CERTAIN LIMITATIONS.—The limitation provided for in section 8(o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)) shall not apply to the project-based vouchers allocated and administered under this section.

(f) AUTHORIZATION OF FUNDS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary \$200,000,000 for purposes of allocating and administering project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), which shall remain available until expended.

(2) PURPOSE.—Such funds are authorized for the purpose of ensuring that 25 percent of the units created, repaired, or refurbished under the low income housing tax credit under section 42 or section 1400N(c) of the Internal Revenue Code of 1986, are affordable to very low-income and extremely low-income individuals and households.

(g) EFFECTIVE DATE.—This section shall become effective upon appropriation of the necessary funds to carry out this section.

(h) OFFSET.—Section 843(a) of title 18, United States Code, is amended by—

(1) inserting “(1)” after “(a)”; and

(2) adding at the end the following:

“(2) The Attorney General shall collect a user fee from each licensee under this section of \$0.02 per pound for any commercial, non-military explosive material manufactured in or imported into the United States by that licensee.”

SEC. 3. FEMA HOUSING ASSISTANCE.

(a) AMENDMENTS TO STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.—Section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) is amended—

(1) in the paragraph heading, by inserting “SEMI-PERMANENT, AND PERMANENT” after “TEMPORARY”; and

(2) in subparagraph (B)

(A) in clause (i)—

(i) by inserting “semipermanent, and permanent” after “temporary”; and

(ii) by inserting “subject to certain conditions outlined below” after “units”;

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(C) by inserting after clause (i) the following:

“(ii) CONDITIONS FOR PROVIDING TEMPORARY, SEMI-PERMANENT, AND PERMANENT HOUSING UNITS.—

“(I) IN GENERAL.—When determining whether to provide temporary, semipermanent, or permanent housing under clause (i), the President shall examine certain conditions, including—

“(aa) the relative cost efficiency of providing the housing units;

“(bb) the likelihood that individuals and families will be living in Federal Emergency Management Agency (in this subparagraph referred to as ‘FEMA’) assisted housing longer than 3 to 6 months, due to the scope of the disaster where individuals and households are located;

“(cc) the potential benefits of providing housing that will help to restore permanent housing stock lost as a result of the disaster; and

“(dd) any other conditions that the President deems necessary to examine, depending on the scope of the disaster and the subsequent rebuilding and recovery process.

“(II) MEETING NEEDS.—When providing temporary, semipermanent, or permanent housing units under clause (i), the President shall ensure that—

“(aa) an adequate share of the housing units will be deployed to meet the needs of predisaster renters, especially low-income households;

“(bb) that the deployment of the housing units will minimize the concentration of poverty;

“(cc) that an adequate share of the housing units is accessible for persons with disabilities, as that term is defined in section 422(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11382(2)); and

“(dd) the housing units will be placed within a reasonable distance from needed services, such as access to transportation, employment opportunities, health care facilities, schools, day care services, and financial and employment counseling.”

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to individuals and households affected—

(1) by a disaster to which section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) would otherwise apply, occurring

on or after the date of enactment of this Act; and

(2) by the consequences of Hurricanes Katrina, Rita, and Wilma of 2005.

SEC. 4. TRANSFER OF TEMPORARY RENTAL ASSISTANCE.

(a) IN GENERAL.—The Director of the Federal Emergency Management Agency (in this section referred to as the “Director” and “FEMA”, respectively) shall enter into a mission assignment with the Secretary to transfer adequate funds from FEMA Disaster Relief Funds into the Disaster Voucher Program at the Department of Housing and Urban Development in order to fully implement subsection (b).

(b) TRANSFERS.—The Director shall ensure that the following individuals and households are transferred into the Disaster Voucher Program:

(1) Individuals and households receiving assistance through FEMA’s transitional housing program authorized under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174).

(2) Individuals and households receiving assistance through—

(A) rental assistance programs administered through State and local voucher programs that receive reimbursement from FEMA; or

(B) any other program authorized under section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b).

(c) STATE AND LOCAL GOVERNMENTS.—FEMA shall work with State and local governments, as well as private entities providing services, to ensure that proper notice and assistance is provided to individuals and households, while the transfer under this section is completed.

(d) OPT-OUT PROVISION.—Individuals and families receiving FEMA housing assistance under subsection (b) may opt-out of the transfer to the Disaster Voucher Program authorized in subsection (a).

(e) APPLICABILITY.—This section shall apply with respect to individuals and households affected—

(1) by a disaster occurring on or after the date of enactment of this Act; and

(2) by the consequences of Hurricanes Katrina, Rita, and Wilma of 2005.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. DURBIN, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. 3890. A bill to enhance and improve the energy security of the United States, expand economic development, increase agricultural income, and improve environmental quality by reauthorizing and improving the renewable energy systems and energy efficiency improvements program of the Department of Agriculture through fiscal year 2012, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today I am introducing the Rural Energy for America Act of 2006. This legislation will strengthen and expand the renewable energy and energy efficiency program established in section 9006 of the Farm Security and Rural Investment Act of 2002 by increasing its overall funding, creating a new rebate program, providing new grant options for wind energy projects, allowing rural schools to qualify for the program and fostering the administration of direct

loans. I am very pleased to have Senators LUGAR, DURBIN, HAGEL and NELSON as co-sponsors.

The section 9006 Renewable Energy Systems and Energy Efficiency Improvements program—to be re-named under this legislation as the Rural Energy for America Program (REAP)—provides farmers, ranchers, and rural small businesses with financial support for installing renewable energy systems and making energy efficiency improvements.

I authored section 9006 in 2002 as Chair of the Senate Committee on Agriculture, Nutrition and Forestry with the strong support of Senator LUGAR, the Ranking Member at that time and a long-time ally in advocating for renewable energy production. This has proven to be one of the most important provisions we included in the 2002 farm bill's first-ever energy title.

During its first three years, the Renewable Energy Systems and Energy Efficiency Improvements program has distributed \$63.9 million and catalyzed the development of 412 renewable energy and energy efficiency projects in 37 states. The awards have leveraged an additional \$699 million, bringing the total program-related investment in clean energy systems for farms, ranches and rural communities to \$763 million. Thus, this program has had remarkable success in stimulating investments that increase reliance on clean, domestic energy systems and enhance energy efficiency in our agricultural and rural business sectors.

Developing and expanding homegrown renewable energy is a key part of our national energy security strategy. Section 9006 provides grant support for many different forms of renewable energy, including solar, wind, biomass, geothermal and renewable hydrogen.

Prior to 2003, there were fewer than 30 locally-owned wind farms in operation. As a direct result of the section 9006 program, over 80 new community wind projects were awarded grants by the end of 2005. When completed, these projects will have a capacity of over 300 megawatts of wind power and provide new income for American farmers and cleaner air for all of us.

Section 9006 successfully promotes on-farm anaerobic digesters, which capture and use methane gas from livestock and poultry manure. Before 2003, there were fewer than 10 digesters in operation in the United States. Under the section 9006 program, 15 new digester projects are now operational and an additional 59 projects are under development. These projects provide new sources of farm income and help farmers deal with manure in a more environmentally sound manner.

The program also has funded bio-energy production and the adoption of energy efficiency technologies and practices. As a result, 124 million gallons of ethanol and biodiesel production capacity are coming online, and energy saving improvements have been

installed at 160 farms, ranches and rural small businesses, resulting in a savings of 250 billion BTUs/year and millions of dollars in reduced electricity, diesel fuel, natural gas and propane expense.

Together, these renewable energy projects produce 16.9 trillion BTUs/year in the form of fuels, electricity and thermal energy. The combination of renewable energy and energy efficiency projects also will reduce carbon dioxide emissions into the atmosphere by 4 million metric tons a year, showing that our rural communities can be a part of the solution to global warming.

It is clear that the section 9006 program has been extraordinarily successful. However, we have only begun to tap into the potential for American ingenuity in homegrown clean energy production and energy efficiency measures. The demand for rural renewable energy and energy efficiency assistance far outpaces the program's resources. Today, the demand is almost triple the available program funding.

Our legislation will strengthen and expand the program to help agricultural producers and rural small businesses cope with high energy prices, move our rural economies forward and protect the environment. In addition to increasing overall program funding, this bill will allow rural schools to apply for REAP funding. Schools have been eager to participate in the section 9006 program since its inception. Allowing schools to qualify will help them mitigate high energy costs and help teachers educate our youth about the many benefits of energy efficiency and clean alternative energy sources.

This legislation further promotes wind energy expansion by giving farmers and other eligible developers an additional financing option. Currently, most of the funds granted for wind power projects under section 9006 are used to purchase and install wind turbine systems. Under Federal tax rules, however, grants used for such acquisition and construction costs have the potential to significantly reduce important tax credits for the project.

To avoid such counterproductive tax impacts, the legislation authorizes USDA in appropriate circumstances to structure grants as production incentives instead of equipment purchase or construction grants, thereby reducing the risk of negating the tax credit benefit. The need for such a change was highlighted in a recent report written by Berkeley National Lab entitled "Avoiding the Haircut: Potential Ways to Enhance the Value of the USDA's Section 9006 Program."

This legislation also includes a new rebate program providing the lesser of \$10,000 or 50 percent of project costs for energy efficiency improvements and the purchase of renewable energy systems. Similar state-run rebate programs are recognized as effective mechanisms for promoting small-scale development projects. This rebate program will enable small and medium-

sized farmers and rural small businesses to obtain rapid and long-lasting relief from high energy prices through a simple and proven mechanism. Grants for this purpose would be limited to no more than 20% of the total REAP funding.

This bill also urges USDA to initiate the use of direct loans to complement the REAP program grants, by expressing the sense of the Senate that USDA should implement the direct loan provisions of section 9006. Although the original legislation in section 9006 called for the establishment of a program of "grants, loans and loan guarantees," USDA has not yet established a direct loan program. Our legislation urges USDA to move a direct loan initiative forward.

The bill also allows USDA to provide grants for feasibility studies. Feasibility studies can ensure that projects are thoroughly assessed through technology and systems' analysis in their early stages, thus promoting successful and cost-effective projects. The amount of funds for feasibility studies would be capped to ensure that the majority of REAP funding continues to focus on deployment of renewable energy systems and energy efficiency improvements.

Farm-based energy initiatives encompass a wide range of proven technologies to produce or save energy. The unique and successful section 9006 program has been instrumental to adoption of renewable energy and energy efficiency systems in the agricultural and rural small business sectors. The record to date signals an opportunity for vastly expanding these alternative energy and energy efficiency benefits in rural America.

We have broad agreement in our country on moving farm-based renewable energy and energy efficiency forward. Let's help do that by updating and improving the section 9006—Rural Energy for America Program—for the future.

I urge my colleagues to support this important legislation.

By Mr. MENENDEZ (for himself,
Mrs. CLINTON, Mr. LAUTENBERG,
and Mr. SCHUMER):

S. 3891. A bill to extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, and for other purposes; to the Committee on the Judiciary.

Mr. MENENDEZ. Mr. President, today I am pleased to join with Senators CLINTON, LAUTENBERG, and SCHUMER to introduce the James Zadroga Act. This bicameral and bipartisan legislation would reopen the September 11 Victims Compensation Fund, VCF, to provide financial assistance to victims and first responders of the attacks of 9/11 who became ill, in addition to their respective family members.

James Zadroga was a New York Police Department, NYPD, detective and New Jersey resident, who when he died earlier this year was the first 9/11 responder to have his death directly attributed to exposure to the toxins of

Ground Zero. He became ill just weeks after working at Ground Zero, but because he retired in 2004, the NYPD determined that his four-year-old daughter Tylerann could only receive a disability pension, instead of the full death benefit to which she should be entitled.

That is why in April, I authored a letter with my colleagues Senators LAUTENBERG, CLINTON, and SCHUMER that called on New York officials to enact legislation that would provide full benefits to Tylerann and other beneficiaries like her.

In August, New York enacted three new laws, including one that would allow those recovery workers who have retired from public service to have their retirement status reclassified as accidental disability if they later become ill due to their efforts at Ground Zero. That action by the State of New York is vitally important, because we unfortunately know that Detective Zadroga's death will not be the last to be suffered by the brave Americans who rushed to Ground Zero in the hours and days after September 11.

As our Nation continues to heal from the wounds inflicted by the 9/11 terror attacks, there are many first responders whose wounds have yet to heal from the aftermath of that day. We as a nation must care for those who cared for America in its time of need. We cannot let bureaucratic red tape stand between those who helped America pick up the pieces and the compensation they deserve.

Today, by introducing this legislation we take the next step in working to ensure that the heroes who sacrificed their health—and in Detective Zadroga's case, his life—will be justly compensated. I believe we owe them nothing less.

This legislation reopens the fund created to care for the families of 9/11 victims and for those injured or who became ill as a direct result of the attacks. Unfortunately, many who should have received compensation from the VCF never did because their illnesses did not develop or have become significantly worse since the original filing deadline of December 22, 2003. In other instances, original guidelines prohibited the VCF to make awards if injuries were sustained more than 96 hours after the attacks.

Specifically, the "James Zadroga Act" would: Reopen September 11 Victims Compensation Fund for individuals who became ill or did not file before the original December 22, 2003 deadline;

Allow for adjustment of previous awards if the Special Master of the fund determines the medical conditions of the claimant warrants an adjustment; and

Amend eligibility rules so that responders to the 9/11 attacks who arrived later than the first 96 hours could be eligible if they experienced illness or injury from their work at the site.

Congress needs to pass this bill—we need to stand up for these American

heroes and their families. I urge my colleagues to join with us in this important effort by cosponsoring this piece of legislation.

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

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

S. 3891

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 "James Zadroga Act of 2006".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The September 11th Victim Compensation Fund of 2001 was established to provide compensation to individuals (or relatives of deceased individuals) who were physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

(2) The deadline for filing claims for compensation under the Victim Compensation Fund was December 22, 2003.

(3) Some individuals did not know they were eligible to file claims for compensation or did not know they had suffered physical harm as a result of the terrorist-related aircraft crashes until after the December 22, 2003, deadline.

SEC. 3. DEADLINE EXTENSION FOR CERTAIN CLAIMS UNDER SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.

Section 405(a)(3) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended to read as follows:

"(3) LIMITATION.—

"(A) IN GENERAL.—Except as provided by subparagraph (B), no claim may be filed under paragraph (1) after December 22, 2003.

"(B) EXCEPTIONS.—A claim may be filed under paragraph (1) by an individual (or by a personal representative on behalf of a deceased individual)—

"(i) during the 5-year period after the date of enactment of this subparagraph, if the Special Master determines that the individual—

"(I) did not know that the individual had suffered physical harm as a result of the terrorist-related aircraft crashes of September 11, 2001, until after December 22, 2003, and before the date of the enactment of this subparagraph;

"(II) did not for any reason other than as described in subclause (I) know that the individual was eligible to file a claim under paragraph (1) until after December 22, 2003;

"(III) suffered psychological harm as a result of the terrorist-related aircraft crashes; or

"(IV) in the case of an individual who had previously filed a claim under this title, suffered a significantly greater physical harm than was known to the individual as of the date the claim was filed and did not know the full extent of the physical harm suffered as a result of the terrorist-related aircraft crashes until after the date on which the claim was filed and before the date of enactment of this subparagraph; and

"(i) during the 5-year period after the date that the individual—

"(I) first knew that the individual had suffered physical or psychological harm as a result of the terrorist-related aircraft crashes of September 11, 2001, if the Special Master determines that the individual did not know that the individual had suffered such phys-

ical or psychological harm until a date that is on or after the date of enactment of this subparagraph; or

"(II) in the case of an individual who had previously filed a claim under this title and had suffered a significantly greater physical harm than was known to the individual as of the date the claim was filed, or had suffered psychological harm as a result of the terrorist-related crashes, first knew the full extent of the physical and psychological harm suffered as a result of the terrorist-related aircraft crashes, if the Special Master determines that the individual did not know the full extent of the harm suffered until a date that is on or after the date of the enactment of this subparagraph."

SEC. 4. EXCEPTION TO SINGLE CLAIM REQUIREMENT IN CERTAIN CIRCUMSTANCES.

Section 405(c)(3)(A) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended to read as follows:

"(A) SINGLE CLAIM.—

"(i) IN GENERAL.—Except as provided by clause (ii), not more than 1 claim may be submitted under this title by an individual or on behalf of a deceased individual.

"(ii) EXCEPTION.—A second claim may be filed under subsection (a)(1) by an individual (or by a personal representative on behalf of a deceased individual) if the individual is an individual described in either of clauses (i)(IV) or (ii)(II) of subsection (a)(3)(B)."

SEC. 5. ELIGIBILITY OF CLAIMANTS SUFFERING FROM PSYCHOLOGICAL HARM.

(a) IN GENERAL.—Section 405(c)(2)(A)(ii) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by inserting "psychological harm," before "or death".

(b) CONFORMING AMENDMENT.—Section 405(a)(2)(B)(i) of such Act is amended by striking "physical harm" and inserting "physical or psychological harm".

SEC. 6. IMMEDIATE AFTERMATH DEFINED.

Section 402 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by adding at the end the following new paragraph:

"(1) IMMEDIATE AFTERMATH.—In section 405(c)(2)(A)(i), the term 'immediate aftermath' means any period of time after the terrorist-related aircraft crashes of September 11, 2001, as determined by the Special Master, that was sufficiently close in time to the crashes that there was a demonstrable risk to the claimant of physical or psychological harm resulting from the crashes, including the period of time during which rescue, recovery, and cleanup activities relating to the crashes were conducted."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 566—EX-PRESSING THE SENSE OF THE SENATE CONCERNING THE IMPORTANCE OF PREVENTING CHILD ABUSE AND NEGLECT BEFORE THEY OCCUR AND ACHIEVING PERMANENCY AND STABILITY FOR CHILDREN WHO MUST EXPERIENCE FOSTER CARE

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 566

Whereas in 2004, authorities received reports that an estimated 3,000,000 children