

direct financial contribution to the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(f) **NO ADDITIONAL EXPENDITURES REQUIRED.**—Nothing in this Act shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(g) **REACH 4B.**—

(1) **STUDY.**—

(A) **IN GENERAL.**—In accordance with the Settlement and the Memorandum of Understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to increase the capacity of Reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) **DEADLINE.**—The study under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.

(2) **REPORT.**—

(A) **IN GENERAL.**—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel conveyance capacity to 4500 cubic feet per second in Reach 4B of the San Joaquin River, or use an alternative route for pulse flows, that—

(i) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary's determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary's final cost estimate for expanding Reach 4B capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this Act, by non-Federal funds, by future Federal appropriations, or some combination of such sources.

(B) **DETERMINATION REQUIRED.**—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking any substantial construction work to increase capacity in Reach 4B.

(3) **COSTS.**—If the Secretary's estimated Federal cost for expanding Reach 4B in paragraph (2), in light of the Secretary's funding plan set out in paragraph (2), would exceed the remaining Federal funding authorized by this Act (including all funds reallocated, all funds dedicated, and all new funds authorized by this Act and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in Reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic

feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this Act in an amount at least sufficient to cover the higher estimated Federal costs.

SEC. 10. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) **FINDING.**—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) **REINTRODUCTION IN THE SAN JOAQUIN RIVER.**—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) **FINAL RULE.**—

(1) **DEFINITION OF THIRD PARTY.**—For the purpose of this subsection, the term “third party” means persons or entities diverting or receiving water pursuant to applicable State and Federal law and shall include Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project.

(2) **ISSUANCE.**—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) **REQUIRED COMPONENTS.**—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimis: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) **APPLICABLE LAW.**—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce; or

(B) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for future implementation of this section.

(2) **INCLUSIONS.**—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the reintroduction.

(e) **FERC PROJECTS.**—

(1) **IN GENERAL.**—With regard to California Central Valley Spring Run Chinook salmon reintroduced pursuant to the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection shall preclude the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(f) **EFFECT OF SECTION.**—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

By Mr. DEWINE:

S. 4086. A bill to improve data collection efforts with respect to the safety of pregnant women and unborn children in motor vehicle crashes, provide for research and development of appropriate countermeasures, educate the public regarding motor vehicle safety risks affecting pregnant women and unborn children, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DEWINE. Mr. President, during my 12 years in the Senate, I have always fought to increase our Nation's commitment to children's health and safety. One of the areas where I have had the privilege of working together with Democrats and Republicans on children's issues is highway safety. Whether the matter at hand was making school buses safer or enacting new motor vehicle safety standards that protect small children in crashes, I have always been fortunate to find fellow Senators committed to crafting legislation that will make a difference in children's lives.

One of the things I have learned over the years is that the research, testing, and public awareness programs operated by the National Highway Traffic Safety Administration—NHTSA—play a major role helping prevent injuries and saving lives on our roads. We lose over 42,000 lives each year in motor vehicle crashes, but that total would be astronomically higher without the work done by NHTSA and its partners. As vehicles have changed, technologies

have matured, and the safety challenges facing the driving public have shifted over time, NHTSA has responded by instituting new programs. Sometimes, however, it takes a little action by Congress to get NHTSA moving on these important safety objectives.

Today, I rise to introduce a measure that I hope my colleagues will consider in the future as they continue to work on highway safety issues. I also hope that this bill might spur additional action by NHTSA.

In speaking with leading safety advocates, I have come to understand just how significant the safety challenges are for pregnant women and their unborn children in motor vehicle crashes. Yet despite these great challenges and the importance we all place on ensuring maternal health and safety, we know very little about the way crash forces affect mothers and their unborn children over both the short-term and long-term. While university researchers have begun to document some of the chief safety challenges facing pregnant mothers, we need to do more to fully understand these issues and to develop ways of applying what we have learned in manufacturing vehicles that are safer for pregnant women and their unborn children.

Additionally, we need to do a better job communicating the immediate and lifelong safety risks associated with motor vehicle crashes to pregnant mothers so that they can do everything possible to ensure not only their own health, but that of their babies. Sometimes, these steps may be as simple as making sure that safety belts are worn and positioned properly. At some point, technologies may become available on the market designed specifically to cater to the motor vehicle safety needs of pregnant women.

To achieve these goals and ultimately to prevent injuries and save lives, we need NHTSA to act and we need to provide new resources for research and testing. The bill I am introducing today does precisely that.

The Maternal Motor Vehicle Crash Safety Act of 2006 addresses these issues in a number of ways. First, the bill presents findings defining the challenges facing pregnant women and their unborn children in motor vehicle crashes. I particularly want to thank Dr. Hank Weiss of the University of Pittsburgh for his assistance in bringing this important research to my attention.

Second, the bill contains sections providing incentives for states to link various databases in a way that will lead to a better understanding of the number of mothers and babies that are impacted by motor vehicle crashes each year and what the long-term health impacts are for children who were involved in crashes before being born. Furthermore, the bill sets several high priority research areas for NHTSA, including an investigation into computer modeling systems and

biofidelic crash-test dummies capable of simulating a pregnant woman and her child during dangerous crashes. Sadly, we have functional dummies that accurately simulate men, women, and children—but none for pregnant women.

I strongly urge my colleagues to take up and pass this legislation during the 110th Congress. Members of the Senate and leaders at NHTSA work hard every year to do their best to improve highway safety here in the United States, and I believe the measures outlined in this bill have the potential to make a lasting contribution to those efforts in the years ahead.

Mr. President, I ask unanimous consent that the text of the bill, the Maternal Motor Vehicle Crash Safety Act of 2006, be printed in the RECORD.

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

S. 4086

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 “Maternal Motor Vehicle Crash Safety Act of 2006”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Highway Traffic Safety Administration.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Appropriations and Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives.

(3) **BIOFIDELIC.**—The term “biofidelic” means having the property of responding to and being impacted by crash and other external forces in a manner directly consistent with the way in which a live human being would respond to and be impacted by such forces.

(4) **DATA LINKAGE SYSTEM.**—The term “data linkage system” means an information system that is capable of accurately tracking adverse health effects and birth outcomes for pregnant women who are occupants of a motor vehicle that is involved in a crash and the unborn children of such women, through the connection and analysis of multiple data sources.

(5) **UNBORN CHILD.**—The term “unborn child” means a member of the species *homo sapiens*, at any stage of development, who is carried in the womb.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Injuries are the leading cause of pregnancy-associated deaths in the United States.

(2) Motor vehicle crashes are the leading cause of injury deaths in women of reproductive age and the leading cause of injury hospitalizations among pregnant women.

(3) Studies have indicated that motor vehicles are estimated to account for up to 80 percent of injury related deaths among unborn children.

(4) Transportation Research Board publications indicate that deaths among unborn children due to motor vehicle crashes are more frequent than several notable fatal childhood injuries, including bicycle related

deaths in children aged 0 through 15, firearm related deaths in children aged 0 through 9, and motor vehicle crash related deaths in children aged 0 through 1.

(5) Studies suggest that approximately 3 percent of all babies born in the United States are involved in a motor vehicle crash while in utero.

(6) Studies have shown that elevated risks of birth-related threats and obstetric complications following crashes involving pregnant women include—

- (A) premature childbirth;
- (B) low birth weight;
- (C) placental injury;
- (D) uterine rupture; and
- (E) amniotic rupture.

(7) Despite advances in vehicle safety, pregnant women have not received the special attention and consideration needed to understand, reduce, and prevent the risks of adverse pregnancy outcomes related to crashes.

(8) There is a need for more research and application using anthropometric test devices and computerized modeling systems that represent pregnant women during all stages of pregnancy.

(9) During pregnancy, the risks of traumatic injury to a woman is shared by the woman’s unborn child. Assessing the magnitude and characteristics of those risks through data linkage systems, comparing the risks to other injuries and diseases, and reducing them, are important unmet challenges for improving maternal and child health.

(10) A better understanding is needed about what can happen during, and after, a pregnant woman is involved in a motor vehicle crash. This includes the effects of a crash on the mother, the unborn child, and the delicate physiological balance between the mother and child that separates healthy from unhealthy pregnancies, including the effects of maternal physiologic adaptations to trauma, fluid loss and shock, effects from maternal stress, effects from diagnostic regimens, medical or surgical procedures, or the wide variety of prescription medicines, and other medication taken by the mother.

(11) Despite the importance of the health of mothers and unborn children involved in motor vehicle crashes, agencies and data linkage systems responsible for tracking motor vehicle injuries, deaths, and other measures of adverse outcome rarely capture pregnancy status.

(12) Existing data collection and analysis systems generally do not count unborn children involved in motor vehicle crashes and do not follow them after their birth to ascertain the effects of the crash on long-term neuro-developmental and functional outcomes.

SEC. 4. SENSE OF CONGRESS ON IMPROVEMENTS TO THE NATIONAL AUTOMOTIVE SAMPLING SYSTEM CRASH-WORTHINESS DATA SYSTEM.

It is the sense of Congress that the Administrator—

(1) should continue to include in the National Automotive Sampling System Crash-worthiness Data System maintained by the Administrator data related to motor vehicle crashes that involved a pregnant woman; and

(2) should identify other means to advance the current level of understanding regarding the number, nature, and impact of motor vehicle crashes involving pregnant women and their unborn children through data collection, data linkage systems, and analysis systems.

SEC. 5. GRANTS FOR DATA LINKAGE SYSTEMS PROGRAMS.

(a) **IN GENERAL.**—The Administrator shall, in consultation with appropriate officials of

State agencies or public health organizations, carry out a program to provide grants and other incentives, including technical assistance to eligible entities for the purpose described in subsection (b).

(b) **PURPOSE.**—A grant or other incentive provided under this section shall be used to promote the development of data linkage systems described in subsection (e).

(c) **ELIGIBLE ENTITY.**—In this section, the term “eligible entity” means an academic, public health, or transportation safety organization or a State or local government agency that the Administrator determines is appropriate to receive a grant or incentive under this section.

(d) **APPLICATION AND AWARD PROCESS.**—

(1) **APPLICATIONS.**—Each eligible entity seeking a grant under this section shall submit an application to the Administrator at such time and in such manner as the Administrator may require.

(2) **AWARDS.**—Not later than 180 days after the date of the enactment of this Act, the Administrator shall establish—

(A) the criteria for awarding a grant or incentive under this section; and

(B) a competitive, merit-based process to select applications to receive a grant or incentive under this section.

(3) **PUBLICATION.**—Not later than 180 days after the date of the enactment of this Act, the Administrator shall publish in the Federal Register the criteria and process described in paragraph (2).

(e) **PROGRAM STRUCTURE.**—The data linkage systems eligible to receive assistance under this section are systems that use the following sources:

(1) State and local vital statistics databases, including birth, infant, and death records.

(2) State and local crash and driver's license records.

(3) Other computerized health records as available, including emergency medical services reports and hospital and emergency room admission and discharge records.

(f) **EXISTING DATA SYSTEMS.**—To the maximum extent possible, the Administrator shall integrate the grant and incentive program carried out under this section with the existing State specific Crash Outcome Data Evaluation Systems carried out by the Administrator to utilize the capabilities, linkage expertise, and organizational relationships of such Systems to provide a foundation for improving the tracking of adverse health effects and birth outcomes for pregnant women who are occupants of a motor vehicle at the time of a crash and their unborn children.

(g) **DATA SECURITY AND PRIVACY.**—In carrying out this section, the Administrator and any eligible entity selected to receive a grant or incentive under this section for a data linkage system shall ensure that personal identifiers and other information utilized in that data linkage system related to a specific individual is handled in a manner consistent with all applicable Federal, State, and local laws and regulations and to ensure the confidentiality of such information, and in the manner necessary to prevent the theft, manipulation, or other unlawful or unauthorized use of personal information contained in data sources used for linkage studies.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated \$2,500,000 for each of the fiscal years 2007, 2008, 2009, and 2010 to carry out this section.

(2) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 6. SAFETY RESEARCH PROGRAM AND NATIONAL CONFERENCE.

(a) **SAFETY RESEARCH PROGRAM.**—

(1) **REQUIREMENT TO CONDUCT.**—The Administrator shall conduct a research program as described in this section to promote the health and safety of pregnant women who are involved in motor vehicle crashes and of their unborn children.

(2) **HIGH PRIORITY RESEARCH AREAS.**—In carrying out the research program under this section, the Administrator shall place a high priority on conducting research to—

(A) investigate methods to maximize the injury prevention performance of standard 3-point safety belts for pregnant women during all stages of pregnancy;

(B) analyze the effectiveness of technologies designed to modify or extend the safety performance of 3-point safety belts for pregnant women across a range of pregnancy phases, including technologies currently available in the marketplace;

(C) develop biofidelic, anthropometric test devices that are representative of pregnant women during all stages of pregnancy; and

(D) develop biofidelic, computer models that are representative of pregnant women during all stages of pregnancy to aid in understanding crash forces relevant to the safety of pregnant women and unborn children that may include the utilization of existing modeling systems developed by private and academic institutions, if appropriate.

(b) **NATIONAL CONFERENCE.**—

(1) **REQUIREMENT TO CONVENE.**—Not later than 18 months after the date of the enactment of this Act, the Administrator, in consultation with the heads of other appropriate Federal agencies, shall convene a national research conference for the purpose of identifying critical scientific issues for research on the safety of pregnant women involved in motor vehicle crashes and their unborn children.

(2) **PURPOSE OF THE CONFERENCE.**—The purpose of the conference required by paragraph (1) shall be to establish and prioritize a list of research questions to guide future research related to the safety of pregnant women involved in motor vehicle crashes and their unborn children.

(3) **AUTHORITY TO PARTNER WITH OTHER ORGANIZATIONS.**—The Administrator is authorized to carry out the conference required by paragraph (1) in a partnership with organizations recognized for expertise related to the research described in paragraph (2).

(c) **REPORT REQUIRED.**—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report that describes—

(1) the research program carried out by the Administration pursuant to subsection (a), including any findings or conclusions associated with such research program; and

(2) the priorities established at the national conference required by subsection (b), plans for regulations or future programs, or factors limiting the effectiveness of such research.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—For each of the fiscal years 2007, 2008, and 2009, there are authorized to be appropriated such sums as necessary to carry out this section.

(2) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 7. PUBLIC OUTREACH AND EDUCATION.

(a) **IN GENERAL.**—The Administrator shall conduct a public outreach and education program to increase awareness of the unique safety risks associated with motor vehicle crashes for pregnant women and the unborn children of such women and of the methods

available to reduce such risks. Such program shall include making information regarding the injury-prevention value of proper safety belt and airbag use available to the public.

(b) **TARGETED OUTREACH.**—The Administrator shall carry out the program described in subsection (a) in a manner that utilizes media and organizational partners to effectively educate pregnant women, ensure an overall educational impact, and efficiently utilize the program's resources.

(c) **PROGRAM INITIATION AND DURATION.**—The Administrator shall initiate the program described in subsection (a) not later than 12 months after the date of the enactment of this Act, and shall maintain such program for not less than 24 months, subject to the availability of funds.

SEC. 8. INCLUSION OF SAFETY DATA IN ANNUAL ASSESSMENT.

(a) **IN GENERAL.**—Subject to subsection (b), the Administrator shall include a discussion of data regarding the safety of pregnant women who are involved in motor vehicle crashes and of their unborn children, including any relevant trends in such data, in each of the Annual Assessment of Motor Vehicle Crashes published by the National Center for Statistics and Analysis of the National Highway Traffic Safety Administration or an equivalent publication of such Center.

(b) **REPORT TO CONGRESS.**—If the Administrator determines that including the information described in subsection (a) in the Annual Assessment of Motor Vehicle Crashes or an equivalent publication is not feasible, the Administrator shall submit a report to the appropriate congressional committees not later than 60 days after the date of the release of such Annual Assessment or equivalent publication that states the reasons that it was not feasible to include such information and an analysis of the steps necessary to make such information available in the future.

By Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. GRASSLEY, Mr. BAUCUS, and Mr. ALLARD).

S. 4087. A bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today with my colleagues—Senator LINCOLN from Arkansas, Senator CHARLES GRASSLEY from Iowa, and Senator MAX BAUCUS from Montana—to introduce the Endangered Species Recovery Act or ESRA. Nearly a year ago, Senator LINCOLN and I introduced the Collaboration for the Recovery of the Endangered Species Act, or CRESA, an earlier bill to amend the Endangered Species Act or ESA. This new bill, which does not amend the current ESA, builds on ideas set forth in CRESA. It creates new policies that finance the recovery of endangered species by private landowners. ESRA makes it simpler for landowners to get involved in conservation and reduces the conflict often emanating from the ESA. It will be an important codification of much-needed incentives to help recover endangered species.

Over 80 percent of endangered species live on private property. Under the current law, however, there are too few incentives and too many obstacles for