

“(v) the top 50 billing codes on claims paid under such title to the provider of services or supplier during the preceding year, as determined by volume, including a description of such codes;

“(vi) the top 50 billing codes on such claims paid during such year, as determined by dollar amount, including a description of such codes; and

“(vii) the top 50 diagnosis and procedure code pairs on such claims paid during such year, as determined by volume, including a description of such codes; and

“(2) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Medicare Spending Transparency Act of 2011, the Secretary shall promulgate regulations to carry out this subsection.”

SEC. 3. ACCESS TO MEDICARE CLAIMS AND PAYMENT DATA BY QUALIFIED INDIVIDUALS AND GROUPS.

(a) PURPOSE.—The purpose of this section is to allow qualified individuals and groups access to information on claims and payment data under the Medicare program for purposes of conducting health research and detecting fraud under such program.

(b) ACCESS TO MEDICARE CLAIMS AND PAYMENT DATA BY QUALIFIED INDIVIDUALS AND GROUPS.—Section 1128J of the Social Security Act (42 U.S.C. 1320a-7k), as amended by section 2, is amended by adding at the end the following new subsection:

“(g) ACCESS TO MEDICARE CLAIMS AND PAYMENT DATA BY QUALIFIED INDIVIDUALS AND GROUPS.—

“(1) IN GENERAL.—For purposes of conducting health research and detecting fraud under title XVIII, and to the extent consistent with applicable information, privacy, security, and disclosure laws, including the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, and subject to any information systems security requirements under such laws or otherwise required by the Secretary, a qualified individual or group shall have access to claims and payment data of the Department of Health and Human Services and its contractors related to title XVIII. Notwithstanding any other provision of law, such data shall include the identity of individual providers of services and suppliers under such title.

“(2) DEFINITION OF QUALIFIED INDIVIDUAL OR GROUP.—

“(A) IN GENERAL.—In this subsection, the term ‘qualified individual or group’ means an individual or entity that the Secretary has determined, in accordance with subparagraph (B), has relevant experience, knowledge, and technical expertise in medicine, statistics, health care billing, practice patterns, health care fraud detection, and analysis to use data provided to the individual or the entity under this subsection in an appropriate, responsible, and ethical manner and for the purposes described in paragraph (1).

“(B) PROCEDURES.—The Secretary shall establish procedures for determining, in a timely manner, whether an individual or entity is a qualified individual or group.

“(3) PROCEDURES.—The Secretary shall establish procedures for the storage and use of data provided to a qualified individual or group under this subsection. Such procedures shall ensure that, in the case where the qualified individual or group publishes an analysis of such data (or any analysis using such data), the qualified individual or group discloses the following information (in a form and manner, and at a time, specified by the Secretary):

“(A) The name of the qualified individual or group.

“(B) The sources of any funding for the qualified individual or group.

“(C) Any employer or other relevant affiliations of the qualified individual or group.

“(D) The data analysis methods used by the qualified individual or group in the analysis involved.”

By Mr. GRASSLEY (for himself and Mr. CASEY):

S. 857. A bill to amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented learners, including high-ability learners not formally identified as gifted; to the Committee on Health, Education, Labor, and Pensions.

Mr. GRASSLEY. Mr. President, the last reauthorization of the Elementary and Secondary Education Act of 1965 was specifically designed “To close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.” Going into the next reauthorization of this law, there has already been much discussion about the extent to which each element of that goal has been achieved. While there is some evidence of a narrowing of the achievement gap between disadvantaged and minority students and their more advantaged peers when it comes to meeting minimum “proficiency” goals, the achievement gap among high-ability students has been widening. Some of our most promising students, the scientists, inventors, and problem solvers of the future, are being left behind.

I want to be clear that I am not necessarily talking just about high-achieving students. I am talking about high-ability students with gifts and talents that go beyond simply the ability to master grade level content. There is sometimes a tendency to assume that gifted students are the straight A students and vice versa, the students we needn't worry about because they are doing fine on their own. Sadly, that's far from true. A student may get straight A's because his or her abilities and pace of learning just happen to be exactly matched with the grade level curriculum and pace of instruction. Those are not the students I am talking about. By definition, a gifted and talented student is one who gives evidence of high achievement capability and needs services beyond the standard content provided in the standard way in order to fully develop those capabilities.

In fact, gifted students may significantly underperform. Many high-ability students get poor grades due to boredom. Some drop out of school or exhibit problem behaviors, and gifted students are often well represented in alternative schools. Still, even if they are getting straight A's on content that is not challenging to them, they are still underperforming. That hidden gap between achievement and potential ought to be alarming to all of us who are concerned about our Nation's future economic competitiveness.

On the most recent international tests, students in China topped the charts in math, science, and reading, while U.S. students were in the middle

to bottom of the pack. Few American students are reaching the most advanced achievement levels on national and state-level tests, with miniscule numbers of children of color or children from poverty reaching those levels. A dynamic economy needs a steady supply of individuals capable of achieving at advanced levels, yet we rely on imported talent while systematically holding back our brightest young minds here at home.

I would recommend to my colleagues the book *Genius Denied* by Jan and Bob Davidson of the Davidson Institute in Nevada. It describes the many obstacles faced by some of our brightest students in trying to get an appropriate education. The book tells the story of a boy named Carlos who didn't speak until he was 3½ years old, but then began to speak in complete sentences like a much older child. His mother had been told he might be autistic or have a learning disability, but when she had him tested, she learned he was actually gifted. He learned to read and write with incredible speed and was able to grasp simple algebra problems. However, in his Kindergarten class, they were learning to add single digits by grouping teddy bears. He was miserable, and despite his natural love of learning, he cried to stay home from school. He was teased for being different and the stress of school got to be so great that his hair started falling out. He began talking about wishing that he was dumb or even dead.

The book also talks about a boy named Tim who is dyslexic and also profoundly gifted. His gifts compensated for his inability to read so he was able to earn normal grades, but his school would not make appropriate accommodations for his learning disability because he was achieving at acceptable levels. School officials also maintained they had no obligation to accommodate his gifts. This left Tim frustrated. His zeal for learning waned because his disability held him back while his gifts went undeveloped, but both went unaddressed by his school because he was not failing. Eventually, his mother was forced to pull him out of the public school and educate him at home.

Many schools have special gifted and talented programs with staff trained in gifted education strategies, but a great many others do not. This leads to the uneven availability of appropriate services. Title I schools are far less likely to have any services for gifted students. Is this because there are no high-ability disadvantaged students? Certainly not. There are high-ability students in every school and low income doesn't mean low ability. It is of course appropriate to ensure that struggling students receive the support they need to achieve to their potential, but when disadvantaged high-ability students go unrecognized and unchallenged, thus falling short of the level of achievement they are capable of attaining, the tremendous loss of human

potential is truly tragic both for the students and for our society.

So should every cash-strapped Title I school hire special teachers with a background in gifted and talented education and start offering gifted education programming? Well, that would be ideal, and would likely help improve the academic achievement of all students in those schools, but a lack of funds need not be a barrier to schools meeting the unique learning needs of their high-ability students. For instance, a report by some of the leading experts in the field at the University of Iowa's Belin-Blank Center titled "A Nation Deceived: How Schools Hold Back America's Brightest Students" outlines both the problem of schools systematically failing to support their high-ability students and an almost no-cost solution—acceleration. Simply allowing students to take classes with their intellectual peers, where the curriculum is matched to their ability rather than to their age, often results in better academic results as well as happier, better adjusted students. Also, knowing that all teachers have high-ability students with unique learning needs in their classrooms, there is a great need for professional development opportunities to incorporate the ability to recognize and meet those needs.

Today, I am introducing a bill, with Senator CASEY of Pennsylvania, to ensure that Federal education policy no longer overlooks the needs of high-ability students. It's called the TALENT Act, which stands for: To Aid Gifted and High-Ability Learners by Empowering the Nation's Teachers. My bill corrects the lack of focus on high-ability students, especially those students in underserved settings, including rural communities, by including them in the school, district, and state planning process that already exists under the Elementary and Secondary Education Act. It also raises the expectation that teachers have the skills to address the special learning needs of various populations of students, including gifted and high-ability learners. To that end, my bill provides for professional development grants to help general education teachers and other school personnel better understand how to recognize and respond to the needs of high-ability students. Finally, because we have much to learn about how best to address the very unique learning needs of this often overlooked population of students, my bill retools and builds upon the goals and purpose of the existing Javits Gifted and Talented Students Education Act so that we continue to explore and test strategies to identify and serve high-ability students from underserved groups. These strategies can then be put into the hands of teachers across the country.

Meeting the needs of our brightest students, the ones our country is counting on for our future prosperity, is not a luxury, it is a necessity. That isn't a justification for embarking on

some sort of new spending and sticking them with the bill, however. Instead, my legislation would accomplish its goals in a cost-effective way by amending existing law to account for the needs of gifted and high-ability learners as well as retooling the old Javits program to have a greater impact. For too long, Federal education policy has been so focused on preventing failure that we have neglected to promote and encourage success. We can no longer afford to ignore the needs of our brightest students and thus squander their potential. My legislation will put our country on track to tap that potential which is so essential to the future happiness of the students and the future prosperity of our Nation.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 860. A bill to ensure that methodologies and technologies used by the Bureau of Customs and Border Protection to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEVIN. Mr. President, I have been fighting over the past several years to stop the thousands of trash shipments entering into Michigan from Canada. This year brought some welcome good news: Canada has stopped shipping its city trash to Michigan, eliminating about 1.5 million tons of trash a year that had been dumped into Michigan landfills, and taking more than 40,000 trucks a year off Michigan roads. The end of these shipments fulfills a 2005 agreement that Senator STABENOW and I reached with Ontario officials to end all shipments of municipally managed trash to Michigan by the end of 2010.

However, private trash shipments from Canada are still being brought into Michigan. Tons of waste from private companies, including from construction, industry, and commercial sources, are being imported into Michigan for disposal in our landfills. Most of these shipments enter at three border crossings in Michigan: Port Huron, Sault Ste Marie, and Detroit. The loads of municipal solid waste are more than just a nuisance. These trash trucks from Canada pose a threat to our environment, health, and security.

This legislation Senator STABENOW and I are introducing today would require the Bureau of Customs and Border Protection of the Department of Homeland Security to report to Congress on the methodologies used by the Bureau to screen for the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste. The report would need to indicate whether the techniques used by

the Bureau to screen for these dangerous materials in municipal solid waste are as effective as the methodologies used by the Bureau to screen for such materials in other items of commerce entering the United States. If the Bureau of Customs cannot demonstrate that screening of municipal waste shipments is adequate, then they have 6 months to implement the technologies to implement adequate screening procedures. If such measures are not implemented, then the Secretary of Homeland Security shall deny entry of any commercial motor vehicle carrying municipal solid waste from Canada until the Secretary certifies that the methods and technology used to inspect the trash trucks are as effective as the methods and technology used to inspect other vehicles.

I believe this legislation will help to protect the people of this country, and I hope this Congress will act quickly on this legislation.

Mr. President, I ask for 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. 860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SCREENING OF MUNICIPAL SOLID WASTE.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term "Bureau" means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term "municipal solid waste" includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after