

I cannot overstate the need for this legislation. When faced with the rising prevalence of diabetes, the high percentage of seniors who already have the disease, the alarmingly high number of seniors who have diabetes but do not know it yet, and the high cost associated with its treatment, it is obvious that Medicare should provide coverage for diabetes screening.

The American Diabetes Association has identified Medicare screening coverage as their top legislative priority, and I have worked closely with them to craft this legislation. I urge all of my colleagues to give serious consideration to the Diabetes Screening Act of 2002.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 337—AUTHORIZING THE PRINTING WITH ILLUSTRATIONS OF A DOCUMENT ENTITLED “COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE, 135TH ANNIVERSARY, 1867-2002”

Mr. BYRD (for himself and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 337

Resolved, That there be printed with illustrations as a Senate document a compilation of materials entitled “Committee on Appropriations, United States Senate, 135th Anniversary, 1867-2002”, and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION 151—EXPRESSING THE SENSE OF CONGRESS THAT THE FEDERAL GOVERNMENT AND THE STATES SHOULD MAKE IT A PRIORITY TO ENSURE A STABLE, QUALITY DIRECT SUPPORT WORKFORCE THAT PROVIDE SERVICES AND SUPPORTS FOR INDIVIDUALS WITH MENTAL RETARDATION AND OTHER DEVELOPMENTAL DISABILITIES

Mr. HUTCHINSON submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 157

Whereas there are more than 8,000,000 Americans who have mental retardation or other developmental disabilities;

Whereas individuals with developmental disabilities include those with mental retardation, autism, cerebral palsy, Down's syndrome, epilepsy, and other related conditions;

Whereas individuals with mental retardation or other developmental disabilities have a continuous need for individually planned and coordinated services due to substantial limitations on their functional capacities, including limitations in at least 2 of the areas of self-care, receptive and expressive language, learning, mobility, self-direction,

independent living, and economic self-sufficiency;

Whereas for the past 2 decades individuals with mental retardation or other developmental disabilities and their families have increasingly expressed a desire to live and work in their communities and to join the mainstream of American life;

Whereas the Supreme Court, in *Olmstead v. L.C.*, 527 U.S. 581 (1999), affirmed the right of individuals with mental retardation or other developmental disabilities to receive community-based services as an alternative to institutional care;

Whereas the demand for community supports and services is rapidly growing, as States comply with *Olmstead* and continue to move more individuals from institutions into the community;

Whereas the demand for community supports and services will also continue to grow as family caregivers age, waiting lists grow, individuals with mental retardation or other developmental disabilities live longer, and services for such individuals expand;

Whereas our Nation's long-term care delivery system is dependent upon a disparate array of public and private funding sources, and is not a conventional industry, but rather is financed primarily through third-party insurers;

Whereas Medicaid financing of supports and services to individuals with mental retardation or other developmental disabilities varies considerably from State to State, causing significant disparities across geographic regions, among differing groups of consumers, and between community and institutional supports;

Whereas aside from families, private providers that employ direct support professionals deliver the majority of supports and services for individuals with mental retardation or other developmental disabilities in the community;

Whereas direct support professionals provide a wide range of supportive services to individuals with mental retardation or other developmental disabilities on a day-to-day basis, including habilitation, health care, personal care and hygiene, employment, transportation, recreation, housekeeping, and other home management-related supports and services that enable these individuals to live and work in their communities;

Whereas direct support professionals generally assist individuals with mental retardation or other developmental disabilities to lead a self-directed family, community, and social life;

Whereas private providers and the individuals for whom they provide supports and services are in jeopardy as a result of the growing crisis in recruiting and retaining a direct support workforce;

Whereas providers of supports and services to individuals with mental retardation or other developmental disabilities typically draw from a labor market that competes with other entry-level jobs that provide less physically and emotionally demanding work as well as higher pay and other benefits, and therefore these direct support jobs are not currently competitive in today's labor market;

Whereas annual turnover rates of direct support workers range from 40 to 75 percent;

Whereas high rates of employee vacancies and turnover threaten the ability of providers to achieve their core mission, which is the provision of safe and high-quality supports to individuals with mental retardation or other developmental disabilities;

Whereas direct support staff turnover is emotionally difficult for the individuals being served;

Whereas many parents are becoming increasingly afraid that there will be no one

available to take care of their sons and daughters with mental retardation or other developmental disabilities who are living in the community; and

Whereas this workforce shortage is the most significant barrier to implementing the *Olmstead* decision, undermines the expansion of community integration as called for by President George W. Bush's New Freedom Initiative, and places the community support infrastructure at risk: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the “Direct Support Professional Recognition Resolution”.

SEC. 2. SENSE OF CONGRESS REGARDING SERVICES OF DIRECT SUPPORT PROFESSIONALS TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

It is the sense of Congress that the Federal Government and the States should work to advance our Nation's commitment to community integration for individuals with mental retardation or other developmental disabilities and to advance personal security for such individuals and their families by making it a priority to ensure a stable, quality direct support workforce that provides services and supports for such individuals.

AMENDMENTS SUBMITTED & PROPOSED

SA 4858. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table.

SA 4859. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4860. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4861. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4862. Mr. LEVIN (for himself, Mr. REED, Mr. BINGAMAN, Mrs. BOXER, Ms. MIKULSKI, Ms. STABENOW, Mr. AKAKA, and Mr. JEFFORDS) submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, supra.

SA 4863. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. SPECTER and intended to be proposed to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4864. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. SPECTER and intended to be proposed to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4865. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. SPECTER and intended to be proposed to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4866. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table.

SA 4867. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4868. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, supra.

SA 4869. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4870. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4858. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that would—

(A) demand that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorize the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply; and

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) **AUTHORIZATION.**—Pursuant to a resolution of the United Nations Security Council described in section 2(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the

United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) **REQUIREMENTS.**—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 2(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) **SPECIFIC STATUTORY AUTHORIZATION.**—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) **APPLICABILITY OF OTHER REQUIREMENTS.**—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 2(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

SA 4859. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that would—

(A) demand that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorize the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply;

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense; and

(4) will not adjourn sine die this year and will return to session at any time before the next Congress convenes to consider promptly proposals relative to Iraq if in the judgment of the President the United Nations Security Council fails to adopt or enforce the resolution described in paragraph (2).

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) **AUTHORIZATION.**—Pursuant to a resolution of the United Nations Security Council described in section 2(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) **REQUIREMENTS.**—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 2(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) **SPECIFIC STATUTORY AUTHORIZATION.**—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) **APPLICABILITY OF OTHER REQUIREMENTS.**—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 2(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

SA 4860. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept