

(1) Authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them;

(2) Provide for first contract mediation and arbitration; and

(3) Establish meaningful penalties for violations of a worker's freedom to choose a union; and be it further

*Resolved*, That this body urges Hawaii's congressional delegation to support the Employee Free Choice Act and to impel the United States Congress to pass this measure to protect America's workers and preserve their freedom to choose for themselves whether or not to form a union; and be it further

*Resolved*, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.

POM-451. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to Christopher Kangas; to the Committee on the Judiciary

#### HOUSE RESOLUTION NO. 579

Whereas, On September 11, 2002, Hearing Examiner Doug Dodge of the Bureau of Justice Assistance in the Department of Justice determined that Christopher Kangas was not a public safety officer within the meaning of the Public Safety Officers' Benefits Act of 1976; and

Whereas, This ruling denies his survivors benefits under the act and means that Christopher is ineligible to be memorialized on the wall of the National Fallen Firefighter's Memorial in Emmitsburg, Maryland; and

Whereas, The ruling has shocked and dismayed the Brookhaven Fire Department in Delaware County, Pennsylvania, whose fire chief, Rob Montella, has claimed: "He was a firefighter . . . what he was legally allowed to do, Chris did"; and

Whereas, When his last fire alarm sounded, Christopher Kangas, a junior firefighter for Brookhaven and 14 years of age, hopped on his bicycle to answer the call; and

Whereas, When he died of head injuries after being hit by a car while answering that call on May 4, 2002, he received a full hero's send-off and was laid to rest in a Class A fireman's uniform at a funeral steeped in honor and fire service tradition and attended by firemen from as far away as Massachusetts; and

Whereas, Flags at the National Fallen Firefighter's Memorial flew at half-staff in his honor and memory; and

Whereas, Rob Montella himself, State Fire Commissioner Ed Mann and Brookhaven line officers Dave Zamonski and Charles Leslie, first and second assistant chiefs, respectively, began their volunteer firefighting service answering fire calls as junior firefighters on bicycles, and Mr. Montella has said that Christopher was a firefighter who had a full set of gear, attended all training sessions, answered the calls and was in compliance with the Pennsylvania Junior Emergency Service Compliance Manual; and

Whereas, Upon Christopher's death, his mother became eligible for and received State and borough benefits because he had died in the line of duty, but under Hearing Examiner Dodge's September 11, 2002, opinion, he was denied Federal benefits; and

Whereas, This decision has concerned all firefighters who have learned of it, as it narrows the definition of firefighter and restricts their benefits; Therefore be it

*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania

memorialize the President of the United States and the Pennsylvania Congressional Delegation to do all in their power to encourage the United States Department of Justice to review its September 11, 2002, refusal to classify Christopher Kangas as a "public safety officer" under the Public Safety Benefits Act of 1976; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States and to each member of Congress from Pennsylvania.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself, Mr. TALENT, and Mr. SCHUMER):

S. 2430. A bill to provide for improved medical readiness of the members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. NELSON of Nebraska (for himself and Mrs. HUTCHISON):

S. 2431. A bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certified diabetes educators recognized by the National Certification Board of Diabetes Educators as certified providers for purposes of outpatient diabetes education services under part B of the medicare program; to the Committee on Finance.

By Mr. TALENT:

S. 2432. A bill to expand the boundaries of Wilson's Creek Battlefield National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. THOMAS):

S. 2433. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

By Mr. HATCH (for himself, Mrs. BOXER, Mrs. HUTCHISON, and Mr. BINGAMAN):

S. 2434. A bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, D.C., and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 2435. A bill to permit Inspectors General to authorize staff to provide assistance to the National Center for Missing and Exploited Children, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUE:

S. 2436. A bill to reauthorize the Native American Programs Act of 1974; to the Committee on Indian Affairs.

By Mr. ENSIGN:

S. 2437. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself, Mr. KENNEDY, Ms. STABENOW, Ms. MIKULSKI, Mr. WYDEN, Mr. DURBIN, Mr. CORZINE, Mrs. BOXER, Mr. LEVIN, Mr. LAUTENBERG, Mr. LEAHY, Mr. HARKIN, Mr. DODD, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. SARBANES, Mr. REED, Mr. DASCHLE, Mrs. MURRAY, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. AKAKA, Mr. FEINGOLD, Mr. REID, Mr. JOHN-SON, and Mr. DAYTON):

S. Res. 364. A resolution expressing the sense of the Senate concerning oil markets; to the Committee on Energy and Natural Resources.

#### ADDITIONAL COSPONSORS

S. 98

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 333

At the request of Mr. BREAU, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 646

At the request of Mr. CORZINE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 646, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 845

At the request of Mr. GRAHAM of Florida, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 845, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 976

At the request of Mr. WARNER, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 979

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 979, a bill to direct the Securities and Exchange Commission to require

enhanced disclosures of employee stock options, to require a study on the economic impact of broad-based employee stock option plans, and for other purposes.

S. 1197

At the request of Mr. ENZI, the names of the Senator from Oregon (Mr. WYDEN), the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1197, a bill to amend the Public Health Service Act to ensure the safety and accuracy of medical imaging examinations and radiation therapy treatments.

S. 1333

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1333, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 1491

At the request of Mr. CORNYN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1491, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1509

At the request of Mr. COLEMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1509, a bill to amend title 38, United States Code, to provide a gratuity to veterans, their spouses, and children who contract HIV or AIDS as a result of a blood transfusion relating to a service-connected disability, and for other purposes.

S. 1792

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1792, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 1887

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1887, a bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices.

S. 1909

At the request of Mr. COCHRAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1916

At the request of Ms. LANDRIEU, the name of the Senator from Missouri

(Mr. BOND) was added as a cosponsor of S. 1916, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 1980

At the request of Mr. GRAHAM of Florida, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1980, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 2163

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2163, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

S. 2262

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 2262, a bill to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom.

S. 2305

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2305, a bill to authorize programs that support economic and political development in the Greater Middle East and Central Asia and support for three new multilateral institutions, and for other purposes.

S. 2313

At the request of Mr. GRAHAM of Florida, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2313, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 2351

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2351, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 2372

At the request of Mr. CORZINE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2372, a bill to amend the Trade Act of 1974 regarding identifying trade expansion priorities.

S. 2383

At the request of Mr. COLEMAN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2383, a bill to amend title 10, United

States Code, to require the registration of contractors' taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, and for other purposes.

S. 2389

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2389, a bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program.

S. 2411

At the request of Mr. DODD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2411, a bill to amend the Federal Fire Prevention and Control Act of 1974 to provide financial assistance for the improvement of the health and safety of firefighters, promote the use of life saving technologies, achieve greater equity for departments serving large jurisdictions, and for other purposes.

S.J. RES. 28

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S.J. Res. 28, a joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

S.J. RES. 36

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S.J. Res. 36, a joint resolution approving the renewal of import restrictions contained in Burmese Freedom and Democracy Act of 2003.

S.J. RES. 37

At the request of Mr. BROWNBACK, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S.J. Res. 37, a bill to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian Tribes and offer an apology to all Native Peoples on behalf of the United States.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. RES. 221

At the request of Mr. BUNNING, his name was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

AMENDMENT NO. 3154

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 3154 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Nebraska (for himself and Mrs. HUTCHINSON):

S. 2431. A bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certified diabetes educators recognized by the National Certification Board of Diabetes Educators as certified providers for purposes of outpatient diabetes education services under part B of the medicare program; to the Committee on Finance.

Mr. NELSON of Nebraska. Mr. President, today I introduce an important piece of legislation that will correct an oversight from the Balanced Budget Act of 1997. In 1997, Congress created a new diabetes benefit under Medicare—diabetes self-management training—but did not create a new provider group to deliver it. Congress assumed that the existing diabetes education programs in hospitals would be able provide services to all who were in need.

Certified Diabetes Educators, CDEs, were not given the ability to bill Medicare directly for diabetes self-management training when Congress passed the new benefit in 1997 because they did not feel there was a need to create a new provider since CDEs could work within a hospital setting and receive reimbursement through hospital billing. However, due to changing health care economics, hospital diabetes self-management training programs have been closing at an alarming rate, forcing patients to seek other avenues for obtaining diabetes self-management training, such as clinics and stand-alone programs.

While small in scope, the Diabetes Self-Management Training Act of 2004 will correct this oversight to ensure our Nation's seniors with diabetes have access to this important benefit.

Diabetes education is very important in my State of Nebraska. According to the Nebraska Health and Human Services System, about five percent of Nebraska's adults have diagnosed diabetes—or about 60,000 people. An additional 20,000 Nebraskans probably have diabetes but have not been diagnosed. While diabetes rates continue to grow at an alarming rate, lack of access to diabetes-self management training, which is critical to controlling diabetes and preventing secondary complica-

tions, has also become a chronic problem. Despite the fact that twenty percent of Medicare patients have diabetes, and about a quarter of all Medicare spending goes to treat diabetes and diabetes-related conditions, less than one-third of eligible patients are currently receiving the benefit.

Because CDEs are not able to bill Medicare directly for diabetes self-management training, patients have limited options for obtaining the training they need to successfully manage their disease and prevent expensive and debilitating complications. The potential for complications is enormous. If patients with diabetes cannot gain access to diabetes self-management training, serious complications will arise, such as kidney disease, amputations, vision loss, and severe cardiac disease. In fact, half of all Medicare dialysis patients suffer from diabetes.

By improving access to this important benefit, I believe we will take an important step toward helping patients control their diabetes, which will not only save the Medicare program the significant costs associated with the complications from uncontrolled diabetes, but more importantly it will dramatically improve the quality of life for the millions of Medicare beneficiaries with diabetes. That is why I am so proud to introduce this bipartisan legislation, the Diabetes Self-Management Training Act of 2004, along with my colleague Senator HUTCHISON.

Throughout the Medicare debate last year, one of the top considerations for all Senators was the cost of the legislation and the long-term solvency of the Medicare program. In fact, we passed new programs in that legislation to begin studying new health care delivery models like Medicare that will improve the outcomes for beneficiaries with chronic diseases. While I strongly supported those new demonstration programs, we need not wait to begin helping our seniors.

With diabetes already directly affecting so many seniors, and the baby boomers on the horizon, we cannot afford to deny seniors access to proven programs like diabetes self-management training any longer. I look forward to working to pass this legislation and help those with diabetes.

Mrs. HUTCHISON. Mr. President, I rise today with Senator NELSON to introduce an important piece of legislation that will dramatically improve the quality of diabetes care under the Medicare program.

Diabetes is a serious, debilitating chronic illness that afflicts more than 18 million Americans, including eight million Medicare beneficiaries. An additional eight million seniors suffer from a condition known as “pre-diabetes” that, when left untreated, will develop into diabetes. Diabetes’ devastating complications—kidney failure, blindness, lower extremity amputation, heart disease and stroke—result in significant costs to the program. Al-

though beneficiaries with diabetes comprise only 20 percent of the Medicare population, diabetes related complications account for more than 30 percent of medicare expenditures.

This is indeed troubling, and there is much that can be done to reduce the burden of diabetes and prevent these costly complications. Diabetes self-management training, DSMT, helps people with diabetes learn the skills they need to manage the daily regimen of diet, exercise, meal planning, medication and monitoring necessary to keep blood sugar under control. Certified Diabetes Educators, CDEs, are highly trained healthcare professionals—often nurses, pharmacists, or dietitians—who specialize in helping people with diabetes develop these skills. A CDE must be a licensed health care professional, possess a minimum of two years of professional practice experience in DSMT, have provided a minimum of 1,000 hours of DSMT to patients in the past five years, and have passed a rigorous national examination.

The value of DSMT is well documented. The Diabetes Prevention Program study of 2002 demonstrated that participants, all of whom were at increased risk for developing type 2 diabetes, were able to reduce that risk by implementing the lifestyle changes taught as part of DSMT. Additional studies have found that patients with diabetes achieved significantly better outcomes when taking part in comprehensive diabetes management programs.

Congress recognized the value of DSMT when it provided for this benefit under the Balanced Budget Act of 1997. At that time, CDEs were able to provide DSMT through hospital-based programs, billing under the hospital's provider number. Unfortunately, hospital-based DSMT programs are closing at a rate of two to five per month, leaving people with diabetes without access to this life-saving benefit. Our legislation would correct this problem by allowing CDEs to be recognized as providers under the Medicare program for the purposes of providing DSMT. This would provide CDEs with the flexibility they need to ensure that beneficiaries can access these critical services.

As it is, the Centers for Medicaid and Medicare Services, CMS, estimates that only 30 percent of beneficiaries are utilizing the benefit. More must be done to increase access to life-saving DSMT programs. Our legislation will help to accomplish that goal.

Diabetes already poses a serious burden for the Medicare program. As the 76 million baby-boomers age into the Medicare program, the cost of diabetes related complications could seriously undermine the financial stability of the Medicare program. We must act now to strengthen Medicare to ensure that beneficiaries with diabetes have the tools they need to prevent diabetes complications.