

seasonal workers each year. The island's 500 year-round residents cannot supply the workforce necessary for peak season employment levels; and

Whereas, foreign workers supplement the seasonal staff needs in a host of our tourism and recreation destinations. Many of these employees are in our country under the H2B visa program; and

Whereas, all workers under the H2B visa program are here legally, are tracked by the federal government to ensure they are doing the work prescribed under their visa, and are paid under federally prescribed wage scales; and

Whereas, according to the Michigan Travel Commission, the travel and tourism industry is a \$17.5 billion industry in the state of Michigan, contributing \$971 million annually to the state treasury. This industry is dependent upon seasonal workers in order to do business; and

Whereas, recently, the Congress of the United States took action to help alleviate problems with the H2B visa program by capping the number of visas available at 66,000 but also exempting workers who already have H2B visas. This action ensured that there is enough of a workforce available for those industries that depend on seasonal workers; and

Whereas, currently, there is a sunset in the law at the federal level that would remove the returning worker exemption. As of September 30, 2007, every returning worker would again be considered a new worker and be forced to apply under the 66,000 visa limit. This cap had been reached for each of the previous few years before Congress took action, just as the national economy has surged and more and more people are traveling. This cap also distorted hiring patterns across the nation, as employers are forced to put on workers far beyond service needs to help assure that they will have the employees they need when their season begins; and

Whereas, legislation has been introduced in the Congress of the United States to revise the H2B visa program. The measure would extend the H2B returning worker exemption by removing the sunset language from current law. Clearly, this is an issue that needs prompt action: Now, therefore, be it

*Resolved by the House of Representatives,* That we memorialize the Congress of the United States to continue exempting returning workers from the cap on H2B visas; and be it further

*Resolved,* That 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 the Michigan congressional delegation.

POM-246. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to reestablish medical care for certain veterans whose income and disability status disqualified them for medical care as of January 17, 2003; to the Committee on Veterans' Affairs.

#### HOUSE RESOLUTION NO. 175

Whereas, we have been at war for nearly six years since the September 11th terrorist attacks on our soil. During this time, American military personnel have served around the world in combat. The wounds and illnesses that they may endure as the result of this service in our defense could affect them for a lifetime. It is our responsibility as a nation to honor their service and sacrifice by doing all we can to restore their health and opportunities in civilian life; and

Whereas, beginning January 17, 2003, veterans with income above certain levels and who have no service-connected disability

have been ineligible for Department of Veterans Affairs (VA) medical care. These Priority 8 category veterans may lack other sources of health care, and so ineligibility for VA health care could be a threat to their long-term health. Even veterans without evident war-related injuries or illnesses could have hidden health issues that can evolve into serious problems. Infections or viruses from serving in foreign lands might not reveal themselves until later in life. In addition, veterans with combat wounds such as traumatic brain injury (TSI) from blast effects or post-traumatic stress disorder (PTSD) may not display symptoms for years. Without early access to the VA healthcare system, veterans may not have the benefits of medical monitoring and early intervention in developing health issues; and

Whereas, Congress has before it two bills that would restore VA eligibility to these Priority 8 veterans under current standards with income levels too high and no service-connected disability. In the House of Representatives, HR 463 would restore this eligibility, while in the Senate, S 1147 has been introduced. We owe it to our veterans to act on this legislation to ensure that any long-term problems that may not be currently evident can be identified and treated in a timely manner. Providing quality health care is part of our duty as a nation to our veterans, and there is no excuse for failing to right this mistake: Now, therefore, be it

*Resolved by the House of Representatives,* That we memorialize the United States Congress to reestablish medical care for certain veterans whose income and disability status disqualified them for Department of Veterans Affairs medical care as of January 17, 2003; and be it further

*Resolved,* That 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 the Michigan congressional delegation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1845. A bill to provide for limitations in certain communications between the Department of Justice and the White House Office relating to civil and criminal investigations, and for other purposes (Rept. No. 110-203).

#### 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 Mr. INHOFE:

S. 2216. A bill to amend the Internal Revenue Code of 1986 to extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; read the first time.

By Mr. INHOFE (for himself and Mr. ROBERTS):

S. 2217. A bill to amend the Internal Revenue Code of 1986 to extend the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; read the first time.

By Mr. ROBERTS:

S. 2218. A bill to provide for the award of a military service medal to members of the

Armed Forces who were exposed to ionizing radiation as a result of participation in a test of atomic weapons; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. AKAKA, Ms. STABENOW, Mrs. BOXER, and Mr. OBAMA):

S. 2219. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. MARTINEZ):

S. 2220. A bill to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations; to the Committee on Energy and Natural Resources.

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

S. 2221. A bill to amend title XVIII of the Social Security Act to provide for the reporting of sales price data for implantable medical devices; to the Committee on Finance.

#### ADDITIONAL COSPONSORS

S. 507

At the request of Mr. CONRAD, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 719

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a co-sponsor of S. 719, a bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

S. 940

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 940, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 982

At the request of Mrs. MURRAY, her name was added as a cosponsor of S.

982, a bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1413

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1413, a bill to provide for research and education with respect to uterine fibroids, and for other purposes.

S. 1445

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1553

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1553, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 1616

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1616, a bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of

military service, and for other purposes.

S. 1847

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1847, a bill to reauthorize the Consumer Product Safety Act, and for other purposes.

S. 1870

At the request of Mr. FEINGOLD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1870, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2004, a bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2022

At the request of Mr. JOHNSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2022, a bill to prohibit the closure or relocation of any county office of the Farm Service Agency until at least one year after the enactment of an Act to provide for the continuation of agricultural programs for fiscal years after 2007.

S. 2087

At the request of Mr. DORGAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2087, a bill to amend certain laws relating to Native Americans to make technical corrections, and for other purposes.

S. 2128

At the request of Mr. SUNUNU, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2128, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2160, a bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2162, a bill to improve the

treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2190

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2190, a bill to amend title XVIII of the Social Security Act to provide for the inclusion of barbiturates and benzodiazepines as covered part D drugs beginning in 2008.

S. 2205

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2205, a bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

AMENDMENT NO. 3364

At the request of Mr. COLEMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3364 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3376

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3376 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3387

At the request of Mr. DEMINT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 3387 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3396

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 3396 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

## AMENDMENT NO. 3400

At the request of Mr. CARDIN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 3400 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

## AMENDMENT NO. 3440

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Montana (Mr. BAUCUS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Ms. STABENOW), the Senator from Ohio (Mr. BROWN), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 3440 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3440 proposed to H.R. 3043, supra.

## AMENDMENT NO. 3447

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3447 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERTS:

S. 2218. A bill to provide for the award of a military service medal to members of the Armed Forces who were exposed to ionizing radiation as a result of participation in a test of atomic weapons; to the Committee on Armed Services.

Mr. ROBERTS. Mr. President, I want to take a moment to honor those veterans who have served their Nation as quiet heroes. These quiet heroes, otherwise known as Atomic Veterans, were exposed unknowingly to ionizing radiation resulting from atomic testing conducted between 1945-1963.

Sacrifice in the service of your country can take many different forms. We see it everyday in our military efforts in Iraq and Afghanistan. We see it in the hospital beds of Walter Reed and VA hospitals nationwide. It is our duty as Americans, to honor the sacrifice made by our Nation's servicemembers.

In the case of the Atomic Veterans, sacrifice was not necessarily something that happened on the battlefield, nor

on the navel fleet. The price that many Atomic Veterans paid came due after their years of military service, when enduring mysterious cancers and other medical conditions related to their exposure to ionizing radiation. Their fight continues and the time is long overdue to recognize what, for some, has become the ultimate sacrifice.

In recognition of the silent sacrifices made by these American heroes, I am introducing the Atomic Veterans Medal Act. It is the Senate companion to H.R. 3471, offered by my colleague, Congressman TODD TIAHRT, in the House. We owe a debt of gratitude to brave Americans who have worn the uniform. It is my hope that this measure helps to show the respect and honor these Atomic Veterans deserve.

By Mr. DURBIN (for himself, Mr. AKAKA, Ms. STABENOW, Mrs. BOXER, and Mr. OBAMA):

S. 2219: A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Finance.

Mr. DURBIN. Mr. President, nearly 4 years have passed since Congress enacted the Medicare Modernization Act. Adding a prescription drug benefit to Medicare was long overdue, and many senior citizens and people with disabilities are relieved to finally have drug coverage.

But the drug benefit was not structured like the rest of Medicare. For all other Medicare benefits, seniors can choose whether to receive benefits directly through Medicare or through a private insurance plan. The overwhelming majority choose the Medicare-run option for their hospital and physician coverage.

No such choice is available for prescription drugs. Medicare beneficiaries must enroll in a private insurance plan to obtain drug coverage.

A report released today by the Medicare Rights Center, with the support of Consumers Union, identifies the problems this decision to rely exclusively on private drug plans has created.

Seniors are having trouble identifying which of the dozens of private drug plans works best for them. Anyone who has visited a senior center or spoken with an elderly relative knows that the complexity of the drug benefit has created much confusion.

Each drug plan has its own premium, cost-sharing requirements, list of covered drugs, and pharmacy network. After you have identified the right drug plan, you have to go through the whole process again at the end of the year because your plan may have changed the drugs it covers or added new restrictions on how to access covered drugs.

Medicare beneficiaries often cannot obtain the drugs they need because they are trapped in an appeals process that the Medicare Rights Center calls "hopelessly dysfunctional." Drug plans

often do not tell beneficiaries that they can appeal a drug plan's decision to deny coverage of a drug, even though they are required to do so. Beneficiaries who do appeal soon find that it is a long and difficult process.

The complexity of the Medicare drug benefit also has made beneficiaries more vulnerable to aggressive and deceptive marketing practices. Some insurers try to steer seniors into more profitable Medicare Advantage plans. Some seniors have been signed up for Medicare Advantage plans without their knowledge, and, unfortunately, there have also been unscrupulous insurance agents who have misrepresented what benefits would be covered.

Adding to the frustration with the program so far is accumulating evidence that private drug plans have not been effective negotiators, which means seniors end up paying more than they should.

Drug prices are higher in private Medicare drug plans than drug prices available through the Veterans Administration, Medicaid, and other countries like Canada.

A report by the House Oversight and Government Reform Committee estimated that taxpayers and Medicare beneficiaries would have saved almost \$15 billion in 2007 if administrative expenses in the drug program were as low as the traditional government-run Medicare program and if drug prices were the same as Medicaid levels.

It should come as no surprise then that the average beneficiary who stays in their current Medicare drug plan will see their monthly premiums increase 21 percent in 2008.

Today, I am introducing the Medicare Prescription Drug Savings and Choice Act. The bill would create a Medicare-operated drug plan that would compete with private drug plans and would require the Health and Human Services Secretary to negotiate with drug companies to lower drug prices.

This is the kind of drug plan that Medicare beneficiaries are looking for. According to a survey by the Kaiser Family Foundation,  $\frac{2}{3}$  of seniors want the option of getting drug coverage directly from Medicare, and over 80 percent favor allowing the government to negotiate with drug companies for lower prices.

The Health and Human Services Secretary would have the tools to negotiate with drug companies, including the use of drug formulary. The best medical evidence would determine which drugs are covered in the formulary, and the formulary would be used to promote safety, appropriate use of drugs, and value.

The bill would establish an appeals process that is efficient, imposes minimal administrative burdens, and ensures timely procurement of nonformulary drugs or nonpreferred drugs when medically necessary.

The Secretary would also develop a system for paying pharmacies that