

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 539. A resolution to authorize testimony and legal representation in State of Maine v. Douglas Rawlings, Jonathan Kreps, James Freeman, Henry Braun, Robert Shetterly, and Dudley Hendrick; considered and agreed to.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. Res. 540. A resolution recognizing the historical significance of the sloop-of-war USS *Constellation* as a reminder of the participation of the United States in the transatlantic slave trade and of the efforts of the United States to end the slave trade; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. BROWN, Ms. KLOBUCHAR, and Mr. HAGEL):

S. Res. 541. A resolution supporting humanitarian assistance, protection of civilians, accountability for abuses in Somalia, and urging concrete progress in line with the Transitional Federal Charter of Somalia toward the establishment of a viable government of national unity; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 22

At the request of Mr. INHOFE, his name was withdrawn as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 45

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 45, a bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services.

S. 211

At the request of Mrs. DOLE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 579

At the request of Mr. REID, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 727

At the request of Mr. COCHRAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor

of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 911

At the request of Mr. REED, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 994

At the request of Mr. TESTER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 1075

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1075, a bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes.

S. 1410

At the request of Mr. COLEMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1445

At the request of Mr. KENNEDY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors 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. 1515

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1743

At the request of Mr. HATCH, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts.

S. 1760

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1779

At the request of Mr. TESTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1779, a bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes.

S. 1838

At the request of Mr. CORNYN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1838, a bill to provide for the health care needs of veterans in far South Texas.

S. 2002

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2144

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 2144, a bill to require the Secretary of Energy to conduct a study of feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes.

S. 2161

At the request of Mr. ISAKSON, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2465

At the request of Mr. KENNEDY, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2465, a bill to amend title XIX of the Social Security Act to include all public clinics for the distribution of pediatric vaccines under the Medicaid program.

S. 2495

At the request of Mr. BIDEN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2495, a bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

S. 2498

At the request of Mr. DOMENICI, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. CRAIG), the Senator from Alabama (Mr. SESSIONS), the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAPO), the Senator from North Carolina (Mrs. DOLE), the Senator from Texas (Mr. CORNYN), the Senator from Maine (Ms. SNOWE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. ISAKSON), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. MARTINEZ), the Senator from Colorado (Mr. ALLARD), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oregon (Mr. SMITH), the Senator from Wyoming (Mr. ENZI), the Senator from Missouri (Mr. BOND), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nevada (Mr. ENSIGN), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Maine (Ms. COLLINS), the Senator from Minnesota (Mr. COLEMAN), the Senator from Virginia (Mr. WARNER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from South Dakota (Mr. THUNE), the Senator from Mississippi (Mr. WICKER), the Senator from North Carolina (Mr.

BURR), the Senator from Indiana (Mr. LUGAR), the Senator from Ohio (Mr. VOINOVICH), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2498, a bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2598

At the request of Mr. DORGAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2598, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve.

S. 2630

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2630, a bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes.

S. 2686

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. SANDERS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2686, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, and transit users as well as children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on streets and highways.

S. 2689

At the request of Mr. SMITH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2689, a bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions.

S. 2758

At the request of Ms. MURKOWSKI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2758, a bill to authorize the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain in Alaska.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2819

At the request of Mr. ROCKEFELLER, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Wisconsin (Mr. KOHL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2912

At the request of Mr. LAUTENBERG, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Washington (Mrs. MURRAY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2912, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 2917

At the request of Mr. CORNYN, the name of the Senator from Arizona (Mr.

KYL) was added as a cosponsor of S. 2917, a bill to strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes.

S. 2927

At the request of Mr. BARRASSO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2927, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve and to amend the Energy Policy and Conservation Act to include additional acquisition requirements for the Reserve.

S. RES. 537

At the request of Mr. LEAHY, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Res. 537, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Ms. STABENOW, and Mr. JOHNSON):

S. 2931. A bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce the Medicare Access to Complex Rehabilitation and Assistive Technology Act of 2008. I am pleased to be joined by my colleague from Michigan, Senator STABENOW. Today, we unite to ensure access to medical equipment for severely disabled Medicare beneficiaries who seek to lead independent and productive lives.

In the 2003 Medicare Modernization Act, MMA, Congress directed the Centers for Medicare and Medicaid Services to proceed with a durable medical equipment competitive bidding demonstration project. The purpose of this demonstration was to determine whether competitive bidding can be used to provide quality medical equipment at prices below current Medicare Part B reimbursement rates. The bidding will result in a new fee schedule for some selected DME services, replacing Medicare's current fee schedule. In other words, competitive bidding will change how Medicare covers medical equipment and also determine which suppliers may participate in providing such equipment to beneficiaries.

It is critical to note that the Medicare competitive bidding program was designed to produce cost savings—both

for Medicare and for beneficiaries in the form of lower copayments for medical equipment. The competitive process of submitting bids to supply particular services and products would reduce the price Medicare currently reimburses for these items.

Although competitive bidding may reduce the cost of some health services, this system will likely prove unworkable in certain circumstances. For example, many rural areas across the country may not have the health care infrastructure to support a competitive acquisition program. Small suppliers who service individuals residing in areas of low population density may be outbid by larger, distant providers, leading to limited access to medical equipment for Medicare beneficiaries living in these locations.

Another unique circumstance for which competitive bidding is inappropriate regards complex rehabilitation and assistive technology for individuals with significant and distinctive needs. Under the competitive acquisition program, thousands of individuals who require customized medical equipment may be forced to use ill-fitting products that will inevitably increase discomfort, further limit functional ability, and may even cause loss of function for these individuals who seek independence and mobility in their lives.

Let me give an example of how the competitive bidding program will hamper the ability of Medicare beneficiaries to access necessary rehabilitative and assistive technology. If a Medicare beneficiary has been diagnosed with muscular dystrophy and uses a power wheelchair due to the loss of muscle tone in the body, a wheelchair that is tailored to the individual is imperative for several reasons. Power wheelchairs that are not adapted to the particular needs of the individual lead to more than mere discomfort, but also can further worsen health. For instance, individuals with muscular dystrophy may have wheelchairs that allow them to change positioning in order to breathe more comfortably. In addition, these wheelchairs may also be adapted to accommodate other necessary medical equipment, such as breathing ventilators. Yet with Medicare competitive bidding, the process will likely yield more uniform wheelchairs, leaving severely impaired beneficiaries with limited options to meet their needs.

Our bill will remove complex rehabilitation and assistive technology products from the Medicare competitive bidding program. In a program intended to reduce costs through competition among suppliers providing medical products, it is simply untenable to include such sophisticated and personalized equipment. We all agree that we must address Medicare spending, but restricting access to necessary products for the beneficiaries that most require them is not the way to approach this issue—and may in fact increase costs.

I urge my colleagues to join with Senator STABENOW and myself in supporting the Medicare Access to Complex Rehabilitation and Assistive Technology Act of 2008 to support Medicare beneficiaries in receiving the specialized medical equipment they so critically need.

Ms. STABENOW. Mr. President, I am pleased to join my colleague, Senator OLYMPIA SNOWE, in introducing the Medicare Access to Complex Rehabilitation and Assistive Technology Act. This legislation will ensure Medicare beneficiaries who need complex rehabilitation and assistive technology will continue to receive the highest level of service and support necessary to maintain their independence. I am also pleased to be joined by my good friend, Senator TIM JOHNSON, in this effort.

Competitive bidding, while well-intentioned, does not work well for items that must be customized for individuals with complex and specialized needs. Unlike some of the items being considered by CMS for competitive bidding, complex rehab technologies are not the sort of products that are easily interchangeable. For example, individuals with neuromuscular diseases—such as multiple sclerosis, ALS, cerebral palsy, or Parkinson's disease—or conditions such as spinal cord injuries may require specialized services because of the profound and sometimes progressive nature of these conditions. Patients' access to assistive technology products for their unique needs could be in jeopardy.

I am pleased that our legislation has the support of numerous patient advocacy organizations. As co-chair of the Senate Parkinson's Caucus, I have seen firsthand how assistive technology can make a difference in helping a loved one achieve independence over a disease or disability. The legislation we are introducing today will ensure that the wonders of medical technology will continue to be available to the Medicare beneficiaries who need them the most.

By Mr. SMITH (for himself, Mr. CONRAD, and Mr. KOHL):

S. 2933. A bill to improve the employability of older Americans; to the Committee on Finance.

Mr. SMITH. Mr. President, on behalf of Senators CONRAD and KOHL, I introduce the Incentives for Older Workers Act of 2008.

The United States is about to experience an unprecedented demographic shift with the aging of the baby boomer generation. According to the U.S. Census Bureau, in 1980, individuals age 50 and older represented 26 percent of the population. By 2050, this is expected to rise to 37 percent. In my home State of Oregon, residents age 65 and older are expected to comprise 25 percent of the State population by 2025. This will make Oregon the fourth oldest State in the country.

The aging of our population will have a significant impact on many aspects