

Whereas, traditional observance of Memorial Day has diminished over the years as many Americans have forgotten the meaning and traditions of Memorial Day and instead use that day to celebrate the beginning of summer; and

Whereas, to help re-educate and remind Americans of the true meaning of Memorial Day, President George W. Bush signed the National Moment of Remembrance Act in 2000 (P.L. 106-579), designating 3 p.m. local time on Memorial Day as the National Moment of Remembrance to encourage citizens to pause and remember our fallen soldiers; and

Whereas, to fully return the solemn spirit to Memorial Day, this nation should also return to the traditional day of observance of May 30 each year, regardless of the day of the week on which it falls; therefore be it

*Resolved*, That the Senate of the Commonwealth of Pennsylvania memorialize the President and the Congress of the United States to enact bill S. 70 of 2007, which would designate the legal public holiday of Memorial Day as May 30, call for the flying of the flag at half-staff until noon that day and encourage Americans to observe Memorial Day as a day of ceremonies for showing respect for American veterans of wars and other military conflicts; and be it further

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

POM-394. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to pass balanced immigration reform; to the Committee on the Judiciary.

#### SENATE CONCURRENT RESOLUTION NO. 5

Whereas, the economic relationship with Mexico, which shares our border, is vital to the United States because Mexico is the United States' second most important trading partner, the United States is Mexico's most important trading partner, and the U.S. is the largest source of direct foreign investment in Mexico;

Whereas, economic, historic, and cultural ties between the U.S. and Mexico are critical to many U.S. industries, including many in Utah;

Whereas, as a result of their shared borders and proximity to Mexico, western states, including Utah, suffer a disproportionate financial burden on health care, education, the environment, and criminal justice systems because of unauthorized immigration from Mexico, affecting the economy of the entire region;

Whereas, the economic impacts may be offset by allowing more legal and readily available foreign workers to enter the U.S.;

Whereas, seasonal industries, including agriculture and hospitality, historically and currently play a pivotal role in Utah's economy, and are heavily dependent upon a stable and reliable foreign labor pool; and

Whereas, current immigration law addresses neither documented U.S. labor shortages nor marketplace dynamics, and without a lawful avenue to provide seasonal employees, encourages continued unlawful immigration to the U.S. which continues to negatively impact the state's economy; now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, express support for the development of a balanced national immigration policy with the overarching purpose of protecting and preserving the safety and interests of the United States and its citizens while recognizing the needs of Utah industries to have a stable and legal supply of workers quickly

available where there are no U.S. workers otherwise available; and be it further

*Resolved*, That the Legislature and the Governor urge Utah's congressional delegation to work with the United States Congress to ensure that any reform efforts focus primarily on enabling Utah's employers to hire a legal workforce sufficient to meet the needs of Utah industries to enhance the economic growth of the state's private sector; and be it further

*Resolved*, That the Legislature and the Governor urge Congress to reform the current systems for obtaining work visas and reduce the delay for legal immigration; and be it further

*Resolved*, That the Legislature and the Governor express their opposition to granting blanket amnesty to undocumented persons and urge that appropriate sanctions be a part of any solution; and be it further

*Resolved*, That the Legislature and the Governor recognize that addressing the status of millions of undocumented persons currently present in the U.S. is a complex issue; and be it further

*Resolved*, That the Legislature and the Governor urge that in passing immigration reform Congress not inadvertently create unnecessary hurdles and lengthy delays for those who wish to legally hire non-U.S. workers; and be it further

*Resolved*, That the Legislature and the Governor urge that in passing immigration reform Congress not inadvertently create incentives for additional illegal immigration by creating unnecessary hurdles and lengthy delays for those who wish to immigrate legally for work or citizenship; and be it further

*Resolved*, That the Legislature and the Governor urge Congress to reform the Foreign Worker Visa system as part of any immigration reform; and be it further

*Resolved*, That the Legislature and the Governor urge Congress to eliminate current visa backlogs and prevent future backlogs to help meet Utah workforce demands; and be it further

*Resolved*, That the Legislature and the Governor recommend that these tasks can be accomplished by:

(1) dramatically increasing the annual immigrant visa caps, including the limits on H-1B and H-2B visas, particularly in the industries requiring highly trained and educated workers and seasonal hospitality operations;

(2) streamlining the processing of H-2A visas to create a more workable system to enable agricultural employers to hire needed foreign workers for seasonal jobs;

(3) maintaining the L-1 visa program; and

(4) expediting work authorization for foreign nationals who complete University-level degrees in U.S. institutions to ensure that the benefits of the educational investment the nation has made in these individuals remains in the U.S.; and be it further

*Resolved*, That the Legislature and the Governor urge Congress to ensure the enforcement of current federal employer sanctions for knowingly hiring undocumented labor, which requires the federal government to adopt a secure, reliable, and fast employment verification system accessible to employers electronically 24 hours a day; and be it further

*Resolved*, That copies of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Department of Homeland Security, and to the members of Utah's congressional delegation.

## 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. MURRAY (for herself and Mr. DODD):

S. 3141. A bill to provide for nondiscrimination by eligible lenders in the Federal Family Education Loan Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. OBAMA):

S. 3142. A bill to amend the Public Health Service Act to enhance public health activities related to stillbirth and sudden unexpected infant death; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mrs. DOLE):

S. 3143. A bill to assist law enforcement agencies in locating, arresting, and prosecuting fugitives from justice; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Ms. STABENOW, Mr. VOINOVICH, Mr. SALAZAR, Mr. ROBERTS, Mr. BROWN, Mr. SMITH, Mr. CASEY, Ms. COLLINS, Mr. LEVIN, Mrs. DOLE, Mr. LIEBERMAN, Mr. ISAKSON, Mr. WYDEN, Mr. BURR, Mr. DODD, Ms. SNOWE, Mr. SANDERS, Mr. HATCH, Ms. CANTWELL, Mr. CARDIN, Mr. SCHUMER, Mrs. CLINTON, Ms. MIKULSKI, and Mrs. LINCOLN):

S. 3144. A bill to amend part B of title XVIII of the Social Security Act to delay and reform the Medicare competitive acquisition program for purchase of durable medical equipment, prosthetics, orthotics, and supplies; to the Committee on Finance.

## ADDITIONAL COSPONSORS

S. 1117

At the request of Mr. BOND, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1232

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1418

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1430

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1774

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1774, a bill to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2059

At the request of Mr. WYDEN, his name 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.

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 2059, *supra*.

S. 2396

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2396, a bill to amend title XI of the Social Security Act to modernize the quality improvement organization (QIO) program.

S. 2433

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day.

S. 2439

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement Na-

tional Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2550

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2595

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2595, a bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes.

S. 2619

At the request of Mr. COBURN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2667

At the request of Mr. MENENDEZ, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2667, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 2668

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Washington (Mrs. MURRAY) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) 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. 2888

At the request of Mr. KOHL, the name of the Senator from Maryland (Ms. MI-

KULSKI) was added as a cosponsor of S. 2888, a bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes.

S. 2920

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 2931

At the request of Ms. SNOWE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of 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.

S. 2955

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2955, a bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative.

S. 2979

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. 2983

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2983, a bill to amend the Public Health Service Act to prevent and cure diabetes and to promote and improve the care of individuals with diabetes for the reduction of health disparities within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American and Pacific Islander, and American Indian and Alaskan Native communities.

S. 2990

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2990, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins.

S. 3022

At the request of Mr. LEVIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3022, a bill to amend the Federal Water Pollution Control Act to prohibit the sale of dishwashing detergent in the United States if the detergent contains a high level of phosphorus.

S. 3038

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

COLLINS) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3086

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3086, a bill to amend the antitrust laws to ensure competitive market-based fees and terms for merchants' access to electronic payment systems.

S. 3118

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 3118, a bill to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes.

S. 3130

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3130, a bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes.

S.J. RES. 2

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S.J. Res. 2, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S.J. RES. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.J. Res. 37, a joint resolution expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unacceptable harm to civilians.

S. CON. RES. 88

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 88, a concurrent resolution expressing the sense of Congress that the Food and Drug Administration's (FDA) new policy restricting women's access to medications containing estriol does not serve the public interest.

S. RES. 584

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from

Vermont (Mr. LEAHY), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. CARDIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 584, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Ms. STABENOW, Mr. VOINOVICH, Mr. SALAZAR, Mr. ROBERTS, Mr. BROWN, Mr. SMITH, Mr. CASEY, Ms. COLLINS, Mr. LEVIN, Mrs. DOLE, Mr. LIEBERMAN, Mr. ISAKSON, Mr. WYDEN, Mr. BURR, Mr. DODD, Ms. SNOWE, Mr. SANDERS, Mr. HATCH, Ms. CANTWELL, Mr. CARDIN, Mr. SCHUMER, Mrs. CLINTON, Ms. MIKULSKI, and Mrs. LINCOLN):

S. 3144. A bill to amend part B of title XVIII of the Social Security Act to delay and reform the Medicare competitive acquisition program for purchase of durable medical equipment, prosthetics, orthotics, and supplies; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I introduce, with my friend Senator GRASSLEY and twenty-four other Democratic and Republican Senators, the Medicare DMEPOS Competitive Acquisition Reform Act of 2008. In doing so, I would also like to recognize the efforts of Congressman PETE STARK, Congressman DAVE CAMP, and so many others in the House of Representatives who worked very hard on this bipartisan legislation.

This legislation will delay the durable medical equipment, prosthetics, orthotics, and supplies competitive acquisition program. Many Members of Congress and I have received reports about potential inaccuracies in the implementation of the CAP program. These reports range from suppliers who believe they were wrongly disqualified to questions about the clarity and consistency of information that suppliers received during the bidding process. Some providers were awarded contracts to serve areas in which they did not previously have a presence. Other suppliers were awarded contracts for service lines with which they have little or no experience.

While I support the concept of competitive bidding as a way to decrease costs, it is the obligation of Congress to make sure that these savings are not at the expense of beneficiary access to the care that they need in their own

communities. I believe that Congress should take a closer look to make sure this program lives up to its potential.

In order to ensure that we are getting the best possible price and quality for beneficiaries, it is critical that the competitive bidding process be accurate and inclusive. I am most concerned about the impact that a poorly designed program will have on Medicare beneficiaries, many of whom are confused about what this new program means for them and are concerned that they won't be able to get care from someone in their own community.

This means we must have as many bidders as possible who offer not only the best price but clearly meet high quality standards. Based upon the numbers we have seen as a result of bidding in phase one, I think we need to look more closely to make sure that we are not missing an opportunity to consider additional suppliers who have experience furnishing these services in the communities at play. Furthermore, we need to examine the bidding process outcomes to make sure that the suppliers being offered contracts to serve patients in a selected area have the team on the ground to help patients in those areas.

I have also heard concerns that some of the products included in the first phase of the competitive acquisition program may not be the best fit for this type of program because they require specialized handling or expertise. At the end of the day, the most important goal of the Medicare program is to make sure patients get the care that is appropriate for them, so we must tread carefully when we move ahead with a program covering these products.

The Centers for Medicare and Medicaid Services put forth an admirable effort to implement a complex competitive bidding program in a short time frame. I think that many of the concerns that people have raised about the program can be resolved, but we cannot afford to ignore them. The beneficiary services at stake are just too important to move hastily; no matter how much money we believe we can save.

I think that it is worth it for us to delay for just a bit and take a closer look to make sure this program lives up to its potential. With a few minor tweaks here and there, I am convinced that the competitive acquisition program will live up to its promise to provide cost effective, high-quality services and products to patients.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 3144

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare DMEPOS Competitive Acquisition Reform Act of 2008".