

that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, October 21, 2009, at 9:45 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the costs and benefits for energy consumers and energy prices associated with the allocation of greenhouse gas emission allowances.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Jonathan Black at (202) 224-6722 or Gina Weinstock at (202) 224-5684.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, October 14, 2009, at 11:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending nominations.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO
MEET

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 13, 2009, at 10 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 13, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS
MAILINGS

The filing date for 2009 third quarter Mass Mailings is Monday, October 26, 2009. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing

date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

VETERANS HEALTH CARE BUDGET
REFORM AND TRANSPARENCY
ACT OF 2009

Mr. DURBIN. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 1016.

The Presiding Officer laid before the Senate a message from the House as follows:

H.R. 1016

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1016) entitled "An Act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.", with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Health Care Budget Reform and Transparency Act of 2009".

SEC. 2. PRESIDENT'S BUDGET SUBMISSION.

Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(36) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

"(A) Medical Services.

"(B) Medical Support and Compliance.

"(C) Medical Facilities.".

**SEC. 3. ADVANCE APPROPRIATIONS FOR CERTAIN
MEDICAL CARE ACCOUNTS OF THE
DEPARTMENT OF VETERANS AF-
FAIRS.**

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 116 the following new section:

**"§ 117. Advance appropriations for certain
medical care accounts**

"(a) IN GENERAL.—For each fiscal year, beginning with fiscal year 2011, discretionary new budget authority provided in an appropriations Act for the medical care accounts of the Department shall—

"(1) be made available for that fiscal year; and

"(2) include, for each such account, advance discretionary new budget authority that first becomes available for the first fiscal year after the budget year.

"(b) ESTIMATES REQUIRED.—The Secretary shall include in documents submitted to Congress in support of the President's budget submitted pursuant to section 1105 of title 31, United States Code, detailed estimates of the funds necessary for the medical care accounts of the Department for the fiscal year following the fiscal year for which the budget is submitted.

"(c) MEDICAL CARE ACCOUNTS.—For purposes of this section, the term 'medical care accounts of the Department' means the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

"(1) Medical Services.

"(2) Medical Support and Compliance.

"(3) Medical Facilities.

"(d) ANNUAL REPORT.—Not later than July 31 of each year, the Secretary shall submit to Congress an annual report on the sufficiency of the

Department's resources for the next fiscal year beginning after the date of the submittal of the report for the provision of medical care. Such report shall also include estimates of the workload and demand data for that fiscal year."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 113 the following new line:

"117. Advance appropriations for certain medical care accounts."

**SEC. 4. COMPTROLLER GENERAL REVIEW OF THE
ACCURACY OF VA MEDICAL CARE
BUDGET SUBMISSION IN RELATION
TO BASELINE HEALTH CARE MODEL
PROJECTION.**

(a) REVIEW OF ACCURACY OF MEDICAL CARE BUDGET SUBMISSION.—The Comptroller General shall conduct a review of each budget of the President for a fiscal year that is submitted to Congress pursuant to section 1105(a) of title 31 in order to assess whether or not the relevant components of the amounts requested in such budget for such fiscal year for the medical care accounts of the Department of Veterans Affairs specified in section 117(c) of title 38, United States Code, as added by section 3, are consistent with estimates of the resources required by the Department for the provision of medical care and services in such fiscal year, as forecast using the Enrollee Health Care Projection Model, or other methodologies used by the Department.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 120 days after the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate and the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives and to the Secretary a report on the review conducted under subsection (a).

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) An assessment of the review conducted under subsection (a).

(B) The basis for such assessment.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.

Mr. AKAKA. Mr. President, I am very pleased that the Senate and House Veterans' Affairs Committees have worked out an agreement on S. 423 and H.R. 1016, the proposed Veterans Health Care Budget Reform and Transparency Act of 2009. With the President's signature, this vital piece of legislation, which I will refer to as the "Compromise Agreement," will authorize, beginning in fiscal year 2011, advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing 2 fiscal year budget authority.

This compromise agreement will provide sufficient, timely, and predictable health care funding to those who have sacrificed a great deal for this Nation. By ensuring advanced appropriations to the medical services, medical support and compliance, and medical facilities accounts, VA will be able to better align its funding cycles and function more effectively.

The VA system has experienced recurrent problems with receiving proper

and timely appropriations. Funds for VA have been appropriated late in 19 of the past 22 years, and in the past 7 years, such appropriations were only received, on average, 3 months after the commencement of the new fiscal year. In testimony provided to the Senate Committee on Veterans' Affairs in conjunction with a hearing in July of 2007, James Dudley, a former director of the Richmond VA Medical Center, wrote that as a VA hospital administrator he dealt with the "uncertainty of sufficient resources to meet the needs of the veteran population." He went on to say that, "Our primary concern was always quality of care so we delayed maintenance, construction or equipment purchases to ensure that the patients were cared for."

Also, because of the uncertainty, requests for supplemental appropriations for VA health care have also increased in frequency during recent years. This compromise agreement will represent a step in the right direction, as VA administrators and directors will be able to more efficiently service veterans with adequate and stable funding to the VA health care system.

I recognize mandating a 2-fiscal year budget authority is a serious undertaking, and as such, have worked to have the compromise agreement lead to enhanced oversight of the VA health care budget process. The Comptroller General of the United States will be required to conduct a study of adequacy and accuracy of the budget projections made by VA's enrollee health care projection model or any other model or methodology used to measure health care expenditures, for each fiscal year of the budget request. The Comptroller General's report would be submitted to both the Senate and House Veterans' Affairs Committees no later than 120 days after the date on which the President submits the budget request for the coming fiscal year.

Advanced funding is a concept that has been endorsed by The Partnership for Veterans Health Care Budget Reform, an organization made up of nine major veterans service organizations—The American Legion, American Veterans, Blinded Veterans Association, Disabled American Veterans, Jewish War Veterans of the USA, Military Order of the Purple Heart of the USA, Inc., Paralyzed Veterans of America, Veterans of Foreign Wars of the United States, and Vietnam Veterans of America, Inc. It is also endorsed by The Independent Budget; The Military Coalition, an organization of 35 veterans and military service organizations; and the American Federation for Government Employees.

I appreciate the support from our colleagues who have cosponsored this legislation, including Veterans' Affairs Committee members Senators BURR, ROCKEFELLER, MURRAY, SANDERS, BROWN, TESTER, BEGICH, BURRIS, SPECTER, and ISAKSON. I am also grateful to Senator SNOWE for serving as an original cosponsor.

This legislation will allow the government to honor its obligation to provide high quality, consistent, and adequate health care to the Nation's veterans and I am gratified will soon become public law.

I ask unanimous consent that the Explanatory Statement for this legislation be printed in the RECORD.

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

EXPLANATORY STATEMENT SUBMITTED BY SENATOR AKAKA, CHAIRMAN OF THE SENATE COMMITTEE ON VETERANS' AFFAIRS, REGARDING H.R. 1016 VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

H.R. 1016, as amended, the "Veterans Health Care Budget Reform and Transparency Act of 2009," reflects a Compromise Agreement reached by the Senate and House Committees on Veterans' Affairs (the Committees) on the following bills reported during the 111th Congress: H.R. 1016, as amended (House bill); S. 423 (Senate bill). H.R. 1016, as amended, passed by the House of Representatives on June 23, 2009. The text of S. 423 passed the Senate as a substitute amendment to the House bill on August 6, 2009.

The Committees have prepared the following explanation of H.R. 1016, as further amended to reflect a compromise agreement between the Committees (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provisions of the Senate Bill and the House Bill are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

SECTION 1. SHORT TITLE

Both the House bill (section 1) and the Senate bill (section 1) would provide the short title as the "Veterans Health Care Budget Reform and Transparency Act of 2009."

The Compromise Agreement contains this provision.

SECTION 2. PRESIDENT'S BUDGET SUBMISSION

The House bill (section 3) would amend section 1105 of title 31, United States Code, to require the President to submit information on the estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the Medical Services, Medical Support and Compliance, Medical Facilities, Information Technology Systems, and Medical and Prosthetic Research accounts of the Department of Veterans Affairs.

The Senate bill contains no similar provision.

The Compromise Agreement contains the House provision but modifies it to require information on the estimates for three accounts: the Medical Services, Medical Support and Compliance, and Medical Facilities accounts.

SECTION 3. ADVANCE APPROPRIATIONS FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

The House bill (section 4) would amend title 38, United States Code, to add a new section providing authority, beginning with fiscal year 2011, for the provision of advance appropriations for the Medical Services, Medical Support and Compliance, Medical Facilities, Information Technology Systems, and Medical and Prosthetic Research accounts of the Department of Veterans Affairs. The new section would require the Department of Veterans Affairs to provide additional detailed budget estimates in support

of advance appropriations for these accounts in the annual information it provides to Congress in support of the Department's budget request. The House bill would also require a report to be submitted annually to Congress, no later than July 31 of each year, on the sufficiency of the Department's resources for the fiscal year beginning after the date of the submission of the report for the provision of medical care and include estimates of the workload and demand data for that fiscal year.

The Senate bill (section 3) would amend title 38, United States Code, to add a new section providing that, beginning with fiscal year 2011, new discretionary budget authority for the provision of advance appropriations for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Department of Veterans Affairs, shall be made available for the fiscal year involved, and shall include new discretionary budget authority for such accounts that become available for the first fiscal year after such fiscal year.

The Compromise Agreement contains the House provision modified to include only the three accounts specified in the Senate bill.

SECTION 4. COMPTROLLER GENERAL REVIEW OF THE ACCURACY OF VA MEDICAL CARE BUDGET SUBMISSIONS IN RELATION TO BASELINE HEALTH CARE MODEL PROJECTION.

Both the House bill (section 5) and the Senate bill (section 4) would provide for enhanced oversight of the Department of Veterans Affairs budget process by requiring the Comptroller General to conduct a study of the adequacy and accuracy of baseline model projections for health care expenditures. Both the House bill and Senate bill would require the Comptroller General to submit reports on the dates in 2011, 2012, and 2013 that the President submits a budget request for the next fiscal year, to appropriate Committees of Congress and to the Secretary of Veterans Affairs, containing statements of whether the amounts requested in the budget by the President are consistent with anticipated expenditures for health care in such fiscal year as determined utilizing the Enrollee Health Care Projection Model, its equivalent, or other methodologies.

The Compromise Agreement contains this provision modified to require the annual reports to be submitted not later than 120-days after the submission of the President's budget and to include an assessment of the review conducted by the Comptroller General as to whether or not the relevant components of the budget request are consistent with the estimates of the Department of Veterans Affairs for the provision of medical care and services. The Committees have selected a 120-day deadline to give the Comptroller General sufficient time to review the President's budget following its submission and to, at the very least, inform the deliberations of the House and Senate Appropriations Committees prior to their consideration of VA appropriations bills. However, it is the Committees' desire that, notwithstanding the 120-day deadline, the reports under this section be submitted as quickly as possible after submission of the President's budget request so as to be useful by the Committees in meeting their responsibilities under the Congressional Budget Act of 1974 to provide views and estimates on matters within their jurisdiction to the House and Senate Budget Committees, as well as during deliberation on annual Congressional budget resolutions.

PROVISIONS NOT ADOPTED

Section 2 of the House bill would express the Sense of the Congress that the provision of health care services to veterans could be more effectively and efficiently planned and

managed if funding was provided for the management and provision of such services in the form of advance appropriations.

Section 2 of the Senate amendment expresses Congressional findings which support the need for enactment of advance appropriations for VA medical care.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate concur in the House amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES SECRET SERVICE UNIFORMED DIVISION MODERNIZATION ACT OF 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 171, S. 1510.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1510) to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1510) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:
S. 1510

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 “United States Secret Service Uniformed Division Modernization Act of 2009”.

SEC. 2. PURPOSE.

The purpose of this Act is to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

SEC. 3. HUMAN RESOURCES FOR UNITED STATES SECRET SERVICE UNIFORMED DIVISION.

(a) PAY FOR MEMBERS OF THE UNITED STATES SECRET SERVICE UNIFORMED DIVISION.—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following:

“CHAPTER 102—UNITED STATES SECRET SERVICE UNIFORMED DIVISION PERSONNEL

- “Sec.
- “10201. Definitions.
- “10202. Authorities.
- “10203. Basic pay.
- “10204. Rate of pay for original appointments.
- “10205. Service step adjustments.
- “10206. Technician positions.
- “10207. Promotions.
- “10208. Demotions.
- “10209. Clothing allowances.

“§ 10201. Definitions

“In this chapter—
“(1) the term ‘member’ means an employee of the United States Secret Service Uni-

formed Division having the authorities described under section 3056A(b) of title 18;

“(2) the term ‘Secretary’ means the Secretary of the Department of Homeland Security; and

“(3) the term ‘United States Secret Service Uniformed Division’ has the meaning given that term under section 3056A of title 18.

“§ 10202. Authorities

“(a) IN GENERAL.—The Secretary is authorized to—

“(1) fix and adjust rates of basic pay for members of the United States Secret Service Uniformed Division, subject to the requirements of this chapter;

“(2) determine what constitutes an acceptable level of competence for the purposes of section 10205;

“(3) establish and determine the positions at the Officer and Sergeant ranks to be included as technician positions; and

“(4) determine the rate of basic pay of a member who is changed or demoted to a lower rank, in accordance with section 10208.

“(b) DELEGATION OF AUTHORITY.—The Secretary is authorized to delegate to the designated agent or agents of the Secretary, any power or function vested in the Secretary under in this chapter.

“(c) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to administer this chapter.

“§ 10203. Basic pay

“(a) IN GENERAL.—The annual rates of basic pay of members of the United States Secret Service Uniformed Division shall be fixed in accordance with the following schedule of rates, except that the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks is limited to 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

“Rank	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
Officer	\$44,000	\$46,640	\$49,280	\$51,920	\$54,560	\$57,200	\$59,840	\$62,480	\$65,120	\$67,760	\$70,400	\$73,040	\$75,680
Sergeant				59,708	62,744	65,780	68,816	71,852	74,888	77,924	80,960	83,996	87,032
Lieutenant					69,018	72,358	75,698	79,038	82,378	85,718	89,058	92,398	95,738
Captain						79,594	83,268	86,942	90,616	94,290	97,964	101,638	105,312
Inspector							91,533	95,758	99,983	104,208	108,433	112,658	116,883
Deputy Chief	The rate of basic pay for Deputy Chief positions will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Assistant Chief	The rate of basic pay the Assistant Chief position will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Chief	The rate of basic pay the Chief position will be equal to the rate of pay for level V of the Executive Schedule.												

“(b) SCHEDULE ADJUSTMENT.—

“(1)(A) Effective at the beginning of the first pay period commencing on or after the first day of the month in which an adjustment in the rates of basic pay under the General Schedule takes effect under section 5303 or other authority, the schedule of annual rates of basic pay of members (except the Deputy Chiefs, Assistant Chief and Chief) shall be adjusted by the Secretary by a percentage amount corresponding to the percentage adjustment made in the rates of pay under the General Schedule.

“(B) The Secretary may establish a methodology of schedule adjustment that—

“(i) results in uniform fixed-dollar step increments within any given rank; and

“(ii) preserves the established percentage differences among rates of different ranks at the same step position.

“(2) Notwithstanding paragraph (1), the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks after adjustment under paragraph (1) may not exceed 95 percent of the rate of

pay for level V of the Executive Schedule under subchapter II of chapter 53.

“(3) Locality-based comparability payments authorized under section 5304 shall be applicable to the basic pay for all ranks under this section, except locality-based comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the member, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

“§ 10204. Rate of pay for original appointments

“(a) IN GENERAL.—Except as provided in subsection (b), all original appointments shall be made at the minimum rate of basic pay for the Officer rank set forth in the schedule in section 10203.

“(b) EXCEPTION FOR SUPERIOR QUALIFICATIONS OR SPECIAL NEED.—The Director of the United States Secret Service or the designee of the Director may appoint an individual at a rate above the minimum rate of basic pay for the Officer rank based on the individual’s

superior qualifications or a special need of the Government for the individual’s services.

“§ 10205. Service step adjustments

“(a) DEFINITION.—In this section, the term ‘calendar week of active service’ includes all periods of leave with pay or other paid time off, and periods of non-pay status which do not cumulatively equal one 40-hour work-week.

“(b) ADJUSTMENTS.—Each member whose current performance is at an acceptable level of competence shall have a service step adjustment as follows:

“(1) Each member in service step 1, 2, or 3 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 52 calendar weeks of active service in the member’s service step.

“(2) Each member in service step 4, 5, 6, 7, 8, 9, 10, or 11 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 104 calendar weeks