

## AMENDMENT NO. 2685

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 2685 intended to be proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself and Mr. NELSON, of Florida):

S. 2731. A bill to improve disaster assistance provided by the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana—Federal disaster preparedness. As you know, along the Gulf Coast, we keep an eye trained on the Gulf of Mexico during hurricane season. This is following the devastating one-two punch of Hurricanes Katrina and Rita of 2005 as well as Hurricanes Gustav and Ike last year. Our communities and businesses are still recovering from these disasters—some from a disaster that devastated the Gulf Coast almost 5 years ago. For this reason, as Chair of the Senate Committee on Small Business and Entrepreneurship disaster preparedness is one of my top priorities. While the Gulf Coast is prone to hurricanes, other parts of the country are no strangers to disaster. For example, the Midwest has tornadoes, California experiences earthquakes and wildfires, and the Northeast sees crippling snowstorms. So no part of our country is spared from disasters—disasters which can and will strike at any moment. With this in mind, we must ensure that the Federal Government is better prepared and has the tools necessary to respond quickly, effectively following a disaster.

As I mentioned, everyone around the country is familiar with the impact of Hurricanes Katrina and Rita on the New Orleans area and the southeast part of our state. Images from the devastation following these storms, and the subsequent Federal levee breaks, were transmitted around the country and around the world. This is because Katrina was the deadliest natural disaster in United States history, with 1,800 people killed—1,500 alone in Louisiana. Katrina was also the costliest natural disaster in United States history with over \$81.2 billion in damage. In Louisiana, we had 18,000 businesses catastrophically destroyed and 81,000 businesses economically impacted. I believe that, across the entire Gulf Coast, some estimates ran as high as 125,000 businesses impacted by Katrina and Rita. While we have made significant progress in rebuilding infrastruc-

ture, housing, and our economy, I continue to hear from individual business owners who are struggling to fully recover. These business owners tell me that they have not been hit by one disaster but three: Hurricane Katrina in 2005, Hurricane Gustav in 2008, and the economic downturn. Louisiana was slow to feel the brunt of the credit crunch and economic meltdown but last year we began to see the drying up of investments and the shrinking of consumers' pocketbooks.

One business owner that I have met with is Charles R. "Ray" Bergeron. He and his wife own Fleur de Lis Car Care Center in New Orleans, Louisiana. Small Business Administration, SBA, Administrator Karen Mills and I toured Mr. Bergeron's business during a visit to New Orleans on June 30, 2009. As a result of Hurricane Katrina, Mr. and Mrs. Bergeron found themselves having to take out two loans, one for their house and another for their small business. Pre-Katrina, Fleur de Lis Car Care Center had 8 employees. As of our visit in June, they were down to 2 employees not including Mr. Bergeron. They have a \$225,000 SBA disaster loan with a standard 30-year term. According to Mr. Bergeron, he will not pay it off until he is 101 years old. The business was back at about 40 percent of pre-Katrina sales, due in large measure to the population not being back. Their neighborhood is mostly empty homes. He attributes part of slow population recovery to high flood insurance premiums, high property taxes and high homeowner's insurance. These are the type of businesses that we must ensure keep their doors open: businesses that took the initiative to re-open right after the disaster. These "pioneer" businesses serve as anchors to the community in the early days of recovery. If residents see their favorite restaurant open or the local gas station, they are more likely to come back to rebuild their homes.

In order to help ongoing recovery efforts in the Gulf Coast, and to give the SBA more tools to respond after a future disaster, I am introducing the Small Business Administration Disaster Recovery and Reform Act of 2009. This legislation builds off of SBA disaster reforms enacted last year and also provides targeted assistance for Gulf Coast recovery. My bill also includes an important provision authorizing SBA to help families impacted by defective drywall manufactured in the People's Republic of China.

In terms of immediate recovery assistance, Title I of the bill includes three provisions which I believe will help both Gulf Coast businesses as well as families nationwide dealing with toxic drywall in their homes. First, this bill amends Section 12086 added by SBA disaster reforms in the 2008 Farm Bill. This provision created a Gulf Coast Disaster Loan Refinancing Program. The intent of the program, as I understand it from my colleagues in the House of Representatives, was to

allow Gulf Coast businesses and homeowners to defer for up to 4 years, payments on SBA disaster loans. This provision certainly had good intentions, however, we are a year on and the program has yet to be implemented. That is because in practice the program would likely be re-amortizing the same debt and, under the Credit Reform Act, to refinance a \$1,000,000 disaster loan would require \$1,000,000 in additional funding. To try to salvage this program, my bill would require SBA to report back to Congress in 30 days with recommendations on improving this program. These recommendations could include such additional options as modifying the end of the deferment date of loans, reducing interest payments on loans, extending out the term of loans to 35 years or other changes to the program that might make it more workable. I believe this program is on the right track, Congress just needs advice from the SBA on how we can make it work better to actually help people in the Gulf Coast.

The next provision in Title I relates to minority businesses in the Gulf Coast that were impacted by Hurricanes Katrina and Rita. Everyone is familiar with the images and the cost of these storms, but they may not be too familiar with the impact on individual businesses. In particular, I am speaking about the affects of Hurricanes Katrina and Rita on minority firms in the Gulf Coast. As a result of these storms, many minority firms in the Gulf Coast were disrupted and thus lost valuable time for participating in the 8(a) program. The 8(a) business development initiative, created under the Small Business Administration, helps minority entrepreneurs access Federal contracts and allows companies to be certified for increments of three years. These contracts are vital to the revival of these impacted areas. However, as currently structured the program allows businesses to participate for a limited length of time, 9 years, after which they can never re-apply nor get back into the program. It is imperative that we provide contracting assistance to our local minority businesses.

My bill includes a provision which would tackle this problem in three important ways. First, the bill extends 8(a) eligibility for program participants in Katrina/Rita-impacted areas in Louisiana, Mississippi, and Alabama by 24 months. The bill would also apply to any areas in the state of Louisiana, Mississippi and Alabama that have been designated by the Administrator of the Small Business Administration as a disaster area as a result of Hurricanes Katrina or Rita. Lastly, the bill would require the administrator of the Small Business Administration to ensure that every small business participating in the 8(a) program before the date of enactment of the Act is reviewed and brought into compliance with this act. This requirement would ensure that any eligible previous 8(a) participants will be allowed back into

the program. As such, these key provisions would ensure that these businesses continue to play a vital role in rebuilding their communities. I note that I introduced a similar provision as part of S. 3285, the Disadvantaged Business Disaster Eligibility Act during the 110th Congress. Last Congress, the proposal passed the House of Representatives but we were unable to pass the legislation here in the Senate before we adjourned for the year. I look forward to renewing my fight this Congress as I believe that this is a commonsense proposal which would not cost a great deal. It would, however, make a huge difference for these businesses impacted by Katrina and Rita.

The last recovery-related provision in Title I of the bill is focused on families impacted by defective drywall manufactured in the People's Republic of China. Since 2006, more than 550 million pounds of drywall have been imported to the United States from China. This drywall was used because at the time there was a shortage of product by domestic drywall producers and there was increased demand due to recovery from the 2004/2005 hurricanes and the housing boom. In the last 20 months, however, countless homeowners across the country have reported serious metal corrosion, noxious fumes, and health concerns. Reported symptoms have included bloody noses, headaches, insomnia, and skin irritation. Preliminary testing has confirmed that imported defective drywall is the problem, but these tests have not been able to pinpoint the problem substance in the drywall.

Just last week, the Consumer Product Safety Commission, CPSC, released additional preliminary results of this drywall which did not identify the exact cause but did outline areas for concern. First, CPSC tested Chinese drywall and compared it with U.S.-made drywall. Chinese drywall contained elemental sulfur and higher levels of strontium—both not in domestic drywall. These findings are similar to May 2009 test results from the Environmental Protection Agency, EPA. Strontium and sulfur, in increased levels, have been linked to possible health problems. CPSC also carried out chamber testing on emissions from samples of Chinese-made and domestic drywall. Early results show that Chinese drywall emits volatile sulfur compounds at a higher rate than U.S. drywall. Further testing is underway to determine the specific compounds being emitted. Lastly, Federal officials analyzed indoor air results from 10 homes in Florida and Louisiana. This study led to a preliminary finding of detectable concentrations of two known irritants: acetaldehyde and formaldehyde. The concentrations were at levels that could worsen asthma or other conditions, especially when air conditioners were off/not working. Later this month, the CPSC is expected to release more comprehensive information on Chinese drywall. This in-

cludes results of a 50-home air sampling project and a preliminary engineering analysis of potential electrical/fire safety issues related to metal corrosion. Key to any results would be Federal recommendations on testing and remediation protocols for Chinese drywall. This would be crucial for homeowners who currently have no definitive way to prove they have Chinese drywall in their homes or procedures to remove the product for good.

In total, as of last week the CPSC had received 1,900 incident reports from 30 States, the District of Columbia and Puerto Rico. The majority of these reports, 1,317, came from Florida, with Louisiana next, 339, followed by Virginia, 69, Mississippi, 63, and Alabama, 32. These figures demonstrate that this problem is not just an obstacle to Gulf Coast recovery efforts but may also pose a threat to homeowners across the country.

To help homeowners struggling with this defective product, I have worked closely over the past few months with my Senate colleagues from Florida and Virginia. This summer, Senator BILL NELSON and I were successful, along with the leadership of the Senate Appropriations Committee, in pushing the CPSC to allocate \$2,000,000 in unobligated funds to help the Chinese drywall investigation. Senator NELSON and Senators MARK WARNER and JIM WEBB from Virginia also wrote to the Internal Revenue Service inquiring if they could assist homeowners. The IRS indicated in July that homeowners may be able to claim a casualty loss on their tax returns if they have Chinese drywall that emits an unusual or severe concentration of chemical fumes that causes extreme and unusual damage. We have also written to the Federal Emergency Management Agency, FEMA, inquiring if the agency could provide emergency rental assistance as it has done in the past.

In July, my Senate colleagues and I wrote to the SBA asking what they could do under existing authority to help these families. In its October 29, 2009, response to this letter, SBA indicated that it did not currently have the authority to assist homeowners impacted by drywall. This is because, under the current law, SBA's definition of a disaster only includes typical natural disasters such as tornadoes, hurricanes, wildfires, or snowstorms. However, it is my understanding that for previous disasters, there is a precedent in Congress authorizing SBA to respond to a specific disaster and one instance where Congress tasked \$25,000,000 in existing funds to help ongoing recovery efforts. Manufacturers of this product should bear the majority of the financial burden for remediation but I believe there is a limited role for SBA to play in assisting homeowners with toxic drywall.

For this reason, the legislation I am introducing today includes an authorization for the SBA Administrator to provide disaster home loans in States

in which a Governor declares a disaster because of defective drywall. The provision would cover drywall which entered the United States from China from 2004 to 2008 and is demonstrated to cause corrosion or property damage. I note that this provision would not provide SBA funds for losses or damage covered by insurance or other sources. This authorization also caps the funding at this program at no more than 25 percent of the funds appropriated for SBA disaster assistance. In a normal Appropriations cycle, this would equate to about \$25,000,000 in funds or \$250,000,000 in actual disaster loans. If enacted, this provision would go a long way towards helping these struggling families.

While it is important to respond to ongoing recovery-related needs across the country, we must also ensure that the SBA is better prepared for future disasters. To these ends, my committee held a field hearing in Galveston, Texas on September 25, 2009. This hearing focused on the initial Federal response and ongoing recovery efforts from Hurricane Ike in 2008. The hearing was the first Congressional hearing held in Galveston since Hurricane Ike struck the Texas Gulf Coast last year. With this in mind, we were able to hear firsthand Federal, State, and local officials on the progress of rebuilding Galveston Island. My committee also heard from business owners on the challenges that emerged in the year that passed since Ike made landfall.

This hearing highlighted improvements in SBA's disaster programs since the 2005 storms. For example, after Katrina and Rita, the Federal response was slow; planning was insufficient, and staff and funding came up short. Following the 2005 storms, it took SBA 90 days to process a home loan and 70 days to process a business loan. After this woeful performance, I pushed for a change in SBA leadership and changes in the way they respond to disasters. In 2006, a new SBA Administrator, Steve Preston, took over and, at my request, he implemented a new SBA Disaster Response Plan in time for the 2007 hurricane season. This plan was a major improvement over the unwieldy, bureaucratic procedures that guided SBA post-Katrina/Rita. SBA will also be submitting to Congress in the next few weeks 2009 revisions to the Disaster Response Plan. I look forward to reviewing these changes in the event that additional improvements are needed.

Last year, as part of the 2008 Farm Bill, Congress also passed legislative reforms to SBA's disaster programs. These reforms, along with other key improvements: Increased SBA loan limits from \$1.5 million to \$2 million; created new tools such as bridge loans or private disaster loans following catastrophic disasters; required coordination between FEMA, SBA, and the IRS; and allowed nonprofits, for the first time, to be eligible for SBA economic injury disaster loans. Earlier this year, our committee heard testimony from

local officials in southwest Louisiana that SBA was better prepared and more responsive following Gustav and Ike. As evidence of this, I note that it took 5 days to process a home loan following Ike, compared to the 90 days after Katrina and Rita. Business loans averaged a little over a week to process, compared to the 70 days in 2005.

However, although we heard about improvements to SBA's disaster response at the Galveston hearing, we also learned of additional areas that SBA could further improve its operations. While SBA is processing loans faster, there are still complaints from disaster victims on paperwork and bureaucracy. For example, as of August 31, SBA had received about 2,400 business applications for disaster assistance in Galveston County. 536 of those applications were approved for \$84 million but, to date, only \$24 million has been disbursed for 280 of these loans. In light of these facts, I am concerned that 2008 disaster reforms might not have gone far enough in giving SBA the tools it needs to help businesses and homeowners after a future disaster. Title II of my legislation dovetails upon the reforms from last year to improve SBA coordination with other disaster response agencies. This section also makes SBA disaster loans more effective in reaching disaster victims most in need of assistance.

As indicated above, when Katrina hit, our businesses and homeowners had to wait months for loan approvals. I do not know how many businesses we lost because help did not come in time. Because of the scale of this disaster, what these businesses needed was immediate, short-term assistance to hold them over until SBA was ready to process the tens of thousands of loan applications it received. That is why in last year's SBA disaster reforms, I included a provision—the Expedited Disaster Assistance Loan Program—to allow the SBA Administrator with the ability to set up a program to make short-term, low-interest loans to keep them afloat. These loans will allow businesses to make payroll, begin making repairs, and address other immediate needs while they are awaiting insurance payouts or regular SBA Disaster Loans.

This provision also directed SBA to study ways to expedite disaster loans for those businesses in a disaster area that have a good, solid track record with the SBA or can provide vital recovery efforts. We had many businesses in the Gulf Coast that had paid off previous SBA loans, were major sources of employment in their communities, but had to wait months for decisions on their SBA Disaster Loan applications. I do not want to get rid of the SBA's current practice of reviewing applications on a first-come-first-served basis, but there should be some mechanism in place for major disasters to get expedited loans out the door to specific businesses that have a positive record with SBA or those that could serve a

vital role in the recovery efforts. Expedited loans would jump-start impacted economies, get vital capital out to businesses, and retain essential jobs following future disasters.

While I am proud of this provision, I believe that with a few additional revisions, this program could be more successful. For this reason, Section 201 of this bill increases the loan limit from \$150,000 to \$250,000 and allows the SBA Administrator to utilize this program, as needed, in either a catastrophic or a major disaster. Currently, the program is limited only to a catastrophic disaster, despite the fact that another bridge loan program from the 2008 Farm Bill—the Immediate Disaster Assistance Loan Program—is available for both catastrophic and major disasters. I realize that every disaster is different and could range from a disaster on the scale of Hurricane Katrina or 9/11, to an ice storm or drought. The modification in my bill would allow SBA additional options and flexibility in the kinds of relief they can offer a community. When a tornado destroys 20 businesses in a small town in the Midwest, SBA can get the regular disaster program up and running fairly quickly. You may not need short-term loans in this instance. But if you know that SBA's resources would be overwhelmed by a storm—just as they were initially with Katrina—these expedited business loans would be very helpful. This section also changes the name of the program to the "Pioneer Business Recovery Program" as the intent of the program is to help "second responder" or "pioneer" businesses that want to reopen immediately following a storm.

The next provision of my bill, Section 202, increases SBA disaster loan limits. In particular, it is my understanding that SBA's disaster home loan limits have not been adjusted since the 1990s. The current limit for SBA disaster loans to replace personal property is \$40,000, and the limit for SBA disaster loans to repair damaged homes is \$200,000. My legislation would increase the limits to \$80,000 and \$400,000, respectively. The bill also increases the SBA disaster business loan limit from \$2,000,000 to \$4,000,000. I believe that these increases would allow SBA to better address the needs of disaster victims in the future.

Section 203 of the bill authorizes SBA to create a State Bridge Loan Guarantee Program. This program would enhance existing partnerships between SBA and States which administer bridge loan programs following disasters. Currently, SBA consults with States pre-disaster on the structure of their program. This is to ensure that these programs run effectively and do not duplicate assistance provided by the SBA disaster assistance program. There are various States, including Louisiana and Florida, which have successful bridge loan programs, and other States which would consider this type of program if there was better Federal

State coordination. Section 203 would allow the SBA Administrator to issue guidelines on an SBA-approved bridge loan program. After issuing these guidelines, SBA could then review State applications and, if necessary, guarantee bridge loans from approved States following a disaster. I would note that this provision was part of S. 3664, the Small Business Disaster Recovery Assistance Improvements Act of 2006 which I introduced in the 109th Congress.

Another provision which I would like to highlight in this bill is Section 205. This section amends the Small Business Act to make aquaculture businesses eligible for SBA Economic Injury Disaster Loans. Currently, such businesses, including crawfish farmers, oyster farmers, shellfish farmers, are excluded from eligibility for these loans. In Louisiana, our aquaculture businesses in the southern part of the State were hit hard by both Hurricane Katrina and Rita. These businesses, many crawfish farmers or those with fish farms, were ineligible for U.S. Department of Agriculture, USDA, disaster assistance, but were also ineligible for SBA disaster loans. We also learned that similar problems followed Hurricanes Gustav and Ike in 2008. I believe that the commonsense fix in my bill will give these businesses the help they need to recover from future disasters.

I am concerned about the larger problem which was raised by aquaculture businesses in my State being caught in limbo between USDA and SBA disaster programs. SBA for example provides physical and economic injury disaster loan assistance to businesses that are victims of a declared disaster. However, the Small Business Act excludes agricultural enterprises from eligibility. The act defines "agricultural enterprises" as "those businesses engaged in the production of food and fiber, ranching, and raising livestock, aquaculture, and all other farming and agricultural related industries." Thus, if a business is an agricultural enterprise, SBA is prohibited from providing disaster loan assistance. Prior to 1976, agricultural enterprises were covered by USDA only, and between 1976 and 1986, several statutes allowed agricultural enterprises to be eligible for SBA assistance under certain conditions. As a result of a couple of factors though including duplication of benefits, disparity of service between SBA and USDA and loan shopping, Public Law. 99-272 repealed agricultural eligibility for SBA disaster loans. Since then, all agricultural enterprises have been referred to USDA for disaster loans.

Though USDA has several disaster programs, most are related to production loss of crops. The Farm Service Agency's Emergency Loan Program covers some agriculture related disaster losses, but operates under different eligibility rules from SBA. They

are limited to production on agriculture operations and restrict eligibility to “family farm” operations. The disparity between eligibility requirements for the SBA and USDA has resulted in many agricultural businesses being ineligible for disaster assistance at all. Included in that category are horse-related businesses, feedlots, animal breeders and sellers, nurseries, floriculture, tree farms, fish or shellfish business, seed producers, along with others. That is because, to currently be eligible for an SBA disaster loan, a primarily agricultural enterprise must have a separable non-agricultural component, which may be eligible for physical disaster loan assistance provided that it is a separate part of the agricultural enterprise, with separate income, operations, expenses, assets, etc. For economic injury disaster loan assistance, the Small Business Act limits eligibility to small businesses, small agricultural cooperatives, producer cooperatives, and private non-profit organizations. Therefore, the business must meet the eligibility requirements for a small business, and for purposes of EIDL eligibility, the activity of a business must be nonagricultural.

To try to identify some of these gaps between USDA and SBA disaster assistance, Section 209 would require SBA, in consultation with USDA, to report to Congress within 120 days. This report would identify gaps in assistance and provide recommended legislative/administrative changes to fix these problems. For my part, I would like to get these agencies on the same page to ensure that businesses in need—whether they be small businesses or agricultural businesses—are not deprived of assistance if a disaster happens in their area.

In closing, the legislation I am introducing today is an important first step for the Small Business Administration. That is because I am hopeful that, at the appropriate time, my committee can send to the full Senate legislation which will both reform SBA’s disaster programs and address ongoing recovery needs across the country. With that goal in mind, I plan to work with my colleagues on both sides of the aisle in the coming months to identify their priorities on these issues.

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

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

S. 2731

*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 “Small Business Administration Disaster Recovery and Reform Act of 2009”.

**SEC. 2. DEFINITIONS.**

In this Act—

(1) the terms “Administration” and “Administrator” mean the Small Business Ad-

ministration and the Administrator thereof, respectively;

(2) the term “approved State Bridge Loan Program” means a State Bridge Loan Program approved under section 203(b);

(3) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act; and

(4) the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

**SEC. 3. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Definitions.

Sec. 3. Table of contents.

**TITLE I—GULF COAST RECOVERY AND ASSISTANCE FOR HOMEOWNERS IMPACTED BY DRYWALL MANUFACTURED IN THE PEOPLE’S REPUBLIC OF CHINA**

Sec. 101. Report on the Gulf Coast Disaster Loan Refinancing Program.

Sec. 102. Extension of participation term for victims of Hurricane Katrina or Hurricane Rita.

Sec. 103. Assistance for homeowners impacted by drywall manufactured in the People’s Republic of China.

**TITLE II—IMPROVEMENTS TO ADMINISTRATION DISASTER ASSISTANCE PROGRAMS**

Sec. 201. Improvements to the Pioneer Business Recovery Program.

Sec. 202. Increased limits.

Sec. 203. State bridge loan guarantee.

Sec. 204. Modified collateral requirements.

Sec. 205. Aquaculture business disaster assistance.

Sec. 206. Regional outreach on disaster assistance programs.

Sec. 207. Duplication of benefits.

Sec. 208. Administration coordination on economic injury disaster declarations.

Sec. 209. Coordination between Small Business Administration and Department of Agriculture disaster programs.

Sec. 210. Technical and conforming amendment.

**TITLE I—GULF COAST RECOVERY AND ASSISTANCE FOR HOMEOWNERS IMPACTED BY DRYWALL MANUFACTURED IN THE PEOPLE’S REPUBLIC OF CHINA**

**SEC. 101. REPORT ON THE GULF COAST DISASTER LOAN REFINANCING PROGRAM.**

Section 12086 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2184) is amended by adding at the end the following:

“(g) REPORT TO CONGRESS.—

“(1) IN GENERAL.—Not later than 30 days after the date of enactment of this subsection, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report making recommendations regarding improvements to the program.

“(2) CONTENTS.—The report under paragraph (1) may include recommendations relating to—

“(A) modifying the end of the deferment date of Gulf Coast disaster loans;

“(B) reducing interest payments on Gulf Coast disaster loans, subject to the availability of appropriations;

“(C) extending the term of Gulf Coast disaster loans to 35 years; and

“(D) any other modification to the program determined appropriate by the Administrator.”.

**SEC. 102. EXTENSION OF PARTICIPATION TERM FOR VICTIMS OF HURRICANE KATRINA OR HURRICANE RITA.**

(a) RETROACTIVITY.—If a small business concern, while participating in any program or activity under the authority of paragraph (10) of section 7(j) of the Small Business Act (15 U.S.C. 636(j)), was located in a parish or county described in subsection (b) of this section and was affected by Hurricane Katrina of 2005 or Hurricane Rita of 2005, the period during which that small business concern is permitted continuing participation and eligibility in that program or activity shall be extended for 24 months after the date such participation and eligibility would otherwise terminate.

(b) PARISHES AND COUNTIES COVERED.—Subsection (a) applies to any parish in the State of Louisiana, or any county in the State of Mississippi or in the State of Alabama, that has been designated by the Administrator as a disaster area by reason of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10205, or 10206.

(c) REVIEW AND COMPLIANCE.—The Administrator shall ensure that the case of every small business concern participating before the date of enactment of this Act in a program or activity covered by subsection (a) is reviewed and brought into compliance with this section.

**SEC. 103. ASSISTANCE FOR HOMEOWNERS IMPACTED BY DRYWALL MANUFACTURED IN THE PEOPLE’S REPUBLIC OF CHINA.**

(a) DEFINITIONS.—In this section, the term “defective drywall” means drywall board that the Administrator determines—

(1) was manufactured in the People’s Republic of China;

(2) was imported into the United States during the period beginning on January 1, 2004, and ending on December 31, 2008; and

(3) is directly responsible for substantial metal corrosion or other property damage in the dwelling in which the drywall is installed.

**(b) DISASTER ASSISTANCE FOR HOMEOWNERS IMPACTED BY DEFECTIVE DRYWALL.**

(1) IN GENERAL.—The Administrator may, upon request by a Governor that has declared a disaster as a result of property loss or damage as a result of defective drywall, declare a disaster under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) relating to the defective drywall.

(2) USES.—Assistance under a disaster declared under paragraph (1) may be used only for the repair or replacement of defective drywall.

(3) LIMITATION.—Assistance under a disaster declared under paragraph (1) may not—

(A) provide compensation for losses or damage compensated for by insurance or other sources; and

(B) exceed more than 25 percent of the funds appropriated to the Administration for disaster assistance during any fiscal year.

**TITLE II—IMPROVEMENTS TO ADMINISTRATION DISASTER ASSISTANCE PROGRAMS**

**SEC. 201. IMPROVEMENTS TO THE PIONEER BUSINESS RECOVERY PROGRAM.**

(a) IN GENERAL.—Section 12085 of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636j) is amended—

(1) in the section heading, by striking “EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM” and inserting “PIONEER BUSINESS RECOVERY PROGRAM”;

(2) by striking “expedited disaster assistance business loan program” each place it

appears and inserting “Pioneer Business Recovery Program”:

(3) in subsection (b) by striking “paragraph (9)” and all that follows and inserting “section 7(b) of the Small Business Act (15 U.S.C. 636(b))”; and

(4) in subsection (d)(3)(A), by striking “\$150,000” and inserting “\$250,000”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1651) is amended by striking the item relating to section 12085 and inserting the following:

“Sec. 12085. Pioneer Business Recovery Program.”.

#### SEC. 202. INCREASED LIMITS.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) in subsection (d)(6)—

(A) by striking “\$100,000” and inserting “\$400,000”; and

(B) by striking “\$20,000” and inserting “\$80,000”;

(2) by striking “(e) [RESERVED].”; and

(3) by striking “(f) [RESERVED].”.

#### SEC. 203. STATE BRIDGE LOAN GUARANTEE.

(a) AUTHORIZATION.—After issuing guidelines under subsection (c), the Administrator may guarantee loans made under an approved State Bridge Loan Program.

##### (b) APPROVAL.—

(1) APPLICATION.—A State desiring approval of a State Bridge Loan Program shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may require.

(2) CRITERIA.—The Administrator may approve an application submitted under paragraph (1) based on such criteria as the Administrator may establish under this section.

##### (c) GUIDELINES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue to the appropriate economic development officials in each State, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, guidelines regarding approved State Bridge Loan Programs.

(2) CONTENTS.—The guidelines issued under paragraph (1) shall—

(A) identify appropriate uses of funds under an approved State Bridge loan Program;

(B) set terms and conditions for loans under an approved State Bridge loan Program;

(C) address whether—

(i) an approved State Bridge Loan Program may charge administrative fees; and

(ii) loans under an approved State Bridge Loan Program shall be disbursed through local banks and other financial institutions; and

(D) establish the percentage of a loan the Administrator will guarantee under an approved State Bridge Loan Program.

#### SEC. 204. MODIFIED COLLATERAL REQUIREMENTS.

Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended by inserting after “which are made under paragraph (1) of subsection (b)” the following: “*Provided further*, That the Administrator shall not require collateral for a loan of not more than \$200,000 under paragraph (1) or (2) of subsection (b) relating to damage to or destruction of property of, or economic injury to, a small business concern”.

#### SEC. 205. AQUACULTURE BUSINESS DISASTER ASSISTANCE.

Section 18(b)(1) of the Small Business Act (15 U.S.C. 647(b)(1)) is amended—

(1) by striking “aquaculture”; and

(2) by inserting before the semicolon “, and does not include aquaculture”.

#### SEC. 206. REGIONAL OUTREACH ON DISASTER ASSISTANCE PROGRAMS.

(a) REPORT.—In accordance with sections 7(b)(4) and 40(a) of the Small Business Act (15 U.S.C. 636(b)(4) and 6571(a)) and not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report detailing—

(1) information on the disasters, manmade or natural, most likely to occur in each region of the Administration and likely scenarios for each disaster in each region;

(2) information on plans of the Administration, if any, to conduct annual disaster outreach seminars, including events with resource partners of the Administration, in each region before periods of predictable disasters described in paragraph (1);

(3) information on plans of the Administration for satisfying the requirements under section 40(a) of the Small Business Act not satisfied on the date of enactment of this Act; and

(4) such additional information as determined necessary by the Administrator.

(b) AVAILABILITY OF INFORMATION.—The Administrator shall—

(1) post the disaster information provided under subsection (a) on the website of the Administration; and

(2) make the information provided under subsection (a) available, upon request, at each regional and district office of the Administration.

#### SEC. 207. DUPLICATION OF BENEFITS.

(a) FINDINGS.—Congress finds the following:

(1) Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155) states the following:

(A) “The President, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other emergency, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program or from insurance or any other source.”.

(B) “Receipt of partial benefits for a major disaster or emergency shall not preclude provision of additional Federal assistance for any part of a loss or need for which benefits have not been provided.”.

(C) A recipient of Federal assistance will be liable to the United States “to the extent that such assistance duplicates benefits available to the person for the same purpose from another source.”.

(2) The Administrator should make every effort to ensure that disaster recovery needs unmet by Federal and private sources are not overlooked in determining duplication of benefits for disaster victims.

(b) REVISED DUPLICATION OF BENEFITS CALCULATIONS.—The Administrator may, after consultation with other relevant Federal agencies, determine whether benefits are duplicated after a person receiving assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) receives other Federal disaster assistance by a disaster victim.

#### SEC. 208. ADMINISTRATION COORDINATION ON ECONOMIC INJURY DISASTER DECLARATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate

and the Committee on Small Business of the House of Representatives, a report providing—

(1) information on economic injury disaster declarations under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) made by the Administrator during the 10-year period ending on the date of enactment of this Act based on a natural disaster declaration by the Secretary of Agriculture;

(2) information on economic injury disaster declarations under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) made by the Administrator during the 10-year period ending on the date of enactment of this Act based on a fishery resource disaster declaration from the Secretary of Commerce;

(3) information on whether the disaster response plan of the Administration under section 40 of the Small Business Act (15 U.S.C. 6571) adequately addresses coordination with the Secretary of Agriculture and the Secretary of Commerce on economic injury disaster assistance under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2));

(4) recommended legislative changes, if any, for improving agency coordination on economic injury disaster declarations under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)); and

(5) such additional information as determined necessary by the Administrator.

#### SEC. 209. COORDINATION BETWEEN SMALL BUSINESS ADMINISTRATION AND DEPARTMENT OF AGRICULTURE DISASTER PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) the term “agricultural small business concern” means a small business concern that is an agricultural enterprise, as defined in section 18(b)(1) of the Small Business Act (15 U.S.C. 647(b)(1)), as amended by this Act; and

(2) the term “rural small business concern” means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report detailing—

(1) information on disaster assistance programs of the Administration for rural small business concerns and agricultural small business concerns;

(2) information on industries or small business concerns excluded from programs described in paragraph (1);

(3) information on disaster assistance programs of the Department of Agriculture to rural small business concerns and agricultural small business concerns;

(4) information on industries or small business concerns excluded from programs described in paragraph (3);

(5) information on disaster assistance programs of the Administration that are duplicative of disaster assistance programs of the Department of Agriculture;

(6) information on coordination between the two agencies on implementation of disaster assistance provisions of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1651), and the amendments made by that Act;

(7) recommended legislative or administrative changes, if any, for improving coordination of disaster assistance programs, in particular relating to removing gaps in eligibility for disaster assistance programs by rural small business concerns and agricultural small business concerns; and

(8) such additional information as determined necessary by the Administrator.

**SEC. 210. TECHNICAL AND CONFORMING AMENDMENT.**

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the matter following paragraph (9), by striking “section 312(a) of the Disaster Relief and Emergency Assistance Act” and inserting “section 312(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155(a))”.

—  
SMALL BUSINESS ADMINISTRATION,  
OFFICE OF THE ADMINISTRATOR,  
Washington, DC, October 28, 2009.  
Hon. MARY LANDRIEU,  
Chairwoman, Committee on Small Business &  
Entrepreneurship, U.S. Senate, Washington,  
DC.

DEAR MADAM CHAIRWOMAN: Thank you for your letter requesting that the U.S. Small Business Administration (SBA) review its existing authority under the Stafford Act to provide disaster assistance to affected businesses and homeowners impacted by the use of allegedly defective drywall. Having toured New Orleans earlier this year, I share your concern for the victims of Hurricane Katrina.

The Stafford Act is the general statutory authority for most Federal disaster response activities as they pertain to Federal Emergency Management Authority (FEMA) programs. When, pursuant to the Stafford Act, the President declares a Major Disaster or emergency and authorizes Federal assistance, including individual assistance, SBA is authorized to make physical disaster loans and economic injury disaster loans to disaster victims. In addition, SBA has the authority under the Small Business Act (Act) to issue disaster declarations and to make physical and economic injury disaster loans to disaster victims in SBA-declared disasters. Under the Act, a “disaster” is generally defined as a sudden event which causes severe damage. Product defects do not fall within the statutory definition for a “disaster.” Thus, SBA has never based a disaster declaration on defective products. While we are sympathetic to these victims, the installation of defective drywall likewise would not fall within this statutory definition and could not serve as the basis for an SBA disaster declaration.

In response to the specific issues raised in your letter, SBA does have the authority to disburse additional funds to existing disaster borrowers for disaster-related damage that is discovered within a reasonable time after original loan approval and before repairs are complete. However, if the repair, replacement or rehabilitation of the disaster-damaged property has been completed, SBA does not increase an existing loan.

You also asked whether SBA may issue a disaster declaration based on a request from a Governor. After SBA receives a request from a Governor that satisfies the statutory and regulatory requirements, SBA can issue a physical or economic injury disaster declaration and make low interest loans to cover uninsured losses. As noted above, however, the installation of defective drywall would not qualify as a disaster under the SBA’s statutory definition.

Thank you again for your continued support of the SBA disaster loan program and the small business community. A similar response is being sent to your colleagues, Senators Nelson, Warner, and Webb.

With warmest regards,

KAREN G. MILLS.

U.S. SENATE,  
Washington, DC, July 28, 2009.  
Hon. KAREN G. MILLS,  
Administrator, U.S. Small Business Administra-  
tion, Washington, DC.

DEAR ADMINISTRATOR MILLS: As we write to you, the Consumer Product Safety Commission (CPSC) and the Environmental Protection Agency (EPA), in coordination with other Federal and State agencies, are conducting a comprehensive investigation into the health and safety impacts of Chinese-made drywall on American consumers. The U.S. Small Business Administration (SBA) has an important role in disaster response and recovery efforts—helping both homeowners and businesses impacted by manmade and natural disasters. We believe that, at the appropriate time, your agency may be of assistance to homeowners impacted by this toxic product.

Since 2006, more than 550 million pounds of drywall have been imported to the United States from China. In the last 18 months, countless homeowners across the country have reported serious metal corrosion, noxious fumes and health concerns. Reported symptoms have included bloody noses, headaches, insomnia and skin irritation. Preliminary testing has confirmed that imported defective drywall is the problem, but these tests have not been able to pinpoint the specific problem substance within the drywall. More comprehensive results are expected from CPSC and EPA in August/September. In total, the CPSC has received 608 incident reports from 21 states and the District of Columbia, demonstrating that this poses a threat to homeowners across the country.

With this in mind, we respectfully request that the SBA review its existing authority under the Stafford Act and respond no later than August 28, 2009 on the following:

Whether SBA may disburse additional funds on SBA Real Property Disaster Loans from previous disaster or emergency declarations (such as Hurricanes Katrina and Rita in 2005, the 2004 Florida Hurricanes, the 2008 Midwest floods, or other emergency/disaster declarations).

Also outline if the SBA can waive the two year time limit for requesting an increase in loan limits since extraordinary and unforeseeable circumstances may apply in this situation;

Whether SBA—following a written request from a Governor that has declared a disaster or emergency—may make a physical disaster declaration if homes, businesses or a combination of the two, have sustained uninsured losses; and

Whether SBA may make an economic injury declaration if it is demonstrated that at least five small businesses in a disaster area have suffered economic injury as a result of the disaster or emergency and are in need of financial help not otherwise available.

In closing, families in our states are, in many cases, watching their dream homes turn into nightmares. As the Federal government determines the full size and scope of this disaster, we believe it is important to marshal all appropriate Federal resources that may assist these families. We therefore thank you for your consideration of this important request.

Sincerely,

MARY L. LANDRIEU,  
U.S. Senator.  
BILL NELSON,  
U.S. Senator.  
MARK R. WARNER,  
U.S. Senator.  
JIM WEBB,  
U.S. Senator.

By Mr. FRANKEN (for himself  
and Mr. LUGAR):

S. 2734. A bill to amend the Public Health Service Act with respect to the prevention of diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRANKEN. Mr. President, right now many of us are engaged in a worthwhile discussion about health care and health insurance. These are immensely important topics, and I look forward to working with all colleagues to pass health reform this year. In these broader discussions, it is easy to forget that the best way to become a healthier country with lower health care costs is to prevent Americans from becoming sick in the first place. A great place to prioritize wellness over sickness comes in our prevention of diabetes.

Today 24 million Americans suffer from diabetes, and the epidemic is getting worse. If we do not make some changes soon, the prevalence of the disease will double over the next 30 years. The annual cost of diabetes in the country is expected to reach \$338 billion by 2020. Right now 57 million Americans are what is considered prediabetic.

That means they are at risk of developing the full-blown disease because they have high blood pressure or high glucose levels. These statistics include over a million adults and 92,000 youth in my State alone. These are Minnesotans who may find out tomorrow they have become diabetic.

We know that diabetes may become debilitating and require costly medical interventions, from daily injections of insulin all the way to amputations. We know how devastating this disease is from the stories we hear when we are back home.

This week I was on the floor and shared the story of Liz MacCaskie from Minneapolis. She lost her job in September and is 58 years old, my exact age. She lives with diabetes and was just diagnosed with kidney failure. She is paying close to \$20,000 a year for her insurance and trying to live on \$1,000 a month.

If we could help people such as Liz avoid the pain and suffering that comes from diabetes, it would be a healthier, more prosperous country. The good news is that we can help Americans avoid this costly and debilitating disease. Research has shown that prediabetics can avoid full-blown diabetes if they receive access to community services such as nutrition counseling and gym memberships. These are proven to cut the risk of developing diabetes in half.

I am pleased to be offering legislation with Senator LUGAR to ensure that prediabetics have access to services that will stop this disease in its tracks. The Diabetes Prevention Act is based on an NIH research study done in partnership with the YMCA in Indiana. The study showed that a 16-week intensive lifestyle program can prevent diabetes and cost less than \$300 per person—less than \$300 per person—per

year. Studies have shown us that this investment can save us money within 2 to 3 years.

The Minnesota Department of Health has been working with our local YMCAs in Willmar, Rochester, and Minneapolis to implement this program. We have a diverse group of instructors who speak Spanish, Hmong, Somali, and American Sign Language. They include parish nurses, dietitians, and community health educators. All these folks are helping community members to eat healthier and become more physically active. For the lucky people who get to participate in these programs, it is working. They are losing weight, getting healthier, and avoiding diabetes.

But right now, these efforts are a drop in the bucket because the epidemic is so great. With this bill, we will replicate this cost-effective program and improve the lives of millions of Americans. This bill will help communities across the country to set up diabetes prevention programs—on Indian reservations, in rural areas, and urban centers. Ultimately, health insurance companies will be reimbursing for these services because prevention saves money and it saves lives.

This is an investment in our Nation's future. I look forward to working with my colleagues to enact this important legislation.

By Mr. FRANKEN (for himself,

Mr. GRASSLEY, Mrs. FEINSTEIN, and Mr. HATCH):

S. 2736. A bill to reduce the rape kit backlog and for other purposes; to the Committee on the Judiciary.

Mr. FRANKEN. Mr. President, sexual assault is a heinous crime. It is also a startlingly common one. Last year, 90,000 people were raped. We as a Nation have an obligation to help the survivors of sexual assault—by providing them prompt medical attention, and by bringing their assailants to justice.

Thanks to modern technology, we have an unparalleled tool to bring sexual predators to justice: forensic DNA analysis. Using the DNA evidence collected in a rape kit, a police department can conclusively identify an assailant—even when the survivor cannot visually identify her attacker. When DNA collected in rape kits matches existing DNA records, police can quickly capture habitual rapists before they strike again. Rape kit DNA evidence is survivors' best bet for justice. It is also communities' best bet for public safety.

Unfortunately, we have failed to make adequate use of DNA analysis. In 1999, a study commissioned by the National Institute of Justice estimated that there was a backlog of over 180,000 untested rape kits. In 2004, responding to studies like this one, then-Senator BIDEN, Chairman LEAHY and others worked to pass the Debbie Smith Act, a law named after a rape survivor whose backlogged rape kit was tested six years after her assault. That act

provided federal funding for the testing of backlogged DNA evidence. Unfortunately, it did not require those funds to test DNA evidence in rape kits.

Because of this loophole—and because many States and localities simply did not use the Debbie Smith funds they were allocated—the promise of the Debbie Smith Act remains unfulfilled. Since 2004, the federal government has distributed about \$500 million in Debbie Smith grants to law enforcement agencies around the country. Local figures suggest that these funds have not had their intended effect. In March 2009, Los Angeles County had 12,500 untested rape kits in police storage. L.A. County is not alone. This fall, the Houston Police Department found at least 4,000 untested rape kits in storage, and Detroit reported a backlog of possibly 10,000 kits.

Those are just three cities. This means that potentially hundreds of thousands of rape kits are sitting, untested, in police departments and crime labs around the country. That is hundreds of thousands of women who have not seen justice. That is countless assailants still free and countless new assaults that have occurred because of this. The New York Times recently highlighted a case which occurred years after the passage of The Debbie Smith Act where a rapist struck twice while the rape kit for one of his earlier victims sat unprocessed at a State crime lab. Sadly, that lab's four month processing delay was one of the shortest in the state.

When rape kits are not tested, rapists are not caught. When rape kits are not tested, more women are raped. Having a backlog of thousands of kits endangers our communities and sends a clear message to perpetrators and survivors of sexual violence: that cases of sexual assault are not a priority. Unfortunately, because our Nation lacks any mechanism to track rape kit backlogs, we have no way of knowing the full scope of this rape kit backlog and the national tragedy that it causes.

The Justice for Survivors of Sexual Assault Act of 2009, which I am introducing today with Senator GRASSLEY, Senator FEINSTEIN, and Senator HATCH, addresses the national rape kit backlog and several other problems that work to deny justice to survivors of sexual assault. These include the denial of free rape kits to survivors of sexual assault, and the shortage of trained health professionals capable of administering rape kit exams.

First, this bill will create strong financial incentives for states to clear their rape kit backlogs once and for all. This bill will reward states who make progress in clearing up their rape kit backlog and start processing their incoming rape kits in a timely manner. It will penalize those that don't, while allowing them the opportunity to regain any lost funds. Having a backlog is not an impossible situation to remedy. In just a few years, the city of New York cleaned up their rape kit backlog,

and as a result, saw its arrest rate for rapes jump from 40 to 70 percent.

Second, this bill will put measures in place to track progress and hold States and localities accountable. Law enforcement agencies will be responsible for reporting their reductions of rape kit backlogs, and the Department of Justice will be responsible for analyzing that data and reporting back to Congress.

Third, this bill will guarantee that survivors of sexual assault don't ever pay for their rape kits. Right now, States must cover the full cost of a rape kit examination, either upfront or through reimbursement. But some states don't even cover half of the cost. Survivors who live in States who are in compliance with the law still mistakenly receive bills because of the confusing nature of the reimbursement process. We don't bill criminals for fingerprint processing. Survivors of sexual assault should never see the bill for their rape kit exam, let alone pay any upfront costs.

Fourth, this bill will train more health professionals to administer rape kit exams. If survivors of sexual assault are lucky enough to have their rape kit processed, it is important to ensure it is not declared inadmissible in court due to faulty evidence collection.

Lastly, this bill will provide funds for a study on the availability of trained health professionals to administer rape kit exams at Indian Health Services facilities. Recent studies have shown that Native American women suffer a disproportionately high amount of sexual violence, and we need to make sure that IHS has the proper resources it needs to serve survivors.

We have waited too long to address the rape kit backlog in the United States to the detriment of survivors and our communities. It is time to aggressively clear rape kit backlogs and put rapists where they belong: off our streets and behind bars. With the Federal Government beginning to collect more DNA samples from convicted, non-violent offenders and dozens of State governments following its lead inaction now would mean that rape kits wait longer on the shelf, rape survivors wait longer for justice, and rapists spend more time on the streets.

Survivors of sexual assault do not deserve this. They deserve justice. I want to continue Congress's work in trying to address this issue. In doing so, I follow in the footsteps of people like Vice President BIDEN and Chairman LEAHY, who have consistently and powerfully championed sexual assault survivors within the Senate Judiciary Committee and on the floor of the Senate.

I ask that my colleagues join Senator GRASSLEY, Senator FEINSTEIN, Senator HATCH, and me in supporting the Justice for Survivors of Sexual Assault Act of 2009.

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

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

S. 2736

*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 “Justice for Survivors of Sexual Assault Act of 2009”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Rape is a serious problem in the United States.

(2) The Department of Justice reports that in 2006, there were an estimated 261,000 rapes and sexual assaults, and studies show only  $\frac{1}{3}$  of rapes are reported.

(3) The collection and testing of DNA evidence is a critical tool in solving rape cases. Law enforcement officials using the Combined DNA Index System have matched unknown DNA evidence taken from crime scenes with known offender DNA profiles in the State and National DNA database 2,371 times.

(4) Despite the availability of funding under the amendments made by the Debbie Smith Act of 2004 (title II of Public Law 108-405; 118 Stat. 2266) there exists a significant rape kit backlog in the United States.

(5) A 1999 study commissioned by the National Institute of Justice estimated that there was an annual backlog of 180,000 rape kits that had not been analyzed.

(6) No agency regularly collects information regarding the scope of the rape kit backlog in the United States.

(7) Certain States cap reimbursement for rape kits at levels that are less than  $\frac{1}{2}$  the average cost of a rape kit in those States. Yet, section 2010 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4) requires that in order to be eligible for grants under part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) (commonly known as “STOP Grants”) States shall administer rape kits to survivors free of charge or provide full reimbursement.

(8) There is a lack of sexual assault nurse examiners and health professionals who have received specialized training specific to sexual assault victims.

**SEC. 3. PURPOSE.**

The purpose of this Act is to seek appropriate means to address the problems surrounding forensic evidence collection in cases of sexual assault, including rape kit backlog, reimbursement for or free provision of rape kits, and the availability of trained health professionals to administer rape kit examinations.

**SEC. 4. RAPE KIT BACKLOGS.**

(a) ADDITIONAL PROTOCOL REQUIREMENT FOR RECEIVING EDWARD BYRNE GRANTS.—Section 502 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

“(5) A certification that the applicant has implemented a policy requiring all rape kits collected by or on behalf of the applicant to be sent to crime laboratories for forensic analysis.”.

(b) ADDITIONAL DEBBIE SMITH GRANT REQUIREMENTS; DEFINITIONS.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a)(2), by striking “samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect.” and in-

serting “to eliminate a rape kit backlog and to ensure that DNA analyses of samples from rape kits are carried out in a timely manner.”;

(2) in subsection (b)—

(A) paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(8) if the State or unit of local government has a rape kit backlog, include a plan to eliminate the rape kit backlog that includes performance measures to assess progress of the State or local unit of government toward a 50 percent reduction in the rape kit backlog over a 2-year period; and

“(9) specify the portion of the amounts made available under the grant under this section that the State or unit of local government shall use for the purpose of DNA analyses of samples from untested rape kits.”;

(3) in subsection (f)—

(A) in paragraph (1), by striking “and” at the end;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

“(2) the amount of funds from a grant under this section expended for the purposes of DNA analyses for untested rape kits; and”;

(4) by striking subsection (i) and inserting the following:

“(i) DEFINITIONS.—In this section:

“(1) RAPE KIT.—The term ‘rape kit’ means DNA evidence relating to—

“(A) sexual assault (as defined in section 4002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a))); or

“(B) conduct described in section 2251, 2251A, or 2252 of chapter 110 of title 18, United States Code, regardless of whether the conduct affects interstate commerce.

“(2) RAPE KIT BACKLOG.—The term ‘rape kit backlog’ means untested rape kits that are in the possession or control of—

“(A) a law enforcement agency; or

“(B) a public or private crime laboratory.

“(3) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

“(4) UNTESTED RAPE KIT.—The term ‘untested rape kit’ means a rape kit collected from a victim that—

“(A) has not undergone forensic analysis; and

“(B) for a combined total of not less than 60 days, has been in the possession or control of—

“(i) a law enforcement agency; or

“(ii) a public or private crime laboratory.”.

(c) ADJUSTING BYRNE GRANT FUNDS FOR COMPLIANCE AND NONCOMPLIANCE; STATISTICAL REVIEW.—Section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following:

“(i) ADJUSTING BYRNE GRANT FUNDS FOR COMPLIANCE AND NONCOMPLIANCE.—

“(1) DEFINITION.—In this subsection the term ‘date for implementation’ means the last day of the second fiscal year beginning after the date of enactment of this section.

“(2) ADDITIONAL FUNDS FOR COMPLIANCE.—

“(A) REDUCTION OF RAPE KIT BACKLOG.—

“(i) 50 PERCENT REDUCTION.—For any fiscal year beginning after the date of enactment of this subsection, a State or unit of local government shall receive an allocation under this section in an amount equal to 110 per-

cent of the otherwise applicable allocation to the State or unit of local government if the State or unit of local government reduced the rape kit backlog by not less than 50 percent, as compared to the date of enactment of this subsection.

“(ii) 75 PERCENT REDUCTION.—For any fiscal year beginning after the date of enactment of this subsection—

“(I) a State or unit of local government that has received additional funds under clause (i) in any previous fiscal year shall receive an allocation under this section in an amount equal to 110 percent of the otherwise applicable allocation to the State or unit of local government if the State or unit of local government reduced the rape kit backlog by not less than 75 percent, as compared to the date of enactment of this subsection; and

“(II) a State or unit of local government that has not received additional funds under clause (i) in any previous fiscal year shall receive an allocation under this section in an amount equal to 120 percent of the otherwise applicable allocation to the State or unit of local government if the State or unit of local government reduced the rape kit backlog by not less than 75 percent, as compared to the date of enactment of this subsection.

“(iii) 95 PERCENT REDUCTION.—For any fiscal year beginning after the date of enactment of this subsection—

“(I) a State or unit of local government that has received additional funds under clause (ii) in any previous fiscal year shall receive an allocation under this section in an amount equal to 110 percent of the otherwise applicable allocation to the State or unit of local government if the State or unit of local government reduced the rape kit backlog by not less than 95 percent, as compared to the date of enactment of this subsection;

“(II) a State or unit of local government that has received additional funds under clause (i) in any previous fiscal year, and has not received additional funds under clause (ii) in any previous fiscal year, shall receive an allocation under this section in an amount equal to 120 percent of the otherwise applicable allocation to the State or unit of local government if the State or unit of local government reduced the rape kit backlog by not less than 95 percent, as compared to the date of enactment of this subsection; and

“(III) a State or unit of local government that has not received additional funds under clause (i) or (ii) in any previous fiscal year shall receive an allocation under this section in an amount equal to 130 percent of the otherwise applicable allocation to the State or unit of local government if the State or unit of local government reduced the rape kit backlog by not less than 95 percent, as compared to the date of enactment of this subsection.

“(B) TIMELY PROCESSING.—For the first fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, a State or unit of local government that, during the previous fiscal year, tested 95 percent of all rape kits collected from a victim during that previous fiscal year not later than 60 days after the date the rape kit was taken into the possession or control of a law enforcement agency of the State or unit of local government shall receive an allocation under this section in an amount equal to 105 percent of the otherwise applicable allocation to the State or unit of local government.

“(3) WITHHOLDING OF GRANT FUNDS FOR NONCOMPLIANCE.—

“(A) FAILURE TO REDUCE RAPE KIT BACKLOG.—

“(i) YEAR 1.—For the first fiscal year after the date for implementation, a State or unit of local government shall receive an allocation under this section in an amount equal

to 90 percent of the otherwise applicable allocation to the State or unit of local government if the State or unit of local government—

“(I) has a rape kit backlog;

“(II) received a grant under this subpart during each of the 2 previous fiscal years; and

“(III) has failed to reduce the rape kit backlog by not less than 50 percent, as compared to the date of enactment of this subsection.

“(ii) YEAR 3.—For the third fiscal year beginning after the date for implementation, a State or unit of local government shall receive an allocation under this section in an amount equal to 90 percent of the otherwise applicable allocation to the State or unit of local government if the State or unit of local government—

“(I) has a rape kit backlog;

“(II) received a grant under this subpart during the previous fiscal year; and

“(III) has failed to reduce the rape kit backlog by not less than 75 percent, as compared to the date of enactment of this subsection.

“(iii) YEARS 5, 7, AND 9.—For each of the fifth, seventh, and ninth fiscal years beginning after the date for implementation, a State or unit of local government shall receive an allocation under this section in an amount equal to 90 percent of the otherwise applicable allocation to the State or unit of local government if the State or unit of local government—

“(I) has a rape kit backlog;

“(II) received a grant under this subpart during the previous fiscal year; and

“(III) has failed to reduce the rape kit backlog by not less than 95 percent, as compared to the date of enactment of this subsection.

“(B) TIMELY PROCESSING.—For the second fiscal year beginning after the date for implementation, and each fiscal year thereafter, a State or unit of local government that, during the previous fiscal year, tested less than 95 percent of the rape kits collected from a victim during that previous fiscal year not later than 90 days after the date the rape kit was taken into the possession or control of a law enforcement agency of the State or unit of local government shall receive an allocation under this section in an amount equal to 95 percent of the otherwise applicable allocation to the State or unit of local government.

“(j) ANNUAL STATISTICAL REVIEW AND REPORT.—

“(1) IN GENERAL.—The Director of the National Institute of Justice of the Department of Justice (in this subsection referred to as the ‘Director’) shall conduct an annual comprehensive statistical review of the number of untested rape kits collected by Federal, State, local, and tribal law enforcement agencies.

“(2) REPORT OF DATA TO DIRECTOR.—Each law enforcement agency of the Federal Government or of a State or unit of local government receiving a grant under this subpart (in this subsection referred to as a ‘covered law enforcement agency’) shall record and report to the Director the number of untested rape kits administered by or on behalf of, or in the possession or control of, the covered law enforcement agency at the end of each fiscal year.

“(3) REPORT TO CONGRESS AND THE STATES.—

“(A) INITIAL REPORT.—Not later than 2 years after the date of enactment of this subsection, and annually thereafter, the Director shall submit to Congress and the States a report regarding the number of untested rape kits administered by or on behalf of, or

in the possession of, a covered law enforcement agency.

“(B) SUBSEQUENT ANNUAL REPORTS.—The Director shall include, in the second report, under subparagraph (A), and each subsequent report, the percentage change in the number of untested rape kits for each covered law enforcement agency, as compared to the previous year.

“(4) PENALTY.—For fiscal year 2011, and each fiscal year thereafter, if a State or unit of local government has received a grant under this subpart, and a covered law enforcement agency of the State or local government has failed to report the data required under paragraph (2), the State or unit of local government shall receive an allocation under this section in an amount equal to 95 percent of the otherwise applicable allocation to the State or unit of local government.

“(k) DEFINITIONS.—In this section:

“(1) RAPE KIT.—The term ‘rape kit’ means DNA evidence relating to—

“(A) sexual assault (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a))); or

“(B) conduct described in section 2251, 2251A, or 2252 of chapter 110 of title 18, United States Code, regardless of whether the conduct affects interstate commerce.

“(2) RAPE KIT BACKLOG.—The term ‘rape kit backlog’ means untested rape kits that are in the possession or control of—

“(A) a law enforcement agency; or

“(B) a public or private crime laboratory.

“(3) UNTESTED RAPE KIT.—The term ‘untested rape kit’ means a rape kit collected from a victim that—

“(A) has not undergone forensic analysis; and

“(B) for a combined total not less than 60 days, has been in the possession or control of—

“(i) a law enforcement agency; or

“(ii) a public or private crime laboratory.”.

#### SEC. 5. RAPE KIT BILLING.

(a) COORDINATION WITH REGIONAL HEALTH CARE PROVIDERS.—Section 2010(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4(a)(1)) is amended by striking “assault.” and inserting “assault and coordinates with regional health care providers to notify victims of sexual assault of the availability of rape exams at no cost to the victims.”.

(b) REPEAL OF REIMBURSEMENT OPTION.—Effective 2 years after the date of enactment of this Act, section 2010(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4(b)) is amended—

(1) by striking paragraph (3);

(2) in paragraph (1), by inserting “or” after “victim;”; and

(3) in paragraph (2), by striking “victims; or” and inserting “victims.”.

(c) PROVISION OF RAPE KITS REGARDLESS OF COOPERATION WITH LAW ENFORCEMENT.—Section 2010(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4(d)) is amended by striking “(d) RULE OF CONSTRUCTION” and all that follows through the end of paragraph (1) and inserting the following:

“(d) NONCOOPERATION.—

“(1) IN GENERAL.—A State, Indian tribal government, or unit of local government shall not be in compliance with this section unless the State, Indian tribal government, or unit of local government complies with subsection (b) without regard to whether the victim cooperates with the law enforcement agency investigating the offense.”.

#### SEC. 6. SEXUAL ASSAULT NURSE EXAMINER TRAINING.

(a) DEFINITION.—Section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)) is amended—

(1) by redesignating paragraphs (29) through (37) as paragraphs (30) through (38), respectively; and

(2) inserting after paragraph (28) the following:

“(29) TRAINED EXAMINER.—The term ‘trained examiner’ means a health care professional who has received specialized training specific to sexual assault victims, including training regarding gathering forensic evidence and medical needs.”.

(b) ADDITIONAL PERSONNEL.—Section 2101(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)) is amended by adding at the end the following:

“(14) To provide for sexual assault forensic medical personnel examiners to collect and preserve evidence, provide expert testimony, and provide treatment of trauma relating to sexual assault.”.

#### SEC. 7. SEXUAL ASSAULT NURSE AVAILABILITY AT INDIAN HEALTH SERVICES STUDY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the availability of sexual assault nurse examiners and trained examiners (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)), as amended by this Act), at all Indian Health Service facilities operated pursuant to contracts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(b) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary and to the Committee on Indian Affairs of the Senate and to the Committee on the Judiciary and the Committee on Natural Resources of the House of Representatives a report containing the findings of the study conducted under subsection (a), and recommendations for improving the availability of sexual assault nurse examiners and trained examiners (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)), as amended by this Act).

By Mr. BROWNBACK (for himself, Mr. INHOFE, Mr. KYL, Mr. CORNYN, Mr. LIEBERMAN, Mr. VITTER, and Mr. BUNNING):

S. 2737. A bill to relocate to Jerusalem the United States Embassy in Israel, and for other purposes; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, I rise today to introduce the Jerusalem Embassy Relocation Act of 2009. My colleagues and I have sponsored this important piece of legislation in order to pave the way for the United States to correct a longstanding and—I believe—dangerous deficiency in our diplomatic relations and foreign policy. For too long, our embassy in Israel has been located in a different city than Jerusalem, which is the capital of Israel according to longstanding Israeli and American law and practice. The time has come to remove the barriers that have encouraged this state of affairs to continue, and that is precisely what this legislation will do, by repealing the waiver included in the Jerusalem Embassy Act of 1995 that has

been abused by the Executive Branch for 14 years.

Jerusalem is the spiritual center of the Jewish faith. First conquered by King David more than 3000 years ago, there has always been a Jewish presence there, a fact attested to by incalculable archaeological evidence. Although at various times the Jewish people lost sovereignty in the land of Israel—to the Babylonians, Greeks, Romans, Byzantines, Ottomans, British—Jerusalem has never served as the capital of any other political or religious entity in history. In every year during the nearly two thousand year exile in 70 A.D., Jews around the world concluded their Passover seder with the phrase, “Next Year in Jerusalem.” Despite the depths of despair to which the Jewish people descended throughout their long exile, Jerusalem always remained at the center of Jewish religious life.

Since 1950, just two years after the miraculous rebirth of the State of Israel, Jerusalem has served as Israel's capital. The seat of Parliament, Prime Minister's residence, and Supreme Court, all reside there, in addition to numerous ministries and government buildings. American officials conduct business with Israeli officials in Jerusalem, in de facto recognition of the status of the city. The Jerusalem Embassy Act of 1995, passed into law by an overwhelming vote of Congress, stated unequivocally as a matter of United States policy that “Jerusalem should be recognized as the capital of the State of Israel,” and “the United States Embassy in Israel should be established in Jerusalem no later than May 31, 1999.

This is our policy, yet for some reason our embassy remains in Tel Aviv. This is despite the fact that the government of Israel many times has declared Jerusalem to be the eternal and undivided capital of Israel, a policy reflected in American law. Such a state of affairs constitutes an ongoing affront to the people of Israel who, under international law, have the sovereign right to choose the location of their capital. It also harms the interests of American citizens living in Israel, who face procedural and substantive harm as a result of the confusing diplomatic structure that has arisen in place of a Jerusalem embassy.

The failure of the State Department to relocate the embassy is not only inconvenient and inefficient, but also is dangerous. The State Department's refusal to acknowledge clear U.S. law and policy radicalizes Israel's opponents by creating the false hope that the U.S. would support the division of Jerusalem. Were the embassy to be moved to Jerusalem, and Israel's capital respected in both American law and in practice, then Palestinians and Arab governments would have no choice but to accept the unchanging reality of Jerusalem, which is that Israel, regardless of the political party or government in power, will not move its capital away from this city.

I and my fellow sponsors of this legislation recognize that the Executive Branch generally has discretion over diplomatic arrangements. However, when a waiver included for the limited purpose of national security becomes perfunctory and contradicts the clear will of the Congress, the time has come to reevaluate the wisdom of such a waiver. This bill simply restores the statutory effect of the Jerusalem Embassy Act, updating the timeline of fiscal years required for action, but without the waiver.

I urge my colleagues to support this necessary and appropriate legislation.

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

S. 2738. A bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution; to the Committee on Energy and Natural Resources.

Mr. DODD. Mr. President, I rise today to speak about the National Liberty Memorial Act, a bill I am introducing with my colleague Senator GRASSLEY. This important legislation would authorize the construction of a memorial in Washington, DC honoring the African American patriots who fought in the Revolutionary War.

For too long, the role these brave Americans played in the founding of our Nation has been relegated to the dusty back pages of history. Fortunately, historians are now beginning to uncover their forgotten heroism, and they estimate that more than 5,000 slaves and free blacks fought in the army, navy, and militia during the Revolutionary War. They served and struggled in major battles from Lexington and Concord to Yorktown, fighting side by side with white soldiers. More than 400 of these brave Americans hailed from my home state of Connecticut.

More than 20 years ago, Congress authorized a memorial to black Revolutionary War soldiers and sailors, those who provided civilian assistance, and the many slaves who fled slavery or filed petitions to courts or legislatures for their freedom. Unfortunately, the group originally authorized to raise funds for and build the memorial was unable to conclude its task, and there remains no memorial to the important, and too often unacknowledged, contributions made by these 5,000 Americans.

But a group of committed citizens has formed the Liberty Fund DC to complete this memorial and ensure that these patriots receive the tribute they deserve here in our Nation's capital. I am honored to work alongside them in completing this mission.

The time has come to recognize the sacrifice and the impact of the African Americans who fought for the birth of our country. I urge my colleagues to

support the National Liberty Memorial Act.

By Mr. UDALL, of New Mexico:

S. 2741. A bill to establish telehealth pilot projects, expand access to stroke telehealth services under the Medicare program, improve access to “store-and-forward” telehealth services in facilities of the Indian Health Service and Federally qualified health centers, reimburse facilities of the Indian Health Service as originating sites, establish regulations to consider credentialing and privileging standards for originating sites with respect to receiving telehealth services, and for other purposes; to the Committee on Finance.

Mr. UDALL of New Mexico. Mr. President, access to quality, affordable health care is an issue that impacts every American across our country. Whether someone is struggling to find coverage for themselves or their family members, or searching in vain for a doctor who is accepting new patients, or giving advice to a friend who has just lost his job and, and as a result, his health insurance, no American is spared.

These problems hit particularly hard in America's rural communities. Residents there are more likely to be uninsured than their urban counterparts, have higher rates of chronic disease, and are often forced to travel hundreds of miles for preventive or emergency care, if they can find it at all.

As we continue moving forward with health care reform, we must make sure we do not leave our rural communities behind. In my home State of New Mexico, for example, 30 of our 33 counties are designated as medically underserved. That is why I am pleased to introduce the Rural TECH Act of 2009, Rural Telemedicine Enhancing Community Health. Through this legislation, I propose that we use technology to connect experts with providers, facilities and patients in rural areas, and to extend critical health care services to underserved areas across the country.

Telehealth technology can help diagnose and treat patients, provide education and training, and conduct community-based research. It uses video-conferencing, the Internet, and handheld mobile devices to provide consultation and case reviews, direct patient care and coordinate support groups, for example. There are many benefits with telehealth, including increased access to education and care, such as connecting remote generalists to urban specialists. This knowledge bridge will help remote areas retain health care providers, and improve the continuity of care. It also would allow patients to stay in their homes and communities, rather than spend precious time and money to travel for treatment and care. In New Mexico, Dr. Steve Adelsheim at the University of New Mexico has been using telehealth during the past few months to provide therapy to a Navajo teenager who is at high risk of suicide.

My bill would create three telehealth pilot projects, expand access to stroke telehealth services, and improve access to “store-and-forward” telehealth services in Indian Health Service, IHS, and Federally Qualified Health Centers, FQHCs. I’d like to tell you a bit about each today.

First, the creation of three telehealth pilot projects. These projects would analyze the clinical health outcomes and cost-effectiveness of telehealth systems in medically underserved and tribal areas. The first pilot project focuses on using telehealth for behavioral health interventions, such as post traumatic stress disorder. A second pilot project focuses on increasing the capacity of health care workers to provide health services in rural areas, using knowledge networks like New Mexico’s Project ECHO. And lastly, I am proposing a pilot project for stroke rehabilitation using telehealth technology.

Second, we will expand access to telehealth services for strokes, a leading cause of death and long-term disability. Travel time to hospitals and shortages of neurologists—especially in rural areas—are among the barriers to stroke treatment. However, Primary Stroke Centers are not accessible for much of the population. For example, there is only one certified Primary Stroke Center in my State, at the University of New Mexico Hospital. This bill would connect many more residents with needed services. In New Mexico alone, there are almost 173,000 Medicare beneficiaries who would gain access to telestroke services.

Third, we will improve access to store-and-forward telehealth services. These services allow rural health facilities to hold and share transmission of medical training, diagnostic information and other data, which is important for remote areas. This bill also would allow IHS facilities to be reimbursed as users of telehealth services. Finally, it would establish regulations for credentialing and privileging telehealth providers at rural sites, saving important resources and time as they accept telehealth services from an area of specialty.

I am pleased to note that my bill is supported by the University of New Mexico Center for Telehealth and Cybermedicine Research, the American Telemedicine Association, and the Telehealth Leadership Initiative. In addition, it is supported by the New Mexico Stroke Advisory Committee, the American Heart Association/American Stroke Association, the American Academy of Neurology, the American Physical Therapy Association, the American Occupational Therapy Association, and the American Speech-Language-Hearing Association. I want to thank each of these groups for their support and encouragement.

By Ms. SNOWE (for herself, Mr. WEBB, Mrs. LINCOLN, and Ms. LANDRIEU):

S. 2743. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise today with my colleagues Senator WEBB, Senator LINCOLN, and Senator LANDRIEU to introduce the Cold War Medal Act of 2009. This legislation would provide the authority for the secretaries of the military departments to award Cold War Service Medals to the courageous American patriots who for nearly half-a-century defended the Nation, and indeed, freedom-loving peoples throughout the world, against the advance of communist ideology.

From the end of World War II to dissolution of the Soviet Union in 1991, the Cold War veterans were in the vanguard of this Nation’s defenses. They manned the missile silos, ships, and aircraft, on ready alert status or on far off patrols, or demonstrated their resolve in hundreds of exercises and operations worldwide. The commitment, motivation, and fortitude of the Cold War Veterans was second to none.

Astonishingly, no medal exists to recognize the dedication of our patriots who so nobly stood watch in the cause of promoting world peace. Although there have been instances where medals or ribbons, such as the Armed Forces Expeditionary Medal, Korean Defense Service Medal, and Vietnam Service Medal, have been issued, the vast majority of Cold War Veterans did not receive any medal to pay tribute to their dedication and patriotism during this extraordinary period in American history. It is only fitting that these brave servicemembers who served honorably during this era receive the recognition for their efforts in the form of the Cold War Service Medal.

Specifically, the Cold War Service Medal Act of 2009 would allow the Defense Department to issue a Cold War Service Medal to any honorably discharged veteran who served on active duty for not less than two years or was deployed for thirty days or more during the period from September 2, 1945, to December 26, 1991. In the case of those veterans who are now deceased, the medal could be issued to their family or representative, as determined by the Defense Department. The bill would also express the sense of Congress that the secretary of Defense should expedite the design of the medal and expedite the establishment and implementation mechanisms to facilitate the issuance of the Cold War Service Medal.

The award of the Cold War Service Medal is supported by the American Cold War Veterans, the American Legion, the Veterans of Foreign Wars, and many other veterans’ services organizations.

With November 9, 2009, the 20th anniversary of the fall of the Berlin Wall which marked the beginning of the end

of the Cold War, quickly approaching, Senator WEBB, Senator LINCOLN, Senator LANDRIEU, and I invite our colleagues to cosponsor this significant legislation to honor our Cold War Veterans.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 338—DESIGNATING NOVEMBER 14, 2009, AS “NATIONAL READING EDUCATION ASSISTANCE DOGS DAY”

Mr. HATCH (for himself, Mr. BINGAMAN, Mrs. McCASKILL, Mr. COCHRAN, and Mr. RISCH) submitted the following resolution; which was referred to the Committee on the Judiciary:

#### S. RES. 338

Whereas reading provides children with an essential foundation for all future learning;

Whereas the Reading Education Assistance Dogs (R.E.A.D.) program was founded in November of 1999 to improve the literacy skills of children through the mentoring assistance of trained, registered, and insured pet partner reading volunteer teams;

Whereas children who participate in the R.E.A.D. program make significant improvements in fluency, comprehension, confidence, and many additional academic and social dimensions;

Whereas the R.E.A.D. program now has an active presence in 49 States, 3 provinces in Canada, Europe, Asia, and beyond with more than 2,400 trained and registered volunteer teams participating and influencing thousands of children in classrooms and libraries across the Nation;

Whereas the program has received awards and recognition from distinguished entities including the International Reading Association, the Delta Society, the Latham Foundation, the American Library Association, and PBS Television; and

Whereas the program has garnered enthusiastic coverage from national media, including major television networks NBC, CBS, and ABC, as well as international television and print coverage; Now, therefore, be it

*Resolved*, That the Senate, in honor of the 10th anniversary of the R.E.A.D. program, designates November 14, 2009, as “National Reading Education Assistance Dogs Day”.

Mr. HATCH. Mr. President, I rise today to submit a resolution regarding the 10th Anniversary of the Reading Education Assistance Dogs, R.E.A.D., program by designating November 14, 2009, as “National Reading Assistance Dogs Day.” This is a nationwide program promoted by a number of organizations throughout the U.S. and even throughout countries around the world as an innovative, successful approach aimed at assisting some of our nation’s most vulnerable citizens, our children, learn how to read.

The R.E.A.D. program was the first literacy program in the country to use therapy animals as reading companions for children. This unique method provides children an opportunity to improve their reading skills in a comfortable environment by reading aloud to dogs. After 10 years of results, the program has proven to be incredibly successful in helping children who are struggling with this most-crucial and