

(b) LAND DESCRIBED.—The land to be protected under subsection (a) is the approximately 6,596 acres depicted on the map titled “Naturita Canyon Mineral Withdrawal Area” and dated May 2009.

By Mr. KERRY:

S. 2765. A bill to amend the Small Business Act to authorize loan guarantees for health information technology; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, as we move forward in modernizing our health care system, we must not forget the small businesses that simply cannot afford the upfront costs of installing new health information technology. That is why today I am introducing the Small Business Health Information Technology Financing Act. This bill will amend the Small Business Act to allow the administrator of the Small Business Administration to guarantee up to 90 percent of the amount of a loan to small business health professionals to be used for the purchase and installation of health information technology. The loans can be used for computer hardware, software and other technology that will assist in the use of electronic health records and prescriptions.

A modernized health system using electronic prescribing and electronic health records will help improve patient care while reducing costs. Electronic prescribing not only saves money through improved efficiency, but more importantly, it reduces medical errors and saves lives. According to the Institute of Medicine, 1/3 of written prescriptions require follow-up clarification, with medication mistakes causing 7,000 deaths and 1.5 million injuries per year. The Medicare Improvements for Patients and Providers Act that was enacted into law in July 2008 included provisions from my electronic prescribing bill, providing incentive payments for medical professionals using electronic prescribing. Now we must take an additional step to make health IT accessible to small providers so they can afford to implement new technology such as e-prescribing and electronic health records.

Small businesses employ more than half of all private sector employees and have generated 64 percent of net new jobs in the past 15 years. Access to capital for small health providers not only benefits patients but also boosts small businesses in the medical field. Helping small businesses grow and succeed is critical as we look to create jobs and strengthen the economy.

It is my hope that we can move forward with this bill in a bi-partisan manner. I ask all of my colleagues to support this legislation.

By Mr. KERRY (for himself and Mr. CASEY):

S. 2766. A bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance; to the Committee on Finance.

Mr. KERRY. Mr. President, each year an estimated 2,550 children in the U.S. are diagnosed with an inborn error of metabolism disorder. For the rest of their lives they will need modified foods that are void of the nutrients their body is incapable of processing. They may also require supplementation with pharmacological doses of vitamins and amino acids. The good news is that with treatment they can lead normal, productive lives. But without these foods and supplements, patients can become severely brain-damaged and hospitalized.

Newborn screening has made a tremendous difference in the early diagnosis of metabolic disorders, but affordable and accessible treatment options remain out of reach for too many Americans. Medical foods and supplements which are necessary for treatment may not be covered by insurance policies and can be prohibitively expensive for many families. For those with a metabolic disorder, medical foods are critical in treatment, just as other conditions are treated with pills or injections. The sporadic insurance coverage of treatment has already been recognized as a problem. Over 30 States have enacted laws to enforce coverage of medical foods, but too many loopholes remain and federal legislation is necessary to ensure that these individuals receive what they need to stay well.

The Medical Foods Equity Act follows the April 2009 recommendations of the U.S. Health and Human Services Secretary's Advisory Committee on Heritable Disorders in Newborns and Children. It will ensure coverage of medical foods and necessary supplements for individuals with disorders as recommended by the Advisory Committee and, most importantly, peace of mind for those families affected by inborn errors of metabolism.

The lack of medical food coverage available to families has a significant impact on their lives. With the current situation of varying regulations between States and insurance providers, even families with coverage find themselves living in fear that a change in insurance provider will lead to reduced or nonexistent coverage. Too many Americans across the country are struggling to access the treatment they need for this type of disorder.

Take the story of Donna from Wilmington, MA. Donna has two daughters with phenylketonuria and she speaks eloquently about the frustration she experienced after her employer switched insurance plans. Because medical foods are not listed along with other necessary medicines, Donna was forced to navigate a long list mostly made up of durable medical equipment providers unequipped to help her. Even when she finally found a pharmacy that could order the formula, she was told that they required an upfront payment because they were wary of not being reimbursed by insurance companies. In Donna's own words, she was dismayed at “having that feeling like

you're being held hostage every time a change may occur in your insurance or carrier.”

Donna's story sharply illustrates the potential pitfalls even for those with insurance that offers some coverage. Too many families face a lack of coverage altogether. Take the case of Gwen of Waltham, Massachusetts. Her son Austen was 36 hours old when his heart stopped for over 20 minutes. Thankfully, he was stabilized but one doctor gave him only 6 months to live. A second opinion brought hope for Austen's family and a diagnosis of Glutaric Acidemia Type Two. Glutaric Acidemia Type Two is an inborn error of metabolism managed almost exclusively through diet. Because of the disorder, Austen cannot metabolize much fat or protein. He relies on supplements and specialty foods. MassHealth, Medicaid, covers most of the supplements but not the foods. Gwen pays for his food out of pocket, a significant strain on the family budget at a time when many families can least afford it. That strain is coupled with fears of job security and thoughts of what would happen if she could not pay for Austen's medical foods. No parent should have to see their child recover from a life-threatening trauma only to spend every day worrying about payment for their medical treatment—a treatment just as necessary as insulin for a diabetic or chemotherapy for a cancer patient.

As newborn screening and medical advances continue to improve the ability of those born with an inborn error of metabolism to lead full, healthy lives, we must make sure that the necessary treatments are available. The Medical Foods Equity Act will close existing loopholes in coverage and provide the parity in coverage these families deserve. It is my hope that we can move forward with this bill in a bi-partisan manner. I ask all of my colleagues to support this legislation.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 349—SUPPORTING AND ENCOURAGING GREATER SUPPORT FOR VETERANS DAY

Mr. BURR (for himself, Mr. AKAKA, Mr. ISAKSON, and Mr. JOHANNS) submitted the following resolution; which has considered and agreed to:

#### S. RES. 349

Whereas veterans of service in the United States Armed Forces have served the Nation with honor and at great personal sacrifice;

Whereas the people of the United States owe the security of the Nation to those who have defended it;

Whereas on Veterans Day each year, the Nation honors those who have defended democracy by serving in the Armed Forces;

Whereas veterans continue to provide a valuable service in their communities across the Nation and are important members of society;

Whereas we must honor and express our sincere gratitude to all our veterans for their

unwavering commitment to country, justice, and democracy;

Whereas the observance of Veterans Day is an expression of faith in democracy, faith in United States values, and faith that those who fight for freedom will defeat those whose cause is unjust;

Whereas major hostilities of World War I were formally ended at the 11th hour of the 11th day of the 11th month of 1918 by the signing of the Armistice near Compiègne, France; and

Whereas section 6103(a) of title 5, United States Code, provides that “Veteran’s Day, November 11” is a legal public holiday: Now, therefore, be it

*Resolved*, That the Senate encourages—

(1) the people of the United States to demonstrate their support for veterans on Veterans Day each year by treating that day as a special day of reflection; and

(2) schools and teachers to educate students on the great contributions veterans have made to the United States and its history, both while serving as members of the United States Armed Forces and after completing their service.

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**SENATE RESOLUTION 350—RECOGNIZING NOVEMBER 14, 2009, AS THE 49TH ANNIVERSARY OF THE FIRST DAY OF INTEGRATED SCHOOLS IN NEW ORLEANS, LOUISIANA**

Mr. FEINGOLD (for himself and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

**S. RES. 350**

Whereas, in 1954, the Supreme Court ruled that segregated schools violated the Equal Protection Clause of the 14th amendment to the Constitution;

Whereas Judge J. Skelly Wright, of the United States District Court for the Eastern District of Louisiana, ordered the Orleans Parish School Board to develop a school desegregation plan in 1956 and, after years of delay, in 1960, ordered the Orleans Parish School Board to carry out a plan designed by the United States District Court for the Eastern District of Louisiana;

Whereas 6 years after the *Brown v. Board of Education* (347 U.S. 483) decision, on November 14, 1960, Ruby Bridges, at the age of 6, became the first African-American student to attend the all-white William Frantz Elementary School in New Orleans, Louisiana;

Whereas, in 1995, Ruby Bridges contributed to “The Story of Ruby Bridges”, a book for children, and, in 1999, wrote “Through My Eyes” to help educate children and people of all ages about her experiences and the importance of tolerance;

Whereas Ruby Bridges established the Ruby Bridges Foundation in 1999 to help eliminate racism and improve society by educating students about the experiences of Ruby Bridges, discuss ongoing efforts to promote diversity, and provide lessons students can take back to their own communities; and

Whereas, in 2002, the Ruby Bridges Foundation, along with the Simon Wiesenthal Center’s Museum for Tolerance in Los Angeles, launched The Ruby’s Bridges Project, a program that brought together students from diverse backgrounds to develop relationship-building skills and promote an appreciation of one another: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes November 14, 2009, as the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana;

(2) remembers Judge J. Skelly Wright for his advocacy, support, and lifelong commitment to promoting civil rights, fairness, and equality;

(3) commends Ruby Bridges for her bravery and courage 49 years ago, and for her lifetime commitment to raising awareness of diversity through improved educational opportunities for all children;

(4) supports policies and efforts to—

(A) close the achievement gap in the schools of our Nation;

(B) improve the high school graduation rate for all students;

(C) strengthen the ability of all students to attend and complete post-secondary education; and

(D) promote the benefits of school integration throughout the educational careers of students; and

(5) congratulates all the individuals who have dedicated their lives to the field of education and to promoting equal opportunities for all students regardless of the backgrounds of the students.

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**SENATE RESOLUTION 351—DESIGNATING THE WEEK BEGINNING ON NOVEMBER 9, 2009, AS NATIONAL SCHOOL PSYCHOLOGY WEEK**

Mrs. LINCOLN submitted the following resolution; which was considered and agreed to:

**S. RES. 351**

Whereas all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs;

Whereas schools can more effectively ensure that all students are ready and able to learn if schools meet all the needs of each student;

Whereas learning and development are directly linked to the mental health of children, and a supportive learning environment is an optimal place to promote mental health;

Whereas sound psychological principles are critical to proper instruction and learning, social and emotional development, prevention and early intervention, and support for a culturally diverse student population;

Whereas school psychologists are specially trained to deliver mental health services and academic support that lower barriers to learning and allow teachers to teach more effectively;

Whereas school psychologists facilitate collaboration that helps parents and educators identify and reduce risk factors, promote protective factors, create safe schools, and access community resources;

Whereas school psychologists are trained to assess barriers to learning, utilize data-based decisionmaking, implement research-driven prevention and intervention strategies, evaluate outcomes, and improve accountability;

Whereas State educational agencies and other State entities credential more than 35,000 school psychologists who practice in schools in the United States as key professionals that promote the learning and mental health of all children;

Whereas the National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing, in collaboration with organizations such as the American Psychological Association, that promote effective and ethical services by school psychologists to children, families, and schools; and

Whereas the people of the United States should recognize the vital role school psychologists play in the personal and academic development of the Nation’s children: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning on November 9, 2009, as National School Psychology Week;

(2) honors and recognizes the contributions of school psychologists to the success of students in schools across the United States; and

(3) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the vital role school psychologists play in schools, in the community, and in helping students develop into successful and productive members of society.

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**SENATE RESOLUTION 352—ENCOURAGING BANKS AND MORTGAGE SERVICERS TO WORK WITH FAMILIES AFFECTED BY CONTAMINATED DRYWALL TO ALLOW TEMPORARY FORBEARANCE WITHOUT PENALTY ON PAYMENTS ON THEIR HOME MORTGAGES**

Mr. WARNER (for himself, Ms. LANDRIEU, Mr. VITTER, Mr. WEBB, Mr. NELSON of Florida, Mr. LEMIEUX) submitted the following resolution; which was considered and agreed to:

**S. RES. 352**

Whereas since January 2009, over 1,300 cases of contaminated drywall have been reported in 26 States and the District of Columbia;

Whereas many individuals living in homes with contaminated drywall have reported problems with their health, including bloody noses, rashes, sore throats, burning eyes, and upper respiratory tract conditions;

Whereas some homeowners living with contaminated drywall have reported corrosion of metals inside their homes, such as air conditioning coils and electrical wiring;

Whereas as a result of these problems, many families that have contaminated drywall in their homes have moved out of their residences and into temporary living situations, with few such families being able to afford an additional financial burden;

Whereas because of cases of contaminated drywall, some Americans who pay their mortgages on time are now suffering from financial problems at no fault of their own; and

Whereas banks and mortgage servicers can help families affected by contaminated drywall by providing temporary forbearance with respect to their mortgage payments to help such families afford the costs of an additional residence while they are removed from their primary homes: Now, therefore, be it

*Resolved*, That the Senate encourages banks and mortgage servicers to work with families affected by contaminated drywall to allow temporary forbearance without penalty on payments on their home mortgages.

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**SENATE RESOLUTION 353—SUPPORTING THE GOALS AND IDEALS OF “AMERICAN EDUCATION WEEK”**

Mrs. HAGAN (for herself, Mr. JOHANNS, Mr. BROWN, Mr. LEVIN, Mr. BEGICH, Mr. TESTER, Mr. FEINGOLD, Mr. BURRIS, Ms. MIKULSKI, and Mr. DODD)