

(1) **REVIEW OF RESPITE CARE PROGRAMS.**—The Secretary of Veterans Affairs shall review the respite care programs of the Department of Veterans Affairs and the Secretary of Defense shall review the respite care programs of the Department of Defense that are available to family caregivers to assess the adequacy, flexibility, and age-appropriateness of the facilities under such programs. The review shall include a particular focus on respite care programs for rural areas.

(2) **STUDY ON ENHANCEMENT OF AVAILABILITY OF RESPITE CARE.**—The Secretary shall carry out a study to identify appropriate options for enhancing the availability of respite care for family caregivers. The study shall include an assessment of the advisability of allowing a veteran's primary treating physician to approve respite care in excess of 30 days to make as-needed respite care more available and convenient for family caregivers.

(3) **ENHANCEMENT OF AVAILABILITY OF RESPITE CARE.**—The Secretary shall take measures to enhance the availability of respite care for family caregivers participating in the pilot program, including the following:

(A) Training and certifying alternate family caregivers using the curricula developed under subsection (g)(2).

(B) Paying expenses incidental to training of alternate family caregivers, including travel expenses.

(C) Such other measures as the Secretary considers appropriate.

(j) **PSYCHOLOGICAL AND SOCIAL SUPPORT SERVICES.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, make available to each eligible family caregiver participating in the pilot program counseling and social services related to the provision by the family caregiver of caregiving services to an eligible veteran or member of the Armed Forces. Such counseling and social services shall include the following:

(A) An assessment of individualized needs of the family caregiver with respect to the family caregiver's role as a family caregiver.

(B) Assistance with development of a plan for long-term care of the veteran or member concerned.

(C) Services and support relevant to any needs identified under subparagraph (A) provided through—

(i) facilities of the Department of Veterans Affairs or the Department of Defense located in the community in which the family caregiver resides; or

(ii) in the case that no such facilities are available in a timely manner, community-based organizations or publicly-funded programs.

(2) **USE OF EXISTING TOOLS.**—In developing and administering assessments under paragraph (1)(A), the Secretary shall, to the extent practicable, use and expand upon caregiver assessment tools already developed and in use by the Department of Veterans Affairs or the Department of Defense.

(k) **REPORTS.**—

(1) **TWO-YEAR REPORT.**—

(A) **IN GENERAL.**—Not later than two years after the date of the commencement of the pilot program, the Secretary shall, in conjunction with the Secretary of Defense, submit to the appropriate congressional committees a report on the pilot program.

(B) **CONTENTS.**—The report required by paragraph (1) shall include the following:

(i) An assessment of the pilot program.

(ii) An accounting of the costs to the Department of Veterans Affairs and the Department of Defense of the pilot program.

(iii) A comparison of the costs to the Department of Veterans Affairs and the Depart-

ment of Defense of the pilot program with the cost to the Departments of otherwise providing caregiver services to the veterans and members of the Armed Forces who received such services under the pilot program, including the cost of providing care to such veterans and members of the Armed Forces who would otherwise require inpatient care.

(iv) The recommendations of the Secretary with respect to—

(I) the feasibility and advisability of extending the pilot program or making the pilot program permanent; and

(II) modifying the pilot program.

(v) An assessment of the effect of the pilot program on—

(I) the health of veterans receiving care under the pilot program; and

(II) the financial burdens of family caregivers caused by the provision of caregiver services to veterans.

(vi) Any determinations made by the Secretary under subsection (o).

(2) **BI-ANNUAL REPORTS OF MEDICAL FACILITIES.**—Not later than 180 days after the date on which a medical facility is selected as a location for the pilot program and not less frequently than once every 180 days thereafter, the medical facility shall submit to the director of the Veterans Integrated Services Network (VISN) in which the facility is located a report that describes—

(A) the number of veterans enrolled in the pilot program through such facility; and

(B) if there is a waiting list to participate in the pilot program through such facility—

(i) the number of people on such list; and

(ii) the average wait time before admission into the pilot program.

(1) **FUNDING.**—

(1) **COSTS OF CARE PROVIDED TO VETERANS.**—Any expenditure under the pilot program relating to the provision of caregiver services to a veteran shall be borne by the Department of Veterans Affairs.

(2) **COSTS OF CARE PROVIDED TO MEMBERS OF THE ARMED FORCES.**—

(A) **IN GENERAL.**—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for any expenditure incurred by the Department of Veterans Affairs under the pilot program relating to the provision of caregiver services to members of the Armed Forces.

(B) **SOURCE OF FUNDS.**—Amounts for reimbursement under subparagraph (A) shall be derived from amounts made available to Defense Health Program for the TRICARE program.

(m) **LIMITATION ON SPENDING.**—In providing for the provision of services under the pilot program, the Secretary of Veterans Affairs shall make payment for services only to the extent that payment for such services is not otherwise covered by another government or nongovernment entity or program.

(n) **CONSTRUCTION.**—

(1) **EMPLOYMENT.**—Nothing in this section shall be construed to create an employment relationship between a family caregiver and a veteran or member of the Armed Forces, the Department of Veterans Affairs, or the Department of Defense.

(2) **ELIGIBILITY FOR BENEFITS.**—Nothing in this section shall be construed to reduce, alter, or otherwise affect the eligibility or entitlement of a veteran, member of the Armed Forces, or dependent thereof, to any health care, disability, or other benefit to which such veteran, member, or dependent would otherwise be eligible or entitled under laws administered by the Secretary of Veterans Affairs or the Secretary of Defense.

(o) **NATIONAL EXPANSION OF PILOT PROGRAM.**—Not later than the completion of the two-year period described in subsection (b), the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense,

expand the pilot program to provide training, certification, and support for eligible family caregivers nationwide unless the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, determines that such revision would be infeasible or inadvisable.

#### SEC. 4. SURVEY OF INFORMAL CAREGIVERS.

(a) **IN GENERAL.**—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, conduct a national survey of family caregivers of seriously disabled veterans and members of the Armed Forces to better understand the size and characteristics of the population of such caregivers and the types of care they provide.

(b) **REPORT.**—Not later than 540 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, submit to Congress a report containing the findings of the Secretary with respect to the survey conducted under subsection (a). Results of the survey shall be disaggregated by the following:

(1) Veterans and members of the Armed Forces.

(2) Veterans and members of the Armed Forces who served in Operation Iraqi Freedom or Operation Enduring Freedom.

(3) Veterans and members of the Armed Forces who live in rural areas.

#### SEC. 5. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means—

(A) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) **CAREGIVER SERVICES.**—The term "caregiver services" means noninstitutional extended care (as used in section 1701(6) of title 38, United States Code), including home-maker and home health aid services.

(3) **FAMILY CAREGIVER.**—The term "family caregiver" means, with respect to a disabled veteran or member of the Armed Forces, a family member of such veteran or member, or such other individual of similar affinity to such veteran or member as the Secretary prescribes, who is providing caregiver services to such veteran or member for such disability.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 68—RECOGNIZING THE CONTRIBUTIONS OF THE PENNSYLVANIA NATIONAL GUARD IN SERVICE TO THE NATION

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 68

Whereas the Pennsylvania National Guard is one of the largest Guards in the Nation, with approximately 20,000 soldiers and airmen;

Whereas since September 11, 2001, more than 17,000 Pennsylvania National Guard soldiers and airmen have deployed in support of the Global War on Terrorism;

Whereas the Pennsylvania National Guard is supporting the largest deployment of Pennsylvania Guardsmen since World War II;

Whereas the 28th Combat Aviation Brigade (CAB) is preparing for deployment to Iraq in support of Operation Iraqi Freedom;

Whereas the 56th Stryker Brigade Combat Team, now deployed in Iraq, predates the United States Army, traces its lineage to 1747, when Benjamin Franklin organized the "Associated Regiment of Foot" (currently 1-11th Infantry) in Philadelphia, and is the only unit in the National Guard to field the Stryker vehicle;

Whereas the Pennsylvania National Guard has deployed to more than 30 locations worldwide since September 11, 2001;

Whereas Pennsylvania's Army Aviation Flight Facility at Fort Indiantown Gap is the first and only National Guard facility in the Nation to achieve the Occupational Safety and Health Administration (OSHA) Voluntary Protection Program "STAR Award" for exhibiting exceptional safety management principles and accident-free flying hours, and effectively demonstrating the implementation of these principles during years-long intensive OSHA inspections;

Whereas in 2008, the Pennsylvania Air National Guard's (PaANG) 171st Air Refueling Wing flew more than 5,800 flying hours with more than 1,600 sorties flown, representing an 85 percent mission effectiveness rate;

Whereas the PaANG's 193rd Special Operations Wing flew more than 3,000 hours with more than 1,000 sorties in 2008 and is the only unit in the entire Armed Forces with an airborne psychological operations broadcasting platform;

Whereas the PaANG's 111th Fighter Wing flew more than 675 close-air support missions and provided more than 2,000 hours of on-station time to coalition forces in Iraq and Afghanistan; and

Whereas soldiers and airmen from Pennsylvania's Counterdrug Program supported 575 cases that resulted in the seizure of more than \$27,000,000 in illegal narcotics, money, weapons, property, and vehicles directly related to illegal drug sales in 2008: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Pennsylvania National Guard for its meritorious service to Pennsylvania and the Nation;

(2) honors the men and women who serve, or have served, in the Pennsylvania National Guard; and

(3) encourages the people of the United States to thank the Pennsylvania National Guard for its continued service.

Mr. SPECTER. Mr. President. I have sought recognition to recognize the contributions of the Pennsylvania National Guard in service to Pennsylvania and the Nation. Pennsylvania units have taken part in every conflict America has faced since the Revolutionary War, and contributions made by the men and women of the Pennsylvania National Guard to our Nation's security continue to be nothing short of outstanding. The citizen soldiers and airmen who serve in the Guard have answered the call to serve their Nation both at home and abroad time and time again. I am honored to stand before you to recount some of the Pennsylvania National Guard's recent accomplishments.

With approximately 20,000 soldiers and airman in its ranks, the Pennsylvania National Guard is one of the largest National Guards in the Nation. It has the largest Army National Guard and the fourth largest Air National Guard. I commend the Adjutant Gen-

eral of Pennsylvania, Major General Jessica Wright, and Deputy Adjutant Generals, Major General Stephen Sischo and Brigadier General Joseph De Paul, for ably leading this force that has armories or airbases in 90 communities throughout the Commonwealth.

Since September 11, 2001, over 17,000 Pennsylvania National Guard soldiers and airmen have deployed to over 30 worldwide locations, and the Guard is currently supporting the largest deployment of Pennsylvania Guardsmen since World War II.

I regret that I do not have time to list all of the Pennsylvania National Guard's accomplishments and accolades. I will briefly highlight accomplishments of individual units within the Pennsylvania National Guard that attest to the impressive quality of the whole.

Currently, the 56th Stryker Brigade Combat Team, an element of the 28th Infantry Division, is deployed in Iraq. The unit, which is the only unit in the National Guard to field the Stryker vehicle, traces its lineage to 1747, when Benjamin Franklin organized the "Associated Regiment of Foot", currently 1-11th Infantry, in Philadelphia.

Pennsylvania's Army Aviation Flight Facility at Fort Indiantown Gap is the first and only Army National Guard facility in the Nation to achieve the Occupational Safety and Health Administration Voluntary Protection Program "STAR Award" for exhibiting exceptional safety management principles and accident-free flying hours, and effectively demonstrating the implementation of these principles during years-long intensive inspections.

The Pennsylvania Air National Guard's 171st Air Refueling Wing, based in Coraopolis and commanded by Brigadier General Roy E. Uptegraff III, flew over 5,800 flying hours with more than 1,600 sorties flown in 2008, representing an 85 percent mission effectiveness rate.

The Pennsylvania Air National Guard's 193rd Special Operations Wing, based in Harrisburg and commanded of Brigadier General Eric G. Weller, flew over 3,000 hours and over 1,000 sorties in 2008 and is the only unit in the entire Armed Forces with an airborne psychological operations broadcasting platform.

The Pennsylvania Air National Guard's 111th Fighter Wing, based in Willow Grove and commanded by Colonel Paul Comtois, flew over 675 close-air support missions and provided more than 2,000 hours of on-station time to coalition forces in Iraq and Afghanistan.

The soldiers and airmen from Pennsylvania's Counterdrug Program supported 575 cases that resulted in the seizure of over \$27 million in illegal narcotics, money, weapons, property and vehicles directly related to illegal drug sales in 2008.

The accomplishments I have enumerated are but a few of the many that the

Pennsylvania National Guard can claim to its credit. Whether through deployments overseas, the deployment of 2,500 Pennsylvania Army and Air National Guard members to support hurricane disaster relief efforts along the Gulf Coast following Hurricane Katrina, or service within the Commonwealth of Pennsylvania, the men and women of the Pennsylvania National Guard have repeatedly answered the call to duty. Their performance has been in keeping with the finest traditions of the military and has reflected great credit upon themselves, the Pennsylvania National Guard, and the United States Military.

I will continue to do all that I can in the United States Senate to ensure that the Pennsylvania National Guard has the necessary equipment, training and facilities to accomplish the missions it is called on to perform both for the Commonwealth and the Nation.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 673. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 673. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 366, line 24, strike "rule." and insert the following: "rule, provided that an attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section. For purposes of this paragraph, the term 'contingency fee agreement' means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained."

#### MEASURE READ THE FIRST TIME—S. 542

Mr. WARNER. Mr. President, I understand that S. 542, introduced earlier today by Senator REID, is at the desk and I ask for its first reading.

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

The bill clerk read as follows:

A bill (S. 542) to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

Mr. WARNER. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.