S. 661

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 661, a bill to strengthen American manufacturing through improved industrial energy efficiency, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 671

At the request of Mrs. LINCOLN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 671, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 676

At the request of Mr. SCHUMER, the names of the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 676, a bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations.

AMENDMENT NO. 688

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 688 proposed to H.R. 1388, a bill to reauthorize and reform the national service laws.

AMENDMENT NO. 691

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 691 proposed to H.R. 1388, a bill to reauthorize and reform the national service laws.

AMENDMENT NO. 692

At the request of Mr. BAUCUS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 692 proposed to H.R. 1388, a bill to reauthorize and reform the national service laws.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mr. CRAPO, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON, of Florida):

S. 690. A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am introducing the Neotropical Migratory Bird Conservation Act with the support of my colleagues, Mr. CRAPO, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON. This bill supports habitat protection, education, research, monitoring, and capacity building to provide for the long-term protection of neotropical migratory birds. It does this by providing grants to countries in Latin America and the Caribbean for the conservation of these birds, through a U.S. Fish and Wildlife Service competitive matching grants program. Up to one-quarter of the annual grants can also be used for projects in the United States. Projects include activities that benefit bird populations, such as habitat restoration, research and monitoring, law enforcement, and outreach and education.

Neotropical migratory birds breed in Canada and the U.S. during our summer and spend our winters in Latin America and the Caribbean. There are nearly 500 species of these birds, and they face a range of threats, including development pressures, invasive species, climate change, and avian diseases. Protecting these birds requires international cooperation.

The NMBCA program has a proven track record of reversing habitat loss and advancing conservation strategies for the broad range of neotropical birds that populate the United States and the rest of the Western hemisphere. The public-private partnerships and international collaboration provided by this program are integral to preserving vulnerable bird populations. Just as importantly, this Federal program is a good value for taxpayers, leveraging over four dollars in partner contributions for every one that we spend.

Migratory birds are not only beautiful creatures eagerly welcomed by millions of Americans into their backyards every year; they help generate $2.7 billion annually for the U.S. economy through wildlife watching activities, and they help our farmers by consuming billions of harmful insect pests. Bird watchers include over 48 million Americans, 20 million of whom take annual trips to watch birds. In 2006, 20 million American wildlife watchers spent $12.8 billion on trip-related expenditures. Americans spend $3.3 billion each year on bird food. 16 million Americans spend $790 million each year on bird houses, nest boxes, feeders, and baths.

The Baltimore Oriole, the state bird of my state of Maryland, migrates in flocks to southern Mexico, Central America, and northern South America. The Oriole has recently been threatened by destruction of breeding habitat and tropical winter habitat, and by toxic pesticides ingested by the insects which constitute the Oriole's main diet. This legislation will help ensure that the broad range of migratory birds, from the Cerulean Warbler to the Baltimore Oriole, will have the healthy habitat they need on both ends of their annual migration routes so they can continue to play their vital biological, recreational, and economic roles.

Congress passed the Neotropical Migratory Bird Conservation Act of 2000 and it became public law 106–527. It authorized an annual $5 million for each of the fiscal years 2001 through 2005. Since 2002, the U.S. has invested more than $25 million in 262 projects in 44 U.S. states, Canada, and 33 Latin American and Caribbean countries, and leveraged an additional $112 million in partner funds to support these projects. The reauthorization legislation would authorize $8 million for fiscal year 2010, gradually escalating to $20 million for fiscal year 2015, in order to meet expanding funding needs.

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. 690

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

SECTION 1. REAUTHORIZATION OF NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, to remain available until expended—

''(1) $8,000,000 for fiscal year 2010;

''(2) $11,000,000 for fiscal year 2011;

''(3) $13,000,000 for fiscal year 2012;

''(4) $16,000,000 for fiscal year 2013;

''(5) $18,000,000 for fiscal year 2014; and

''(6) $20,000,000 for fiscal year 2015.

''(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.''.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 691. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southern Colorado region, and for other purposes; to the Committee on Veterans' Affairs.

Mr. UDALL of Colorado. Mr. President, I am proud to join today with my colleague and fellow Coloradan Senator MICHAEL BENNET in introducing legislation to create a national veterans' cemetery in El Paso County, CO, and provide a respectful final resting place that our Colorado veterans so deserve.

In a few months, we will honor those who made the ultimate sacrifice in defending our Nation, as we celebrate Memorial Day weekend. On that weekend, friends and family members of our departed veterans will go to Veterans Affairs, VA, cemeteries throughout the

country to honor the memory of their loved ones. Unfortunately, too many family members will have to travel far too many miles to pay their respects. Even worse, the long distance that some veterans' survivors must travel will prevent them from making the trip at all.

This is true of the loved ones of veterans in southern Colorado, whose population features one of the highest concentrations of veterans in the Nation. The vast majority of veterans in southern Colorado are located far outside of a 75-mile radius of the nearest VA cemeteries, Fort Logan National Cemetery in Denver and Fort Lyon National Cemetery in Bent County.

For nearly a decade, it has been a goal of the Pikes Peak Veterans Cemetery Committee, as well as the Department of Colorado Veterans of Foreign Wars, the Colorado chapters of the American Legion, the Paralyzed Veterans of America, and the Association for Service Disabled Veterans, to bring a national cemetery to El Paso County. In the last Congress, Representative JOHN SALAZAR introduced legislation that would address this issue, and I supported that legislation along with other members of the Colorado delegation.

That bill, H.R. 1660, passed the House of Representatives unanimously by voice vote, highlighting the support southern Colorado veterans have received from the entire Nation for the establishment of a VA cemetery in El Paso County. Unfortunately, the Senate did not act on this bill in the last Congress.

I hope—and I know that veterans throughout Colorado hope—that this year will be different. Representative SALAZAR has again introduced a House bill, and today we introduce the Senate companion. Senator BENNET and I will work hard to raise awareness of the need for a new national cemetery for southern Colorado and get this bill passed in the Senate. We need to ensure that all of our veterans receive the recognition they deserve with a final resting place close to their own communities.

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

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

S. 691

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

SECTION 1. ESTABLISHMENT OF NATIONAL CEMETERY IN SOUTHERN COLORADO REGION.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in El Paso County, Colorado, to serve the needs of veterans and their families in the southern Colorado region.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Colorado and local officials in the southern Colorado region; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in El Paso County, Colorado, that would be suitable to establish the national cemetery under subsection (a).

(c) AUTHORITY TO ACCEPT DONATION OF PARCEL OF LAND.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may accept on behalf of the United States the gift of an appropriate parcel of real property. The Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(2) INCOME TAX TREATMENT OF GIFT.—For purposes of Federal income, estate, and gift taxes, the real property accepted under paragraph (1) shall be considered as a gift to the United States.

(d) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.

(e) SOUTHERN COLORADO REGION DEFINED.—In this Act, the term ''southern Colorado region'' means the geographic region consisting of the following Colorado counties:

(1) El Paso.
(2) Pueblo.
(3) Teller.
(4) Fremont.
(5) Las Animas.
(6) Huerfano.
(7) Custer.
(8) Costilla.
(9) Alamosa.
(10) Saguache.
(11) Conejos.
(12) Mineral.
(13) Archuleta.
(14) Hinsdale.
(15) Gunnison.
(16) Pitkin.
(17) La Plata.
(18) Montezuma.
(19) San Juan.
(20) Ouray.
(21) San Miguel.
(22) Dolores.
(23) Montrose.
(24) Delta.
(25) Mesa.
(26) Crowley.
(27) Kiowa.
(28) Bent.
(29) Baca.

By Mr. HARKIN (for himself, Mr. ISAKSON, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 693. A bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am here today to lay the foundation for what I hope will be a broad effort to reform our health care system. In these troubled economic times, it has never been more clear that our current system is broken. I have said many times that we do not have a ''health'' care system, we have a ''sick'' care system. If you are sick, you get care. We spend untold hundreds of billions on pills, surgery, hospitalization, and disability. But we spend peanuts about 3 percent of our health-care dollars for prevention. There are huge, untapped opportunities in the area of wellness and prevention.

Last fall, I was honored to be asked by Senator KENNEDY to lead the Health, Education, Labor and Pension Committee's working group on Prevention and Public Health in our health reform efforts. I am a long-time believer that prevention and wellness are the keys to solving our health care crisis. Our working group has already started looking at prevention and public health-based solutions. We have held three hearings so far. First, we laid down the case for why prevention and public health strategies are so important to improving health care. We heard from a variety of experts, including health economists and successful health promotion programs in the corporate world and in small communities. It was clear that prevention works and that we can not afford not to do it. Next, we heard from a number of States about the innovative things they are doing to improve public health and encourage wellness. We heard about universal coverage in Massachusetts, improving quality and reducing cost in North Carolina's Medicaid program, and emphasizing prevention and chronic care management in Iowa. Some truly groundbreaking efforts are already underway in many states. Finally, we held a hearing about access to public health and wellness services for vulnerable populations. We heard about some creative solutions addressing public health disparities for children, seniors, individuals with disabilities, and folks in rural areas. In all of our hearings, we have learned a great deal about what we are doing right to make prevention happen. But we have also learned about how far we still have to go in making sure that everyone has the opportunity to become healthier.

What is abundantly clear to me is that we can and must do more. We have good science behind us, and we know that there are many proven techniques to make our population healthier. This is particularly true in preventive medicine, where health care providers have expertise both in medicine and in public health. These are the people we need to help tackle our growing obesity epidemic, the alarming trends in cardiovascular disease and drug-resistant bacterial infections. They can both treat patients and address public health concerns. They understand both the physiology of disease and the population effects of disease. They know how to provide the best care for the patient and the broader population.

When tens of millions of Americans suffer from preventable diseases such as type 2 diabetes, heart disease, and some types of cancer we need experts in preventive medicine. And even

though the need is growing, our work force in preventive medicine is shrinking. We are not training enough preventive medicine specialists, and our capacity to do so is being limited. Though there were 90 preventive medicine residency programs in 1999, today there are only 71. Today, I am introducing legislation, along with Senators ISAKSON, BINGAMAN and LIEBERMAN, to make sure that we train enough professionals in preventive medicine. The Preventive Medicine and Public Health Training Act will provide training grants to medical schools, teaching hospitals, schools of public health, and public health departments to fund existing programs and in some cases develop new residency training programs in Preventive Medicine. This bill is designed with one simple goal in mind: to improve and increase our prevention workforce. We have seen how an ounce of prevention really is worth a pound of cure, but we know that we need someone to provide that ounce of prevention. And our bill will help train future generations of experts in Preventive Medicine.

This legislation is a small but vitally important part of our efforts at health reform. In the coming months, I will be working with HELP Committee Chairman KENNEDY and other interested members to ensure that, as we craft legislation to provide health insurance to all, we do so in a way that guarantees that all Americans have access to and take advantage of exemplary preventive care. We must guarantee that our health care system will not just fix us when we are sick, but keep us well throughout our lifetimes. We must lay down a marker today to say that reforming our health care system means rejecting our current delivery of ''sick care'' and instead strengthening our ability to provide ''well care'' through preventive medicine. Today's legislation is just one part of that effort, and I look forward to working with other interested Senators to build on this legislation as health care reform moves forward.

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

S. 694. A bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce with Senator ORRIN HATCH the Best Buddies Empowerment for People with Intellectual Disabilities Act of 2009. The bill we are introducing would help to better integrate individuals with intellectual disabilities into their communities, improve their quality of life and promote the extraordinary gifts of these individuals.

I am proud to introduce this bill with my good friend Senator HATCH. He has been a long time leader in the cause of Americans with disabilities. We, as a society, have an obligation to do all we can to better include individuals with disabilities within our communities and help them to reach their full potential.

Yet, as one study on teen attitudes notes: ''Legal mandates cannot, however, mandate acceptance by peers, neighbors, fellow employees, employers or any of the other groups of individuals who directly impact the lives of people with disabilities.'' People with intellectual disabilities have indeed gained many rights that have improved their lives; however, negative stereotypes abound. Social isolation, unfortunately, is the norm for too many people with intellectual disabilities.

Early intervention, effective education, and appropriate support all go a long way toward helping individuals with intellectual disabilities achieve the best of his or her abilities and lead a meaningful life in the community. I would like to tell you about the accomplishments of Best Buddies, a remarkable non-profit organization that is dedicated to helping people with intellectual disabilities develop relationships that will provide the support needed to help them reach their potential.

Founded in 1989, Best Buddies is the only national social and recreational program in the United States for people with intellectual disabilities. Best Buddies works to enhance the lives of people with intellectual disabilities by providing opportunities for friendship and integrated employment. Through more than one thousand volunteer-run chapters at middle schools, high schools and colleges, students with and without intellectual disabilities are paired up in a one-to-one mentoring friendship. Best Buddies also facilitates an Internet pen pal program, an adult friendship program, and a supported employment program.

Approximately 7,000,000 people in the U.S. have an intellectual disability; every one of these individuals would benefit from the kind of relationships that the Best Buddies programs help to establish. The resulting friendships are mutually beneficial, increasing the self-esteem, confidence, and abilities of people both with and without intellectual disabilities.

The legislation we introduce today would allow the Secretary of Education to award grants to promote the expansion of the Best Buddies programs and to increase participation in and public awareness about these programs. The bill authorizes $10,000,000 for fiscal year 2010 and such sums as necessary through fiscal year 2014. If passed, this legislation would allow Best Buddies to expand their valuable work and offer programs in every state in the America, helping to create a more inclusive society with a direct and positive impact on more than 1.2 million citizens.

I thank my colleague Senator HATCH for working with me on this important legislation. I urge my colleagues to join with me in supporting this legislation that will make a positive—and needed—difference in the lives of individuals with intellectual disabilities and in the lives of those with whom they develop relationships through the Best Buddies program.

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. 694

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 ''Best Buddies Empowerment for People with Intellectual Disabilities Act of 2009''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Best Buddies operates the first national social and recreational program in the United States for people with intellectual disabilities.

(2) Best Buddies is dedicated to helping people with intellectual disabilities become part of mainstream society.

(3) Best Buddies is determined to end social isolation for people with intellectual disabilities by promoting meaningful friendships between them and their non-disabled peers in order to help increase the self-esteem, confidence, and abilities of people with and without intellectual disabilities.

(4) Since 1989, Best Buddies has enhanced the lives of people with intellectual disabilities by providing opportunities for 1-to-1 friendships and integrated employment.

(5) Best Buddies is an international organization spanning 1,300 middle school, high school, and college campuses.

(6) Best Buddies implements programs that will positively impact more than 400,000 individuals in 2009 and expects to impact 500,000 people by 2010.

(7) The Best Buddies Middle Schools program matches middle school students with intellectual disabilities with other middle school students and supports 1-to-1 friendships between them.

(8) The Best Buddies High Schools program matches high school students with intellectual disabilities with other high school students and supports 1-to-1 friendships between them.

(9) The Best Buddies Colleges program matches adults with intellectual disabilities with college students and creates 1-to-1 friendships between them.

(10) The Best Buddies e-Buddies program supports e-mail friendships between people with and without intellectual disabilities.

(11) The Best Buddies Citizens program pairs adults with intellectual disabilities in 1-to-1 friendships with other individuals in the corporate and civic communities.

(12) The Best Buddies Jobs program promotes the integration of people with intellectual disabilities into the community through supported employment.

(b) PURPOSE.—The purposes of this Act are to—

(1) provide support to Best Buddies to increase participation in and public awareness about Best Buddies programs that serve people with intellectual disabilities;

(2) dispel negative stereotypes about people with intellectual disabilities; and

(3) promote the extraordinary contributions of people with intellectual disabilities.

SEC. 3. ASSISTANCE FOR BEST BUDDIES.

(a) EDUCATION ACTIVITIES.—The Secretary of Education may award grants to, or enter

into contracts or cooperative agreements with, Best Buddies to carry out activities to promote the expansion of Best Buddies, including activities to increase the participation of people with intellectual disabilities in social relationships and other aspects of community life, including education and employment, within the United States.

(b) LIMITATIONS.—

(1) IN GENERAL.—Amounts appropriated to carry out this Act may not be used for direct treatment of diseases, medical conditions, or mental health conditions.

(2) ADMINISTRATIVE ACTIVITIES.—Not more than 5 percent of amounts appropriated to carry out this Act for a fiscal year may be used for administrative activities.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the use of non-Federal funds by Best Buddies.

SEC. 4. APPLICATION AND ANNUAL REPORT.

(a) APPLICATION.—

(1) IN GENERAL.—To be eligible for a grant, contract, or cooperative agreement under section 3(a), Best Buddies shall submit an application at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, an application under this subsection shall contain the following:

(A) A description of activities to be carried out under the grant, contract, or cooperative agreement.

(B) Information on specific measurable goals and objectives to be achieved through activities carried out under the grant, contract, or cooperative agreement.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—As a condition of receipt of any funds under section 3(a), Best Buddies shall agree to submit an annual report at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, each annual report under this subsection shall describe the degree to which progress has been made toward meeting the specific measurable goals and objectives described in the applications submitted under subsection (a).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Education for grants, contracts, or cooperative agreements under section 3(a), $10,000,000 for fiscal year 2010, and such sums as may be necessary for each of the 4 succeeding fiscal years.

By Ms. SNOWE (for herself, Mr. KOHL, Ms. STABENOW, Mr. BROWN, and Mr. LIEBERMAN):

S. 695. A bill to authorize the Secretary of Commerce to reduce the matching requirement for participants in the Hollings Manufacturing Partnership Program; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today in support of critical legislation that I am introducing, along with Senators KOHL, STABENOW, BROWN, and LIEBERMAN, to reduce the cost share amount that the Manufacturing Extension Partnership, or MEP, faces in obtaining its annual funding. The MEP is a nationwide public-private network of counseling and assistance centers that provide our nation's nearly 350,000 small and medium manufacturers with services and access to resources that enhance growth, improve productivity, and expand capacity. The MEP's contribution to sustaining America's manufacturing sector is indisputable. In fiscal year 2008 alone, MEP clients created or retained 57,079 jobs; provided cost savings in excess of $1.44 billion; and generated over $10.5 billion in sales.

At present, individual MEP centers must raise a full two-thirds of their funding after their fourth year of operation, placing a heavy burden on these centers. The National Institute of Standards and Technology, NIST, at the Department of Commerce, in turn, provides ⅓ of the centers' funding. MEP centers can meet their portion of the cost share requirement through funds from universities, State and local governments, and other institutions.

In today's tumultuous economy, these centers are experiencing increased difficulties finding adequate funding from both private and public sources. As economic concerns weigh down on all of us, States, organizations, and groups that traditionally assist MEP centers in meeting this cost share are reluctant to expend the money—or do not have the resources to do so.

Our bill is simple and straightforward. It would reduce the statutory cost share that MEP centers face to 50 percent for all years of the centers' operation. Frankly, the Nation's MEP centers are subject to an unnecessarily restrictive cost share requirement. It is inequitable, as the MEP is the only initiative out of the 80 programs funded by the Department of Commerce that is subject to a statutory cost share of greater than 50 percent. There is no reason for this to persist, particularly not during this trying economy when so many manufacturers are trying to remain afloat.

The MEP is an essential resource for small and medium manufacturers nationwide. With centers in all 50 States, as well as Puerto Rico, its reach is unmatched and its experience in counseling manufacturers is unrivaled. It is my hope that my colleagues will support this legislation as a direct way to bolster an industry that is indispensable to our Nation's economy health.

By Mr. CARDIN (for himself and Mr. ALEXANDER):

S. 696. A bill to amend the Federal Water Pollution Control Act to include a definition of fill material; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today the Obama administration is taking an important first step in ending mountaintop mining, one of the most environmentally destructive practices currently in use in this country. More than 1 million acres of Appalachia have already been destroyed. An estimated 1,200 miles of headwater streams have been buried under tons of mining wastes. Over 500 mountains have been permanently scarred. Homes have been ruined and drinking water supplies contaminated. It is time to end this especially destructive method of coal mining.

By stopping the issuance of some of the most destructive permits, today the administration is sending the right signals that the days of mountaintop mining are being relegated to the dust bin of the past, where they belong.

Today, Senator LAMAR ALEXANDER and I are introducing bipartisan legislation that will go one step further. Our bill, the Appalachia Restoration Act, will make clear that mining wastes cannot be dumped into our streams, smothering them and sending plumes of toxic run-off into groundwater systems. This Cardin-Alexander legislation amends the Clean Water Act, specifically preventing the so-called ''excess spoil'' of mining wastes from entering our streams and rivers. This simple legislation will restore the Clean Water Act to its original purpose. In doing so, it will stop the wholesale destruction of some of America's most beautiful and ecologically significant regions.

Mountaintop mining produces less than five percent of the coal mined in the United States. This bill does not ban other methods of coal mining. Instead, it is narrowly tailored to stop a practice that has earned the condemnation of communities across Appalachia as well as citizens across the rest of the country.

I applaud the Obama administration for the steps it is taking today, and Senator ALEXANDER and I look forward to working with the Administration to pass the Cardin-Alexander Appalachia Restoration Act later this year.

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

S. 696

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 ''Appalachia Restoration Act''.

SEC. 2. FILL MATERIAL.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

''(26) FILL MATERIAL.—

''(A) IN GENERAL.—The term 'fill material' means any pollutant that—

''(i) replaces a portion of the waters of the United States with dry land; or

''(ii) modifies the bottom elevation of a body of water for any purpose.

''(B) EXCLUSIONS.—The term 'fill material' does not include—

''(i) the disposal of excess spoil material (as described in section 515(b)(22) of the Surface Mining Control and Reclamation Act (30 U.S.C. 1265(b)(22))) in waters of the United States; or

''(ii) trash or garbage.''.

By Mr. FEINGOLD (for himself, Mr. GRAHAM, and Ms. COLLINS):

S. 698. A bill to ensure the provision of high-quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency

in the health care system; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, there is a crisis facing our country, a crisis that directly affects the lives of almost 50 million people in the U.S., and that indirectly affects many more. The crisis is the lack of universal health insurance in America, and its effects are rippling through our families, our communities, and our economy. It is the number one issue that I hear about in Wisconsin, and it is the number one issue for many Americans. Nevertheless, for too long, Congress has been locked in a stalemate when it comes to health reform, refusing to move forward on this life-threatening problem because of party politics and special interests. That is why, for the past few Congresses, I have introduced with the Senator from South Carolina, LINDSEY GRAHAM, the State-Based Health Care Reform Act.

Senator GRAHAM and I are from opposite ends of the political spectrum, we are from different areas of the country, and we have different views on health care. But we agree that something needs to be done about health care in our country. Every day, all over our nation, Americans suffer from medical conditions that cause them pain and even change the way they lead their lives. Every one of us has either experienced this personally or through a family member suffering from cancer, Alzheimer's, diabetes, genetic disorders, mental illness or some other condition. The disease takes its toll on both individuals and families, as trips to the hospital for treatments such as chemotherapy test the strength of the person and the family affected. This is an incredibly difficult situation for anyone. But for the uninsured and underinsured, the suffering goes beyond physical discomfort. These Americans bear the additional burden of wondering where the next dollar for their health care bills will come from; worries of going into debt; worries of going bankrupt because of health care needs. When illness strikes families, the last thing they should have to think about is money, but for many in our country, this is a persistent burden that causes additional stress and hopelessness when they are ill.

It is difficult to do justice to the magnitude of the uninsurance problem, but I want to share a few astounding statistics. The need for health care reform has reached crisis proportions in America, with over 46 million Americans uninsured. As a result of our current economic crisis, that number is climbing by the day. In December of 2008 and January of 2009, it is estimated that 14,000 Americans lost their access to health care each day; in Wisconsin, 230 people each day lost access to care during these 2 months. The cost of providing care to the uninsured weighs heavily on the U.S. economy. According to research done by the journal Health Affairs, the uninsured received approximately $56,000,000,000 in uncompensated care in 2008. Government programs finance about 75 percent of uncompensated care. The cost of the uninsured weighs heavily on our collective conscience, as well. In my home State of Wisconsin alone, it is estimated that 250 Wisconsinites, or 5 people each week, died in 2006 because they did not have health insurance.

The U.S. is the only industrialized nation that does not guarantee health care for its citizens. In other countries, if someone is sick, they get proper care regardless of ability to pay. In our country, that is not the case. It is unacceptable for a nation as great as America to not provide good health care for all our citizens. We are failing those in need. We are failing the hard-working family that cannot afford the insurance offered to them. We are failing the uninsured children whose parents do not have any access to insurance. We are failing low-income Americans and middle-income Americans alike. This is not right. We can do better.

Even for those Americans who currently have health insurance through their employer, the risk of becoming uninsured is very real. Large businesses are finding themselves less competitive in the global market because of skyrocketing health care costs. Small businesses are finding it difficult to offer insurance to employees while staying competitive in their own communities. Our health care system has failed to keep costs in check, and there is simply no way we can expect businesses to keep up. More and more, employers are forced to increase employee cost-sharing or to offer sub-par benefits, or no benefits at all. Employers cannot be the sole provider of health care when these costs are rising faster than inflation.

I travel to each of Wisconsin's 72 counties every year to hold townhall meetings. Almost every year, the number one issue raised at these listening sessions is the same—health care. The failure of our health care system brings people to these meetings in droves. These people used to think Government involvement was a terrible idea, but not anymore. Now they come armed with their frustration, their anger, and their desperation, and they tell me that their businesses and their lives are being destroyed by health care costs, and they want the Government to step in.

I am pleased to be joined by Senator GRAHAM in introducing the State-Based Health Care Reform Act. In short, this bill establishes a pilot project to provide States with the resources needed to implement universal health care reform. The bill does not dictate what kind of reform the States should implement, it just provides an incentive for action, provided States meet certain minimum coverage and low-income requirements.

Even though Senator GRAHAM and I support different methods of health care reform, we both agree that this legislation presents a viable solution to the logjam preventing reform. It may well be that, with a new President and a new Congress, that logjam is already broken. I hope that is the case, as I have long said that a single-payer health care system is what I prefer for our country. I also recognize that there are strong obstacles to enacting real reform, and that we may need the support of members of Congress with different views on this topic. Senator GRAHAM would like to see health care privatized and see a base, catastrophic coverage offered to everyone. Despite our disagreements about the form that health care reform should take, we agree on this legislation.

With the election of Barack Obama, Americans have a real opportunity to reform our health care system. I look forward to consideration of health care reform this Congress, and I do not intend to push this bill as an alternative to broader efforts. But I do think our proposal may help provide ideas about how to bring together Democrats and Republicans on this issue.

Under our proposal, States can be creative in the State resources they use to expand health care coverage. For example, a State can use personal or employer mandates for coverage, use State tax incentives, create a single-payer system or even join with neighboring States to offer a regional health care plan. The proposals are subject only to the approval of the newly created Health Care Coverage Task Force, which will be composed of health care experts, consumers, and representatives from groups affected by health care reform. This Task Force will be responsible for choosing viable State projects and ensuring that the projects are effective. The Task Force will also help the States develop projects, and will continue a dialogue with the States in order to facilitate a good relationship between the State and Federal Governments.

The Task Force is also charged with making sure that the State plans meet certain minimal requirements. First, the State plans must include specific target dates for decreasing the number of uninsured, and must also identify a set of minimum benefits for every covered individual. These benefits must be comparable to health insurance offered to Federal employees. Second, the State plans must include a mechanism to guarantee that the insurance is affordable. Americans should not go broke trying to keep healthy, and health care reform should ensure that individual costs are manageable. The State-Based Health Care Reform Act bases affordability on income.

Another provision in this legislation requires that the States contribute to paying for their new health care programs. The Federal Government will provide matching funds based on enhanced FMAP—the same standard used for SCHIP—and will then provide an additional 5 percent. States that can

afford to provide more are encouraged to, but the matching requirement will ensure the financial viability of the bill and State buy-in. Other than these requirements, the States largely have flexibility to design a plan that works best for their respective residents. The possibilities for reform are wide open.

One of the main criticisms of Federal Government spending on health care is that it is expensive and increases the deficit. My legislation is fully offset, ensuring that it will not increase the deficit. The bill does not avoid making the tough budget choices that need to be made if we are going to pay for health care reform.

We need a solution for a broken system where millions are uninsured, and where businesses and Americans are struggling under the burden of health care costs.

It has been over 10 years since the last serious debate over health care reform was killed by special interests and the soft money contributions they used to corrupt the legislative process. The legislative landscape is now much different. Soft money can no longer be used to set the agenda, and businesses and workers are crying out as never before for Congress to do something about the country's health care crisis.

We are fortunate to live in a country that has been abundantly blessed with democracy and wealth, and yet there are those in our society whose daily health struggles overshadow these blessings. That is an injustice, but it is one we can and must address. Dr. Martin Luther King, Jr., said, ''Of all the forms of inequality, injustice in health care is the most shocking and inhumane.'' It is long past time for Congress to heed these words and end this terrible inequality.

By Mr. BINGAMAN (for himself, Mr. BROWN and Ms. COLLINS):

S. 700. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today along with my colleagues, Senators BROWN and COLLINS, to introduce bipartisan legislation entitled Ending the Medicare Disability Waiting Period Act of 2009. This legislation would phase out the current 2-year waiting period that people with disabilities must endure after qualifying for Social Security Disability Insurance, SSDI. In the interim or as the waiting period is being phased out, the bill would also create a process by which the Secretary can immediately waive the waiting period for people with life-threatening illnesses.

When Medicare was expanded in 1972 to include people with significant disabilities, lawmakers created the 24-month waiting period. According to an April 2007 report from the Commonwealth Fund, it is estimated that over 1.5 million SSDI beneficiaries are in the Medicare waiting period at any given time, ''all of whom are unable to work because of their disability and most of whom have serious health problems, low incomes, and limited access to health insurance.'' Nearly 39 percent of these individuals do not have health insurance coverage for some point during the waiting period and 26 percent have no health insurance during this period.

The stated reason at the time was to limit the fiscal cost of the provision. However, I would assert that there is no reason, be it fiscal or moral, to tell people that they must wait longer than 2 years after becoming severely disabled before we provide them access to much needed health care.

In fact, it is important to note that there really are actually three waiting periods that are imposed upon people seeking to qualify for SSDI. First, there is the disability determination process through the Social Security Administration, which often takes many months or even longer than a year in some cases. Second, once a worker has been certified as having a severe or permanent disability, they must wait an additional five months before receiving their first SSDI check. And third, after receiving that first SSDI check, there is the 2-year period that people must wait before their Medicare coverage begins.

What happens to the health and well-being of people waiting more than 2½ years before they finally receive critically needed Medicare coverage? According to Karen Davis, president of the Commonwealth Fund, which has conducted several important studies on the issue, ''Individuals in the waiting period for Medicare suffer from a broad range of debilitating diseases and are in urgent need of appropriate medical care to manage their conditions. Eliminating the 2-year wait would ensure access to care for those already on the way to Medicare.''

Again, we are talking about individuals that have been determined to be unable to engage in any ''substantial, gainful activity'' because of either a physical or mental impairment that is expected to result in death or to continue for at least 12 months. These are people that, by definition, are in more need of health coverage than anybody else in our society. The consequences are unacceptable and are, in fact, dire.

The majority of people who become disabled were, before their disability, working full-time jobs and paying into Medicare like all other employed Americans. At the moment these men and women need coverage the most, just when they have lost their health, their jobs, their income, and their health insurance, Federal law requires them to wait 2 full years to become eligible for Medicare. Many of these individuals are needlessly forced to accumulate tens-of-thousands of dollars in healthcare debt or compromise their health due to forgone medical treatment. Many individuals are forced to sell their homes or go bankrupt. Even more tragically, more than 16,000 disabled beneficiaries annually, about 4 percent of beneficiaries, do not make it through the waiting period. They die before their Medicare coverage ever begins.

Removing the waiting period is well worth the expense. According to the Commonwealth Fund, analyses have shown providing men and women with Medicare at the time that Social Security certifies them as disabled would cost $8.7 billion annually. This cost would be partially offset by $4.3 billion in reduced Medicaid spending, which many individuals require during the waiting period. In addition, untold expenses borne by the individuals involved could be avoided, as well as the costs of charity care on which many depend. Moreover, there may be additional savings to the Medicare program itself, which often has to bear the expense of addressing the damage done during the waiting period. During this time, deferred health care can worsen conditions, creating additional health problems and higher costs.

Further exacerbating the situation, some beneficiaries have had the unfortunate fate of having received SSI and Medicaid coverage, applied for SSDI, and then lost their Medicaid coverage because they were not aware the change in income when they received SSDI would push them over the financial limits for Medicaid. In such a case, and let me emphasize this point, the Government is effectively taking their health care coverage away because they are so severely disabled.

Therefore, for some in the waiting period, their battle is often as much with the Government as it is with their medical condition, disease, or disability.

Nobody could possibly think this makes any sense.

As the Medicare Rights Center has said, ''By forcing Americans with disabilities to wait 24 months for Medicare coverage, the current law effectively sentences these people to inadequate health care, poverty, or death. . . . Since disability can strike anyone, at any point in life, the 24-month waiting period should be of concern to everyone, not just the millions of Americans with disabilities today.''

Although elimination of the Medicare waiting period will certainly increase Medicare costs, it is important to note that there will be some decrease in Medicaid costs. Medicaid, which is financed by both Federal and State governments, often provides coverage for a subset of disabled Americans in the waiting period, as long as they meet certain income and asset limits. Income limits are typically at or below the poverty level, including at just 74 percent of the poverty line in New Mexico, with assets generally limited to just $2,000 for individuals and $3,000 for couples.

Furthermore, from a continuity of care point of view, it makes little sense that somebody with disabilities must leave their job and their health providers associated with that plan, move on to Medicaid, often have a different set of providers, then switch to Medicare and yet another set of providers. The cost, both financial and personal, of not providing access to care or poorly coordinated care services for these seriously ill people during the waiting period may be greater in many cases than providing health coverage.

Finally, private-sector employers and employees in those risk-pools would also benefit from the passage of the bill. As the Commonwealth Fund has noted, ''. . . to the extent that disabled adults rely on coverage through their prior employer or their spouse's employer, eliminating the waiting period would also produce savings to employers who provide this coverage.''

To address concerns about costs and immediate impact on the Medicare program, the legislation phases out the waiting period over a 10-year period. In the interim, the legislation would create a process by which others with life-threatening illnesses could also get an exception to the waiting period. Congress has previously extended such an exception to the waiting period to individuals with amyotrophic lateral sclerosis, ALS, also known as Lou Gehrig's disease, and for hospice services. The ALS exception passed the Congress in December 2000 and went into effect July 1, 2001. Thus, the legislation would extend the exception to all people with life-threatening illnesses in the waiting period.

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. 700

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ending the Medicare Disability Waiting Period Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. PHASE-OUT OF WAITING PERIOD FOR MEDICARE DISABILITY BENEFITS.

(a) IN GENERAL.—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended—

(1) in paragraph (2)(A), by striking '', and has for 24 calendar months been entitled to,'' and inserting '', and for the waiting period (as defined in subsection (k)) has been entitled to,'';

(2) in paragraph (2)(B), by striking '', and has been for not less than 24 months,'' and inserting '', and has been for the waiting period (as defined in subsection (k)),'';

(3) in paragraph (2)(C)(ii), by striking '', including the requirement that he has been entitled to the specified benefits for 24 months,'' and inserting '', including the requirement that the individual has been entitled to the specified benefits for the waiting period (as defined in subsection (k)),''; and

(4) in the flush matter following paragraph (2)(C)(ii)(II)—

(A) in the first sentence, by striking ''for each month beginning with the later of (I) July 1973 or (II) the twenty-fifth month of his entitlement or status as a qualified railroad retirement beneficiary described in paragraph (2), and'' and inserting ''for each month beginning after the waiting period (as so defined) for which the individual satisfies paragraph (2) and'';

(B) in the second sentence, by striking ''the 'twenty-fifth month of his entitlement' refers to the first month after the twenty-fourth month of entitlement to specified benefits referred to in paragraph (2)(C) and''; and

(C) in the third sentence, by striking '', but not in excess of 78 such months''.

(b) SCHEDULE FOR PHASE-OUT OF WAITING PERIOD.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended by adding at the end the following new subsection:

''(k) For purposes of subsection (b) (and for purposes of section 1837(g)(1) of this Act and section 7(d)(2)(ii) of the Railroad Retirement Act of 1974), the term 'waiting period' means—

''(1) for 2010, 18 months;
''(2) for 2011, 16 months;
''(3) for 2012, 14 months;
''(4) for 2013, 12 months;
''(5) for 2014, 10 months;
''(6) for 2015, 8 months;
''(7) for 2016, 6 months;
''(8) for 2017, 4 months;
''(9) for 2018, 2 months; and
''(10) for 2019 and each subsequent year, 0 months.''.

(c) CONFORMING AMENDMENTS.—

(1) SUNSET.—Effective January 1, 2019, subsection (f) of section 226 of the Social Security Act (42 U.S.C. 426) is repealed.

(2) MEDICARE DESCRIPTION.—Section 1811(2) of such Act (42 U.S.C. 1395c(2)) is amended by striking ''entitled for not less than 24 months'' and inserting ''entitled for the waiting period (as defined in section 226(k))''.

(3) MEDICARE COVERAGE.—Section 1837(g)(1) of such Act (42 U.S.C. 1395p(g)(1)) is amended by striking ''of the later of (A) April 1973 or (B) the third month before the 25th month of such entitlement'' and inserting ''of the third month before the first month following the waiting period (as defined in section 226(k)) applicable under section 226(b)''.

(4) RAILROAD RETIREMENT SYSTEM.—Section 7(d)(2)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(d)(2)(ii)) is amended—

(A) by striking '', for not less than 24 months'' and inserting '', for the waiting period (as defined in section 226(k) of the Social Security Act); and

(B) by striking ''could have been entitled for 24 calendar months, and'' and inserting ''could have been entitled for the waiting period (as defined is section 226(k) of the Social Security Act), and''.

(d) EFFECTIVE DATE.—Except as provided in subsection (c)(1), the amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act (but in no case earlier than January 1, 2010).

SEC. 3. ELIMINATION OF WAITING PERIOD FOR INDIVIDUALS WITH LIFE-THREATENING CONDITIONS.

(a) IN GENERAL.—Section 226(h) of the Social Security Act (42 U.S.C. 426(h)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting ''(1)'' after ''(h)'';

(3) in paragraph (1) (as designated by paragraph (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting ''or any other life-threatening condition'' after ''amyotrophic lateral sclerosis (ALS)''; and

(B) in subparagraph (B) (as redesignated by paragraph (1)), by striking ''(rather than twenty-fifth month)''; and

(4) by adding at the end the following new paragraph:

''(2) For purposes of identifying life-threatening conditions under paragraph (1), the Secretary shall compile a list of conditions that are fatal without medical treatment. In compiling such list, the Secretary shall—

''(A) consult with the Director of the National Institutes of Health (including the Office of Rare Diseases), the Director of the Centers for Disease Control and Prevention, the Director of the National Science Foundation, and the Institute of Medicine of the National Academy of Sciences; and

''(B) annually review the compassionate allowances list of conditions of the Social Security Administration.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act (but in no case earlier than January 1, 2010).

SEC. 4. INSTITUTE OF MEDICINE STUDY AND REPORT ON DELAY AND PREVENTION OF DISABILITY CONDITIONS.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall request that the Institute of Medicine of the National Academy of Sciences conduct a study on the range of disability conditions that can be delayed or prevented if individuals receive access to health care services and coverage before the condition reaches disability levels.

(b) REPORT.—Not later than the date that is 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the Institute of Medicine study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000 for the period of fiscal years 2010 and 2011.

By Mr. KERRY (for himself, Mr. ALEXANDER, Mr. WYDEN, Mr. WHITEHOUSE, and Mr. BROWNBACK):

S. 701 A bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVI); to the Committee on Finance.

Mr. KERRY. Mr. President, as we move forward with comprehensive health reform we must also not ignore that some of our most vulnerable Medicare beneficiaries are subject to costly, bureaucratic red tape which is delaying

essential, life-saving treatments. Addressing this problem can both increase the quality of life for many patients and ease financial burdens for their medical providers.

Between 6,000 and 10,000 Medicare beneficiaries have primary immunodeficiency diseases, PIDD, that require intravenous immunoglobulin, IVIG, treatment to maintain a healthy immune system.

Primary Immunodeficiency Diseases, PIDD, are disorders in which part of the body's immune system is missing or does not function properly. Untreated PIDDs result in frequent life-threatening infections and debilitating illnesses. Even illnesses such as the common cold or the flu can be deadly for someone with PIDD.

Because of advances in our medical understanding and treatment of primary immune deficiency diseases, individuals who in the past would not have survived childhood are now able to live nearly normal lives. While there is still no cure for PIDD, there are effective treatments available. Nearly 70 percent of primary immune deficient patients use intravenous immunoglobulin, IVIG, to maintain their health.

Immunoglobulin is a naturally occurring collection of highly specialized proteins, known as antibodies, which strengthen the body's immune response. It is derived from human plasma donations and is administered intravenously to the patient every three to four weeks.

Currently, Medicare beneficiaries needing IVIG treatments are experiencing access problems. This is an unintended result of the way Medicare has determined the payment for IVIG. In January 2005, the Medicare Modernization Act changed the way physicians and hospital outpatient departments were paid under Medicare. The law reduced IVIG reimbursement rates so most physicians in outpatient settings could no longer afford to treat Medicare patients requiring IVIG. Access to home based infusion therapy is limited since Medicare currently pays for the cost of IVIG, but not for the nursing services or supplies required for infusion.

As a result, patients are experiencing delays in receiving critically-needed treatment and are being shifted to more expensive care settings such as inpatient hospitals. In April 2007, the U.S. Department of Health and Human Services Office of the Inspector General, OIG, reported that Medicare reimbursement for IVIG was inadequate to cover the cost many providers must pay for the product. In fact, the OIG found that 44 percent of hospitals and 41 percent of physicians were unable to purchase IVIG at the Medicare reimbursement rate during the 3rd quarter of 2006. The previous quarter was even worse—77.2 percent of hospitals and 96.5 percent of physicians were unable to purchase IVIG at the Medicare reimbursement rate.

We have an opportunity to fix this very real problem with a compassionate and common sense solution. I believe we can improve the quality of life for PIDD patients and cut inpatient expenses by improving reimbursement procedures for IVIG treatments for physicians and outpatient facilities and allowing for home treatments and coverage for related services.

That is why, today, I am introducing the Medicare IVIG Access Act, with Senators ALEXANDER, WYDEN, WHITEHOUSE, and BROWNBACK, to authorize the Secretary of Health and Human Services to update the payment for IVIG, based on new or existing data, and to provide coverage for related items and services currently excluded from the existing Medicare home infusion therapy benefit. This bill is endorsed by several national organizations from the patient and physician communities, including the Immune Deficiency Foundation, GBS/CIDP Foundation International, the Jeffrey Modell Foundation, the Clinical Immunology Society, and the National Patient Advocate Foundation.

I hope all my colleagues can support this legislation to help patients, physicians, caretakers, researchers, and plasma donors.

By Mr. GRASSLEY (for himself, Mrs. LINCOLN, Ms. SNOWE, Mr. ENSIGN, Ms. COLLINS, Ms. KLOBUCHAR, and Mr. GRAHAM):

S. 702. A bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, at 2:30 today, the Senate Finance Committee, Subcommittee on Health Care, held a hearing entitled The Role of Long-Term Care in Health Reform. In conjunction with the Subcommittee hearing, my colleagues Senators LINCOLN, SNOWE, ENSIGN, COLLINS, KLOBUCHAR, GRAHAM and I wanted to take the opportunity to introduce the Long-Term Care Affordability and Security Act of 2009.

Our Nation is graying. Research shows that the elderly population will nearly double by 2030. By 2050, the population of those aged 85 and older will have grown by more than 300 percent. Research also shows that the average age at which individuals need long-term care services, such as home health care or a private room at a nursing home, is 75. Currently, the average annual cost for a private room at a nursing home is more than $75,000. This cost is expected to be in excess of $140,000 by 2030.

Based on these facts, we can see that our Nation needs to prepare its citizens for the challenges they may face in old-age. One way to prepare for these challenges is by encouraging more Americans to obtain long-term care insurance coverage. To date, only 10 percent of seniors have long-term care insurance policies, and only 7 percent of all private-sector employees are offered long-term care insurance as a voluntary benefit.

Under current law, employees may pay for certain health-related benefits, which may include health insurance premiums, co-pays, and disability or life insurance, on a pre-tax basis under cafeteria plans and flexible spending arrangements, FSAs. Essentially, an employee may elect to reduce his or her annual salary to pay for these benefits, and the employee does not pay taxes on the amounts used to pay these costs. Employees, however, are explicitly prohibited from paying for the cost of long-term care insurance coverage tax-free.

Our bill would allow employers, for the first time, to offer qualified long-term care insurance to employees under FSAs and cafeteria plans. This means employees would be permitted to pay for qualified long-term care insurance premiums on a tax-free basis. This would make it easier for employees to purchase long-term care insurance, which many find unaffordable. This should also encourage younger individuals to purchase long-term care insurance. The younger the person is at the time the long-care insurance contract is purchased, the lower the insurance premium.

An aging Nation has no time to waste in preparing for long-term care, and the need to help people afford long-term care is more pressing than ever. I look forward to working with Senators LINCOLN, SNOWE, ENSIGN, COLLINS, KLOBUCHAR, GRAHAM and all of our Senate colleagues toward enacting the Long-Term Care Affordability and Security 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. 702

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 ''Long-Term Care Affordability and Security Act of 2009''.

SEC. 2. TREATMENT OF PREMIUMS ON QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.

(a) IN GENERAL.—

(1) CAFETERIA PLANS.—The last sentence of section 125(f) of the Internal Revenue Code of 1986 (defining qualified benefits) is amended by inserting before the period at the end ''; except that such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract''.

(2) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 of such Code (relating to contributions by an employer to accident and health plans) is amended by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 6041 of such Code is amended by adding at the end the following new subsection:

''(h) FLEXIBLE SPENDING ARRANGEMENT DEFINED.—For purposes of this section, a flexible spending arrangement is a benefit program which provides employees with coverage under which—

''(1) specified incurred expenses may be reimbursed (subject to reimbursement maximums and other reasonable conditions), and

''(2) the maximum amount of reimbursement which is reasonably available to a participant for such coverage is less than 500 percent of the value of such coverage.

In the case of an insured plan, the maximum amount reasonably available shall be determined on the basis of the underlying coverage.''.

(2) The following sections of such Code are each amended by striking ''section 106(d)'' and inserting ''section 106(c)'': sections 223(b)(4)(B), 223(d)(4)(C), 223(f)(3)(B), 3231(e)(11), 3306(b)(18), 3401(a)(22), 4973(g)(1), and 4973(g)(2)(B)(i).

(3) Section 6041(f)(1) of such Code is amended by striking ''(as defined in section 106(c)(2))''.

(4) Section 26(b)(2)(S) of such Code is amended by striking ''106(e)(3)(A)(ii)'' and inserting ''106(d)(3)(A)(ii)''.

(5) Section 223(c)(1)(B)(iii)(II) of such Code is amended by striking ''section 106(e)'' and inserting ''section 106(d)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 3. ADDITIONAL CONSUMER PROTECTIONS FOR LONG-TERM CARE INSURANCE.

(a) ADDITIONAL PROTECTIONS APPLICABLE TO LONG-TERM CARE INSURANCE.—Subparagraphs (A) and (B) of section 7702B(g)(2) of the Internal Revenue Code of 1986 (relating to requirements of model regulation and Act) are amended to read as follows:

''(A) IN GENERAL.—The requirements of this paragraph are met with respect to any contract if such contract meets—

''(i) MODEL REGULATION.—The following requirements of the model regulation:

''(I) Section 6A (relating to guaranteed renewal or noncancellability), other than paragraph (5) thereof, and the requirements of section 6B of the model Act relating to such section 6A.

''(II) Section 6B (relating to prohibitions on limitations and exclusions) other than paragraph (7) thereof.

''(III) Section 6C (relating to extension of benefits).

''(IV) Section 6D (relating to continuation or conversion of coverage).

''(V) Section 6E (relating to discontinuance and replacement of policies).

''(VI) Section 7 (relating to unintentional lapse).

''(VII) Section 8 (relating to disclosure), other than sections 8F, 8G, 8H, and 8I thereof.

''(VIII) Section 11 (relating to prohibitions against post-claims underwriting).

''(IX) Section 12 (relating to minimum standards).

''(X) Section 13 (relating to requirement to offer inflation protection).

''(XI) Section 25 (relating to prohibition against preexisting conditions and probationary periods in replacement policies or certificates).

''(XII) The provisions of section 28 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4) of this subsection.

''(ii) MODEL ACT.—The following requirements of the model Act:

''(I) Section 6C (relating to preexisting conditions).

''(II) Section 6D (relating to prior hospitalization).

''(III) The provisions of section 8 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4) of this subsection.

''(B) DEFINITIONS.—For purposes of this paragraph—

''(i) MODEL REGULATION.—The term 'model regulation' means the long-term care insurance model regulation promulgated by the National Association of Insurance Commissioners (as adopted as of December 2006).

''(ii) MODEL ACT.—The term 'model Act' means the long-term care insurance model Act promulgated by the National Association of Insurance Commissioners (as adopted as of December 2006).

''(iii) COORDINATION.—Any provision of the model regulation or model Act listed under clause (i) or (ii) of subparagraph (A) shall be treated as including any other provision of such regulation or Act necessary to implement the provision.

''(iv) DETERMINATION.—For purposes of this section and section 4980C, the determination of whether any requirement of the model regulation or the model Act has been met shall be made by the Secretary.''.

(b) EXCISE TAX.—Paragraph (1) of section 4980C(c) of the Internal Revenue Code of 1986 (relating to requirements of model provisions) is amended to read as follows:

''(1) REQUIREMENTS OF MODEL PROVISIONS.—

''(A) MODEL REGULATION.—The following requirements of the model regulation must be met:

''(i) Section 9 (relating to required disclosure of rating practices to consumer).

''(ii) Section 14 (relating to application forms and replacement coverage).

''(iii) Section 15 (relating to reporting requirements).

''(iv) Section 22 (relating to filing requirements for marketing).

''(v) Section 23 (relating to standards for marketing), including inaccurate completion of medical histories, other than paragraphs (1), (6), and (9) of section 23C.

''(vi) Section 24 (relating to suitability).

''(vii) Section 27 (relating to the right to reduce coverage and lower premiums).

''(viii) Section 31 (relating to standard format outline of coverage).

''(ix) Section 32 (relating to requirement to deliver shopper's guide).

The requirements referred to in clause (vi) shall not include those portions of the personal worksheet described in Appendix B relating to consumer protection requirements not imposed by section 4980C or 7702B.

''(B) MODEL ACT.—The following requirements of the model Act must be met:

''(i) Section 6F (relating to right to return).

''(ii) Section 6G (relating to outline of coverage).

''(iii) Section 6H (relating to requirements for certificates under group plans).

''(iv) Section 6J (relating to policy summary).

''(v) Section 6K (relating to monthly reports on accelerated death benefits).

''(vi) Section 7 (relating to incontestability period).

''(vii) Section 9 (relating to producer training requirements).

''(C) DEFINITIONS.—For purposes of this paragraph, the terms 'model regulation' and 'model Act' have the meanings given such terms by section 7702B(g)(2)(B).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to policies issued more than 1 year after the date of the enactment of this Act.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. KAUFMAN, and Mr. MENENDEZ):

S. 705. A bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, I rise to support the Overseas Private Investment Corporation Reauthorization Act of 2009. Along with Senators LUGAR, KAUFMAN and MENENDEZ, I ask for approval of the Overseas Private Investment Corporation Reauthorization Act of 2009, a bill to reauthorize a vital U.S. Government agency that has assisted U.S. businesses and promoted projects in support of our foreign policy interests since 1971. This legislation reauthorizes the Overseas Private Investment Corporation, OPIC, for 4 years.

OPIC is an independent U.S. agency whose mission is to mobilize U.S. private sector investment in poorer countries to facilitate their economic and social development. It provides U.S. companies with financing—from large structured finance to small business loans, political risk insurance, and investment funds.

OPIC operates at no net cost to taxpayers: OPIC charges market-based fees for its products and operates on a self-sustaining basis. Over its 38-year history, OPIC projects have generated more than $72 billion in U.S. exports and supported more than 273,000 American jobs while supporting over $188 billion worth of investments that have helped developing countries generate almost $15 billion in host-government revenues leading to over 821,000 host-country jobs.

OPIC's financing and political risk insurance help U.S. businesses, particularly small- and medium-sized enterprises, to compete in emerging markets and meet the challenges of investing overseas when private sector support is not available. OPIC promotes U.S. best practices by requiring that projects adhere to international labor standards.

OPIC also engages in critical foreign policy areas. It is implementing major projects in the Middle East, including Jordan, the West Bank, and Lebanon. In Africa, OPIC has established a new investment fund that will mobilize $1.6 billion of private investment in Africa towards health care, housing, telecommunications and small businesses. The agency also gives preferential consideration to projects supported by small businesses. It has even established a separate department to focus on small business financing. An overwhelming majority of projects supported by OPIC involved small business—87 percent in fiscal year 2006. This is up from 24 percent in fiscal year 1997.

The bill incorporates several important aspects, including: strengthening the rights of workers overseas, and strengthening transparency requirements to ensure NGOs and other interested groups have sufficient notice and

information about potential OPIC-supported projects.

We all are aware of the unfortunate history associated with extractive industry projects and developing countries. Our bill ensures that OPIC projects will conform to principles and standards developed by the Extractive Industry Transparency Initiative. The transparency for extraction investments is a new subsection created by the bill to ensure that countries with extractive industry projects will put in place functioning systems to allow accurate accounting, regular independent audits and broader accountability. Ultimately, this will be an important tool for preventing fraud, bribery and corruption in host countries with extractive projects.

This legislation will also ensure greater transparency for how the Corporation operates. It directs OPIC to provide more detailed information in advance about potential projects so NGOs and other groups can determine their impact. The bill ensures that NGOs and other interested groups will have adequate notice and information about potential OPIC-supported projects, prior to Board meeting votes on OPIC assistance.

I would like to reiterate that OPIC is an important foreign policy tool that encourages U.S. private sector companies to invest in poorer countries and improve their economic and social development. I want to make sure OPIC can continue to do its good work, but I also want to ensure that OPIC adheres to the highest labor and environmental standards, incorporates stringent accountability measures towards extractive industry projects, and promotes a green investment agenda.

In conclusion, I urge my colleagues to approve the Overseas Private Investment Corporation Reauthorization Act of 2009 and join in this effort.

By Mr. AKAKA (for himself and Mr. VOINOVICH):

S. 707. A bill to enhance the Federal Telework Program; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I introduce the Telework Enhancement Act of 2009 to allow greater workplace flexibility for Federal workers and agencies. I am pleased to be joined in this effort by my good friend, Senator GEORGE VOINOVICH.

Flexible work arrangements referred to generally as ''telework'' have emerged as an important part of Federal agencies' management tools and continuity of operations plans during emergencies, allowing employees to work from home or a remote location. As the Internet and technologies have advanced and become integrated into the modern work environment, opportunities for employees to securely and efficiently perform their official duties from a remote location also have expanded.

Last Congress, as Chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I joined Ranking Member VOINOVICH in holding a hearing to assess telework policies and initiatives within the Federal Government. Witnesses testified to the benefits of increased telework opportunities within the Federal workforce, including lower vehicle emissions associated with commuting, better work-life balance, reduced overhead costs for agencies, and increased trust and communication between employees and their managers.

Expanding telework options helps the Federal Government attract and retain talented employees. With a large portion of the Federal workforce eligible for retirement in the coming years, it is essential for agencies to develop management tools to enhance recruitment and retention. This bill would provide Federal agencies with an important tool to remain competitive in the modern workplace and would offer a flexible option for human capital management.

Despite these benefits, witnesses also testified that many agencies hesitate to implement broad telework programs. The witnesses cite agency leadership and management resistance as the greatest barriers to the development of robust telework policies. Even the head of the Patent and Trademark Office acknowledged that without his persistent leadership and commitment to telework, the PTO would not have the beneficial program that it does today.

In the past, Congress has approved provisions in appropriations bills to enhance telework opportunities within the Federal Government and encouraged agencies to implement comprehensive telework programs. However, Congress has not approved an authorization bill to make all Federal employees presumptively eligible to telework unless an employing agency expressly determined otherwise. Last Congress I offered an amendment in the nature of a substitute to S. 1000, a telework bill introduced by Senators Stevens and LANDRIEU. My amendment was adopted by the Committee on Homeland Security and Governmental Affairs and the amended bill was reported on the floor of the Senate.

The Telework Enhancement Act of 2009 builds on those efforts by laying the groundwork for robust telework policies in each executive agency. The Office of Personnel Management, OPM, would work with agencies to provide guidance and consultation on telework policies and goals. A Telework Managing Officer, TMO, would also be created within each agency. The TMO's primary responsibilities would be to monitor and develop agency telework policies, and act as a resource for employees and managers on telework issues.

This bill does more than provide guidelines for the development of robust telework policies; it prohibits discrimination against employees who chose to telework, guaranteeing those employees will not be disadvantaged in performance evaluations, pay, or benefits. This bill also holds agencies accountable by requiring the submission of telework data to OPM. OPM is then responsible for submitting an annual report to Congress, which summarizes the telework data and reports on the progress of each agency in achieving its telework goals.

I am proud to join Senator VOINOVICH in introducing the Telework Enhancement Act of 2009. We must make sure agencies have the tools necessary to make the Federal Government an employer of choice in the twenty-first century; enhancing telework options will further that goal. I urge my colleagues to support this legislation

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. 707

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 ''Telework Enhancement Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

(1) EMPLOYEE.—The term ''employee'' has the meaning given that term under section 2105 of title 5, United States Code.

(2) EXECUTIVE AGENCY.—Except as provided in section 7, the term ''executive agency'' has the meaning given that term under section 105 of title 5, United States Code.

(3) TELEWORK.—The term ''telework'' means a work arrangement in which an employee performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee.

SEC. 3. EXECUTIVE AGENCIES TELEWORK REQUIREMENT.

(a) TELEWORK ELIGIBILITY.—Not later than 180 days after the date of enactment of this Act, the head of each executive agency shall—

(1) establish a policy under which eligible employees of the agency may be authorized to telework;

(2) determine the eligibility for all employees of the agency to participate in telework; and

(3) notify all employees of the agency of their eligibility to telework.

(b) PARTICIPATION.—The policy described under subsection (a) shall—

(1) ensure that telework does not diminish employee performance or agency operations;

(2) require a written agreement that—

(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

(B) is mandatory in order for any employee to participate in telework;

(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

(A) direct handling of secure materials; or

(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

SEC. 4. TRAINING AND MONITORING.

(a) IN GENERAL.—The head of each executive agency shall ensure that—

(1) an interactive telework training program is provided to—

(A) employees eligible to participate in the telework program of the agency; and

(B) all managers of teleworkers;

(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 3(b)(2);

(3) no distinction is made between teleworkers and nonteleworkers for purposes of—

(A) periodic appraisals of job performance of employees;

(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

(C) work requirements; or

(D) other acts involving managerial discretion; and

(4) when determining what constitutes diminished employee performance, the agency shall consult the established performance management guidelines of the Office of Personnel Management.

(b) TRAINING REQUIREMENT EXEMPTIONS.—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this Act.

SEC. 5. POLICY AND SUPPORT.

(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

(3) consult with—

(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies; and

(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, equipment, and dependent care.

(c) CONTINUITY OF OPERATIONS PLANS.—

(1) INCORPORATION INTO CONTINUITY OF OPERATIONS PLANS.—Each executive agency shall incorporate telework into the continuity of operations plan of that agency.

(2) CONTINUITY OF OPERATIONS PLANS SUPERSEDE TELEWORK POLICY.—During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

(d) TELEWORK WEBSITE.—The Office of Personnel Management shall—

(1) maintain a central telework website; and

(2) include on that website related—

(A) telework links;

(B) announcements;

(C) guidance developed by the Office of Personnel Management; and

(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

SEC. 6. TELEWORK MANAGING OFFICER.

(a) IN GENERAL.—

(1) DESIGNATION.—The head of each executive agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

(2) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 99) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer to be''.

(B) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2919) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer to be''.

(b) DUTIES.—The Telework Managing Officer shall—

(1) be devoted to policy development and implementation related to agency telework programs;

(2) serve as—

(A) an advisor for agency leadership, including the Chief Human Capital Officer;

(B) a resource for managers and employees;

(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

(3) perform other duties as the applicable delegating authority may assign.

SEC. 7. REPORTS.

(a) DEFINITION.—In this section, the term ''executive agency'' shall not include the Government Accountability Office.

(b) REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT.—

(1) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Director of the Office of Personnel Management, in consultation with Chief Human Capital Officers Council, shall—

(A) submit a report addressing the telework programs of each executive agency to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives; and

(B) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

(2) CONTENTS.—Each report submitted under this subsection shall include—

(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report, (and for each executive agency whose head is referred to under section 5312 of title 5, United States Code, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

(i) the total number of employees in the agency;

(ii) the number and percent of employees in the agency who are eligible to telework; and

(iii) the number and percent of eligible employees in the agency who are teleworking—

(I) 3 or more days per pay period;

(II) 1 or 2 days per pay period;

(III) once per month; and

(IV) on an occasional, episodic, or short-term basis;

(B) the method for gathering telework data in each agency;

(C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

(D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

(E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

(F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

(i) emergency readiness;

(ii) energy use;

(iii) recruitment and retention;

(iv) performance;

(v) productivity; and

(vi) employee attitudes and opinions regarding telework; and

(G) the best practices in agency telework programs.

(c) COMPTROLLER GENERAL REPORTS.—

(1) REPORT ON GOVERNMENT ACCOUNTABILITY OFFICE TELEWORK PROGRAM.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Comptroller General shall submit a report addressing the telework program of the Government Accountability Office to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives.

(B) CONTENTS.—Each report submitted by the Comptroller General shall include the same information as required under subsection (b) applicable to the Government Accountability Office.

(2) REPORT TO CONGRESS ON OFFICE OF PERSONNEL MANAGEMENT REPORT.—Not later than 6 months after the submission of the first report to Congress required under subsection (b), the Comptroller General shall review that report required under subsection (b) and submit a report to Congress on the progress each executive agency has made towards the goals established under section 5(b)(2).

(d) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

(1) IN GENERAL.—Each year the Chief Human Capital Officer of each executive agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Officers Council shall—

(A) review the reports submitted under paragraph (1);

(B) include relevant information from the submitted reports in the annual report to Congress required under subsection (b); and

(C) use that relevant information for other purposes related to the strategic management of human capital.

SEC. 8. AUTHORITY FOR TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

''§ 5711. Authority for telework travel expenses test programs

''(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

''(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

''(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

''(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

''(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.

''(c)(1) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

''(2) The results in a report described under paragraph (1) may include—

''(A) the number of visits an employee makes to the pre-existing duty station of that employee;

''(B) the travel expenses paid by the agency;

''(C) the travel expenses paid by the employee; or

''(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

''(d) No more than 10 test programs under this section may be conducted simultaneously.

''(e) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2009.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

''5711. Authority for telework travel expenses test programs.''.

Mr. VOINOVICH. Mr. President, I am pleased to join my good friend and partner on human capital issues, Senator DANIEL K. AKAKA, in introducing the Telework Enhancement Act of 2009.

One of my top priorities as a Senator has been to transform the culture of the Federal workforce, something I conscientiously undertook with the city and State workforces as Mayor of Cleveland and Governor of Ohio. I know that investing in our workforce pays off.

We have an aging workforce that has difficulty attracting young people to public service careers. The image of the public sector can be bureaucratic—an impression that too often discourages young, creative college graduates. We must be able to recruit the best candidates, provide training and professional development opportunities, and reward good performance.

To compete as an employer of choice in the fast-paced 21st century knowledge economy and improve our competitiveness, we need to create an environment that supports those with the desire and commitment to serve. Just as other aspects of their lives have been informed by technology, we need to acknowledge that this next generation will have different expectations of what it means to go to work. The growth of Web 2.0 hand held devices makes it far more likely that working anytime from most anywhere will be the new norm.

As I stated in my 2000 report to the President on the Crisis in Human Capital, Federal agencies should enable as many employees as possible to telecommute or participate in other types of flexible workplace programs. Not only would this make Federal service more attractive to many employees, especially parents of young children, it has the potential to reduce traffic congestion and pollution in large metropolitan areas. According to the Telework Exchange, the average round trip commute is 50 miles, and commuters spend an average of 264 hours per year commuting. Looking at the Federal Government, if all Federal employees who are eligible to telework full time were to do so, the Federal workforce could realize $13.9 billion savings in commuting costs annually and eliminate 21.5 billion pounds of pollutants out of the environment each year. Though more difficult to quantify, but equally important, is the improved work/life balance which has a positive effect on employee morale. An additional reason that was made plain on September 11, 2001, is the need for a workforce that can be dispersed and decentralized so that essential functions can continue during an emergency.

The legislation we introduce today helps ensure that executive agencies better integrate telework into their human capital planning, establishes a level playing field for employees who voluntarily elect to telework, and improves program accountability.

According to the most recent OPM survey on Federal human capital, only 22 percent of employees when asked about work/life and family friendly benefits said that they were satisfied with current telework/telecommuting opportunities. Another 37 percent responded that they had no basis to judge. Even though teleworking has increased since OPM began reporting in 2001, participation is far short of what it should be and what the Federal workforce needs if our government is to remain an employer of choice. While most Federal agencies have made progress, the overall number of teleworkers decreased by approximately 15,000 employees between 2006 and 2007, according to the Office of Personnel Management. In addition, less than 8 percent of eligible Federal employees telework regularly.

I urge my colleagues to join Senator AKAKA and me in ensuring the Federal Government better integrates telework into its operational plans.

By Mr. AKAKA (for himself, Mr. INOUYE, Ms. MURKOWSKI, and Mr. BEGICH):

S 708. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, today I, along with members of the Hawaii Congressional Delegation, introduce a modified version of the Native Hawaiian Government Reorganization Act of 2009. In order to address concerns that have been raised, a new section prohibiting gaming has been included. With the exception of this one section, the resulting Senate bill and House bill preserve the language of S. 381 and H.R. 862, respectively; that were previously introduced on February 4, 2009. The legislation we introduce today is the legislation we will seek to move forward with toward enactment.

I am not a proponent of gaming. Our legislation would not legalize gaming by Native Hawaiians or the Native Hawaiian government in the State of Hawaii, any other state, or the territories. I reiterate to my colleagues, as well as the people of this Nation that all forms of gambling are illegal in Hawaii and the Native Hawaiian government will be subject to all State and Federal laws. The legislation we introduce today with this added gaming prohibition provision simply clarifies our intent.

Let me be clear for the record and for my colleagues that this bill is not about gaming. Rather it is about providing Federal recognition to Native Hawaiians so they may have the opportunity to enjoy the same government-to-government relationship with the U.S. provided to Alaska Natives and American Indians. The indigenous people of Hawaii, Native Hawaiians, have not been extended the Federal policy of self-governance and self-determination. The legislation provides parity and authorizes a process to federally recognize Native Hawaiians. The legislation is consistent with Federal law and maintains efforts by the U.S. Government and State of Hawaii to address

the unique needs of Native Hawaiians and empower them to perpetuate their culture, language, and traditions.

The United States has committed itself to a process of reconciliation with the indigenous people of Hawaii. Recognizing and upholding this U.S. responsibility for Native Hawaiians, the legislation allows us to take the next necessary step in the reconciliation process. The legislation does three things. First, it authorizes an Office within the Department of Interior to serve as a liaison between Native Hawaiians and the U.S. Second, it forms an Interagency Task Force cochaired by the Departments of Interior and Justice and comprised of officials from Federal agencies administering programs and services impacting Native Hawaiians. Third, it authorizes the process for the reorganization of a Native Hawaiian government for the purposes of a federally recognized government-to-government relationship. Once the Native Hawaiian government is recognized, the bill establishes an inclusive democratic negotiations process representing both Native Hawaiians and non-Native Hawaiians. There are many checks and balances in this process and any agreements reached during the negotiations process will require implementing legislation at the State and Federal levels.

This legislation will go a long way to address issues present in my home State. It is clear there are longstanding and unresolved issues resulting from the 1893 U.S. overthrow of the kingdom of Hawaii. Progress to address these issues have been limited as there has been no government-to-government relationship to facilitate discussions or implement agreements. However, with the structured process in the bill the people of Hawaii will be empowered to come together, resolve these issues, and move proudly forward together as a State.

The bill remains the product of the dedicated and mindful work of the five working groups that drafted the original bill that passed the U.S. House of Representatives in 2000. Individuals from the Native Hawaiian community, elected officials from the State of Hawaii, representatives from Federal agencies, Members of Congress, as well as leaders from Indian country and experts in constitutional law contributed to this bill. These working groups ensured that all parties that had expertise and would work to implement the bill had an opportunity to participate in the drafting process.

Over the last 9 years there has been significant public input and congressional oversight. This bill benefits from the input received during the nine congressional hearings, including six joint House Natural Resources Committee and Senate Indian Affairs Committee hearings, five of which were held in Hawaii. The bill introduced today provides a constitutionally sound foundation for us to build upon. I encourage my colleagues to join Senator INOUYE and me in enacting this legislation.

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. 708

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States.

(2) Native Hawaiians, the native people of the Hawaiian archipelago which is now part of the United States, are indigenous, native people of the United States.

(3) The United States has a special trust relationship to promote the welfare of the native people of the United States, including Native Hawaiians.

(4) Under the treaty making power of the United States, Congress exercised its constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

(5) Pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 203,500 acres of land in the Federal territory that later became the State of Hawaii to address the conditions of Native Hawaiians.

(6) By setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Act assists the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii.

(7) Approximately 6,800 Native Hawaiian lessees and their family members reside on Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Home Lands are on a waiting list to receive assignments of land.

(8) In 1959, as part of the compact admitting Hawaii into the United States, Congress established the Ceded Lands Trust for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians. Such trust consists of approximately 1,800,000 acres of land, submerged lands, and the revenues derived from such lands, the assets of which have never been completely inventoried or segregated.

(9) Throughout the years, Native Hawaiians have repeatedly sought access to the Ceded Lands Trust and its resources and revenues in order to establish and maintain native settlements and distinct native communities throughout the State.

(10) The Hawaiian Home Lands and the Ceded Lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival of the Native Hawaiian people.

(11) Native Hawaiians have maintained other distinctly native areas in Hawaii.

(12) On November 23, 1993, Public Law 103–150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawaii for the United States role in the overthrow of the Kingdom of Hawaii.

(13) The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.

(14) The Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution.

(15) Despite the overthrow of the Hawaiian government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to give expression to their rights as native people to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs.

(16) Native Hawaiians also maintain a distinct Native Hawaiian community through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school, as well as college and master's degree programs in native language immersion instruction, and traditional justice programs, and by continuing their efforts to enhance Native Hawaiian self-determination and local control.

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources.

(18) The Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs.

(19) This Act provides for a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct aboriginal, indigenous, native community to reorganize a Native Hawaiian government for the purpose of giving expression to their rights as native people to self-determination and self-governance.

(20) The United States has declared that—

(A) the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) Congress has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power, and has enacted dozens of statutes on their behalf pursuant to its recognized trust responsibility; and

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii.

(21) The United States has recognized and reaffirmed the special trust relationship with the Native Hawaiian people through—

(A) the enactment of the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4) by—

(i) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust for 5 purposes, one of which is for the betterment of the conditions of Native Hawaiians; and

(ii) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act.

(22) The United States continually has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, native people of a once sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

SEC. 2. DEFINITIONS.

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term ''aboriginal, indigenous, native people'' means those people whom Congress has recognized as the original inhabitants of the lands and who exercised sovereignty prior to European contact in the areas that later became part of the United States.

(2) ADULT MEMBERS.—The term ''adult members'' means those Native Hawaiians who have attained the age of 18 at the time the Secretary publishes the final roll, as provided in section 7(a)(3) of this Act.

(3) APOLOGY RESOLUTION.—The term ''Apology Resolution'' means Public Law 103–150 (107 Stat. 1510), a joint resolution offering an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) CEDED LANDS.—The term ''ceded lands'' means those lands which were ceded to the United States by the Republic of Hawaii under the Joint Resolution to provide for annexing the Hawaiian Islands to the United States of July 7, 1898 (30 Stat. 750), and which were later transferred to the State of Hawaii in the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'' approved March 18, 1959 (Public Law 86–3; 73 Stat. 4).

(5) COMMISSION.—The term ''Commission'' means the commission established in section 7 of this Act to certify that the adult members of the Native Hawaiian community contained on the roll developed under that section meet the definition of Native Hawaiian, as defined in paragraph (7)(A).

(6) INDIGENOUS, NATIVE PEOPLE.—The term ''indigenous, native people'' means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) NATIVE HAWAIIAN.—

(A) Prior to the recognition by the United States of a Native Hawaiian government under the authority of section 7(d)(2) of this Act, the term ''Native Hawaiian'' means the indigenous, native people of Hawaii who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, and includes all Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) and their lineal descendants.

(B) Following the recognition by the United States of the Native Hawaiian government under section 7(d)(2) of this Act, the term ''Native Hawaiian'' shall have the meaning given to such term in the organic governing documents of the Native Hawaiian government.

(8) NATIVE HAWAIIAN GOVERNMENT.—The term ''Native Hawaiian government'' means the citizens of the government of the Native Hawaiian people that is recognized by the United States under the authority of section 7(d)(2) of this Act.

(9) NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—The term ''Native Hawaiian Interim Governing Council'' means the interim governing council that is organized under section 7(c) of this Act.

(10) ROLL.—The term ''roll'' means the roll that is developed under the authority of section 7(a) of this Act.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(12) TASK FORCE.—The term ''Task Force'' means the Native Hawaiian Interagency Task Force established under the authority of section 6 of this Act.

SEC. 3. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct aboriginal, indigenous, native people, with whom the United States has a political and legal relationship;

(2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian government; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—It is the intent of Congress that the purpose of this Act is to provide a process for the reorganization of a Native Hawaiian government and for the recognition by the United States of the Native Hawaiian government for purposes of continuing a government-to-government relationship.

SEC. 4. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR NATIVE HAWAIIAN AFFAIRS.

(a) IN GENERAL.—There is established within the Office of the Secretary the United States Office for Native Hawaiian Affairs.

(b) DUTIES OF THE OFFICE.—The United States Office for Native Hawaiian Affairs shall—

(1) effectuate and coordinate the special trust relationship between the Native Hawaiian people and the United States through the Secretary, and with all other Federal agencies;

(2) upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, effectuate and coordinate the special trust relationship between the Native Hawaiian government and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian people by providing timely notice to, and consulting with the Native Hawaiian people prior to taking any actions that may affect traditional or current Native Hawaiian practices and matters that may have the potential to significantly or uniquely affect Native Hawaiian resources, rights, or lands, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian government by providing timely notice to, and consulting with the Native Hawaiian people and the Native Hawaiian government prior to taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Native Hawaiian Interagency Task Force, other Federal agencies, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands;

(5) be responsible for the preparation and submittal to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of an annual report detailing the activities of the Interagency Task Force established under section 6 of this Act that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian people and the Native Hawaiian government and providing recommendations for any necessary changes to existing Federal statutes or regulations promulgated under the authority of Federal law;

(6) be responsible for continuing the process of reconciliation with the Native Hawaiian people, and upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, be responsible for continuing the process of reconciliation with the Native Hawaiian government; and

(7) assist the Native Hawaiian people in facilitating a process for self-determination, including but not limited to the provision of technical assistance in the development of the roll under section 7(a) of this Act, the organization of the Native Hawaiian Interim Governing Council as provided for in section 7(c) of this Act, and the recognition of the Native Hawaiian government as provided for in section 7(d) of this Act.

(c) AUTHORITY.—The United States Office for Native Hawaiian Affairs is authorized to enter into a contract with or make grants for the purposes of the activities authorized or addressed in section 7 of this Act for a period of 3 years from the date of enactment of this Act.

SEC. 5. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.

The Attorney General shall designate an appropriate official within the Department of Justice to assist the United States Office for Native Hawaiian Affairs in the implementation and protection of the rights of Native Hawaiians and their political, legal, and trust relationship with the United States, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, in the implementation and protection of the rights of the Native Hawaiian government and its political, legal, and trust relationship with the United States.

SEC. 6. NATIVE HAWAIIAN INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is established an interagency task force to be known as the ''Native Hawaiian Interagency Task Force''.

(b) COMPOSITION.—The Task Force shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that establishes or implements policies that affect Native Hawaiians or whose actions may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) the United States Office for Native Hawaiian Affairs established under section 4 of this Act; and

(3) the Executive Office of the President.

(c) LEAD AGENCIES.—The Department of the Interior and the Department of Justice shall serve as the lead agencies of the Task Force, and meetings of the Task Force shall be convened at the request of either of the lead agencies.

(d) CO-CHAIRS.—The Task Force representative of the United States Office for Native Hawaiian Affairs established under the authority of section 4 of this Act and the Attorney General's designee under the authority of section 5 of this Act shall serve as co-chairs of the Task Force.

(e) DUTIES.—The responsibilities of the Task Force shall be—

(1) the coordination of Federal policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government which may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) to assure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon recognition of the Native Hawaiian government by the United States as provided in section 7(d)(2) of this Act, consultation with the Native Hawaiian government; and

(3) to assure the participation of each Federal agency in the development of the report to Congress authorized in section 4(b)(5) of this Act.

SEC. 7. PROCESS FOR THE DEVELOPMENT OF A ROLL FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL, FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL AND A NATIVE HAWAIIAN GOVERNMENT, AND FOR THE RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.

(a) ROLL.—

(1) PREPARATION OF ROLL.—The United States Office for Native Hawaiian Affairs shall assist the adult members of the Native Hawaiian community who wish to participate in the reorganization of a Native Hawaiian government in preparing a roll for the purpose of the organization of a Native Hawaiian Interim Governing Council. The roll shall include the names of the—

(A) adult members of the Native Hawaiian community who wish to become citizens of a Native Hawaiian government and who are—

(i) the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago; or

(ii) Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or their lineal descendants; and

(B) the children of the adult members listed on the roll prepared under this subsection.

(2) CERTIFICATION AND SUBMISSION.—

(A) COMMISSION.—

(i) IN GENERAL.—There is authorized to be established a Commission to be composed of 9 members for the purpose of certifying that the adult members of the Native Hawaiian community on the roll meet the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act.

(ii) MEMBERSHIP.—

(I) APPOINTMENT.—The Secretary shall appoint the members of the Commission in accordance with subclause (II). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(II) REQUIREMENTS.—The members of the Commission shall be Native Hawaiian, as defined in section 2(7)(A) of this Act, and shall have expertise in the certification of Native Hawaiian ancestry.

(III) CONGRESSIONAL SUBMISSION OF SUGGESTED CANDIDATES.—In appointing members of the Commission, the Secretary may choose such members from among—

(aa) five suggested candidates submitted by the Majority Leader of the Senate and the Minority Leader of the Senate from a list of candidates provided to such leaders by the Chairman and Vice Chairman of the Committee on Indian Affairs of the Senate; and

(bb) four suggested candidates submitted by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives from a list provided to the Speaker and the Minority Leader by the Chairman and Ranking member of the Committee on Resources of the House of Representatives.

(iii) EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) CERTIFICATION.—The Commission shall certify that the individuals listed on the roll developed under the authority of this subsection are Native Hawaiians, as defined in section 2(7)(A) of this Act.

(3) SECRETARY.—

(A) CERTIFICATION.—The Secretary shall review the Commission's certification of the membership roll and determine whether it is consistent with applicable Federal law, including the special trust relationship between the United States and the indigenous, native people of the United States.

(B) PUBLICATION.—Upon making the determination authorized in subparagraph (A), the Secretary shall publish a final roll.

(C) APPEAL.—

(i) ESTABLISHMENT OF MECHANISM.—The Secretary is authorized to establish a mechanism for an appeal of the Commission's determination as it concerns—

(I) the exclusion of the name of a person who meets the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act, from the roll; or

(II) a challenge to the inclusion of the name of a person on the roll on the grounds that the person does not meet the definition of Native Hawaiian, as so defined.

(ii) PUBLICATION; UPDATE.—The Secretary shall publish the final roll while appeals are pending, and shall update the final roll and the publication of the final roll upon the final disposition of any appeal.

(D) FAILURE TO ACT.—If the Secretary fails to make the certification authorized in subparagraph (A) within 90 days of the date that the Commission submits the membership roll to the Secretary, the certification shall be deemed to have been made, and the Commission shall publish the final roll.

(4) EFFECT OF PUBLICATION.—The publication of the final roll shall serve as the basis for the eligibility of adult members listed on the roll to participate in all referenda and elections associated with the organization of a Native Hawaiian Interim Governing Council and the Native Hawaiian government.

(b) RECOGNITION OF RIGHTS.—The right of the Native Hawaiian people to organize for their common welfare and to adopt appropriate organic governing documents is hereby recognized by the United States.

(c) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(1) ORGANIZATION.—The adult members listed on the roll developed under the authority of subsection (a) are authorized to—

(A) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(B) determine the structure of the Native Hawaiian Interim Governing Council; and

(C) elect members to the Native Hawaiian Interim Governing Council.

(2) ELECTION.—Upon the request of the adult members listed on the roll developed under the authority of subsection (a), the United States Office for Native Hawaiian Affairs may assist the Native Hawaiian community in holding an election by secret ballot (absentee and mail balloting permitted), to elect the membership of the Native Hawaiian Interim Governing Council.

(3) POWERS.—

(A) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to represent those on the roll in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(B) FUNDING.—The Native Hawaiian Interim Governing Council is authorized to enter into a contract or grant with any Federal agency, including but not limited to, the United States Office for Native Hawaiian Affairs within the Department of the Interior and the Administration for Native Americans within the Department of Health and Human Services, to carry out the activities set forth in subparagraph (C).

(C) ACTIVITIES.—

(i) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to conduct a referendum of the adult members listed on the roll developed under the authority of subsection (a) for the purpose of determining (but not limited to) the following:

(I) The proposed elements of the organic governing documents of a Native Hawaiian government.

(II) The proposed powers and authorities to be exercised by a Native Hawaiian government, as well as the proposed privileges and immunities of a Native Hawaiian government.

(III) The proposed civil rights and protection of such rights of the citizens of a Native Hawaiian government and all persons subject

to the authority of a Native Hawaiian government.

(ii) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based upon the referendum, the Native Hawaiian Interim Governing Council is authorized to develop proposed organic governing documents for a Native Hawaiian government.

(iii) DISTRIBUTION.—The Native Hawaiian Interim Governing Council is authorized to distribute to all adult members of those listed on the roll, a copy of the proposed organic governing documents, as drafted by the Native Hawaiian Interim Governing Council, along with a brief impartial description of the proposed organic governing documents.

(iv) CONSULTATION.—The Native Hawaiian Interim Governing Council is authorized to freely consult with those members listed on the roll concerning the text and description of the proposed organic governing documents.

(D) ELECTIONS.—

(i) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to hold elections for the purpose of ratifying the proposed organic governing documents, and upon ratification of the organic governing documents, to hold elections for the officers of the Native Hawaiian government.

(ii) ASSISTANCE.—Upon the request of the Native Hawaiian Interim Governing Council, the United States Office of Native Hawaiian Affairs may assist the Council in conducting such elections.

(4) TERMINATION.—The Native Hawaiian Interim Governing Council shall have no power or authority under this Act after the time at which the duly elected officers of the Native Hawaiian government take office.

(d) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.—

(1) PROCESS FOR RECOGNITION.—

(A) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—The duly elected officers of the Native Hawaiian government shall submit the organic governing documents of the Native Hawaiian government to the Secretary.

(B) CERTIFICATIONS.—Within 90 days of the date that the duly elected officers of the Native Hawaiian government submit the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) were adopted by a majority vote of the adult members listed on the roll prepared under the authority of subsection (a);

(ii) are consistent with applicable Federal law and the special trust relationship between the United States and the indigenous native people of the United States;

(iii) provide for the exercise of those governmental authorities that are recognized by the United States as the powers and authorities that are exercised by other governments representing the indigenous, native people of the United States;

(iv) provide for the protection of the civil rights of the citizens of the Native Hawaiian government and all persons subject to the authority of the Native Hawaiian government, and to assure that the Native Hawaiian government exercises its authority consistent with the requirements of section 202 of the Act of April 11, 1968 (25 U.S.C. 1302);

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian government without the consent of the Native Hawaiian government;

(vi) establish the criteria for citizenship in the Native Hawaiian government; and

(vii) provide authority for the Native Hawaiian government to negotiate with Federal, State, and local governments, and other entities.

(C) FAILURE TO ACT.—If the Secretary fails to act within 90 days of the date that the duly elected officers of the Native Hawaiian government submitted the organic governing documents of the Native Hawaiian government to the Secretary, the certifications authorized in subparagraph (B) shall be deemed to have been made.

(D) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH FEDERAL LAW.—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part thereof, are not consistent with applicable Federal law, the Secretary shall resubmit the organic governing documents to the duly elected officers of the Native Hawaiian government along with a justification for each of the Secretary's findings as to why the provisions are not consistent with such law.

(ii) AMENDMENT AND RESUBMISSION BY THE NATIVE HAWAIIAN GOVERNMENT.—If the organic governing documents are resubmitted to the duly elected officers of the Native Hawaiian government by the Secretary under clause (i), the duly elected officers of the Native Hawaiian government shall—

(I) amend the organic governing documents to ensure that the documents comply with applicable Federal law; and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with subparagraphs (B) and (C).

(2) FEDERAL RECOGNITION.—

(A) RECOGNITION.—Notwithstanding any other provision of law, upon the election of the officers of the Native Hawaiian government and the certifications (or deemed certifications) by the Secretary authorized in paragraph (1), Federal recognition is hereby extended to the Native Hawaiian government as the representative governing body of the Native Hawaiian people.

(B) NO DIMINISHMENT OF RIGHTS OR PRIVILEGES.—Nothing contained in this Act shall diminish, alter, or amend any existing rights or privileges enjoyed by the Native Hawaiian people which are not inconsistent with the provisions of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the activities authorized in this Act.

SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of Native Hawaiians contained in the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'' approved March 18, 1959 (Public Law 86–3; 73 Stat. 5) is hereby reaffirmed.

(b) NEGOTIATIONS.—Upon the Federal recognition of the Native Hawaiian government pursuant to section 7(d)(2) of this Act, the United States is authorized to negotiate and enter into an agreement with the State of Hawaii and the Native Hawaiian government regarding the transfer of lands, resources, and assets dedicated to Native Hawaiian use under existing law as in effect on the date of enactment of this Act to the Native Hawaiian government.

SEC. 10. APPLICABILITY OF INDIAN GAMING REGULATORY ACT.

(a) PROHIBITION.—The Native Hawaiian government and Native Hawaiians may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

(b) APPLICABILITY.—The foregoing prohibition in section 10(a) on the use of the Indian Gaming Regulatory Act and inherent authority to game apply regardless of whether gaming by Native Hawaiians or the Native Hawaiian government would be located on land within the State of Hawaii or within any other State or territory of the United States.

SEC. 11. DISCLAIMER.

Nothing in this Act is intended to serve as a settlement of any claims against the United States, or to affect the rights of the Native Hawaiian people under international law.

SEC. 12. REGULATIONS.

The Secretary is authorized to make such rules and regulations and such delegations of authority as the Secretary deems necessary to carry out the provisions of this Act.

SEC. 13. SEVERABILITY.

In the event that any section or provision of this Act, or any amendment made by this Act is held invalid, it is the intent of Congress that the remaining sections or provisions of this Act, and the amendments made by this Act, shall continue in full force and effect.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 709. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator BOXER to reintroduce legislation to enable hundreds of former Santa Susana Field Laboratory Workers or their survivors to receive compensation for illnesses caused by exposure to radiation and other toxic substances.

Specifically, the Santa Susana Fair Compensation Act would provide a special status designation under the Energy Employees Occupational Illness Compensation Act to Santa Susana Field Laboratory employees, so they can receive the benefits they deserve.

In addition, the bill would extend the ''special exposure cohort'' status to Department of Energy employees, Department of Energy contract employees, or atomic weapons employees who worked at the Santa Susana Field Laboratory for at least 250 days prior to January 1, 2009.

This revision would ensure that the Act's benefits are available to any of those workers who developed a radiation-linked cancer due to their employment at the Santa Susana Field Laboratory.

This bill fulfills the intent of Congress when it approved the act, providing compensation and care for nuclear program workers who suffered severe health problems caused by on-the-job exposure to radiation.

The Santa Susana Field Laboratory is a 2,849-acre facility located about 30 miles north of downtown Los Angeles.

During the Cold War, it was used for the development and testing of nuclear reactors and powerful rockets, including those used in America's space and ballistic missile programs.

Sadly, many workers of the Cold War era were exposed to radiation on a regular basis. But claims for compensation are hampered by incomplete and inaccurate records.

Some records show only estimated levels of exposure for workers, and are imprecise. In other cases, if records were kept, they cannot be found today.

Many Santa Susana Field Laboratory workers were not aware of the hazards at their workplace. Remarkably, no protective equipment—like respirators, gloves, or body suits—was provided to workers.

More than 600 claims for compensation have been filed by Santa Susana Field Lab workers, but only a small fraction have been approved. A lack of documentation, or inability to prove exposure thresholds, has hindered hundreds of claims that may well be legitimate. And, for some lab workers and their families, it is impossible to reconstruct exposure scenarios due to records having been destroyed.

Santa Susana Field Lab workers and their families now face the burden of having to reconstruct exposure scenarios that existed more than 40 years ago, in most cases with little or no documentation.

The case of my constituent, Betty Reo, provides an example of why this legislation is necessary.

Ms. Reo's husband, Cosmo Reo, worked at the Santa Susana Field Laboratory as an instrumentation mechanic from April 18, 1957 until May 17, 1960.

Cosmo worked in the rocket testing pits and was exposed to hydrazine, trichlorithylene, and other cancer-causing chemicals which attack the lungs, bladder and kidneys.

Cosmo died of renal failure in 1980. Ms. Reo applied for benefits under the Energy Employees Occupational Illness Compensation Act. She has been trying to reconstruct the exposure scenarios under which her husband worked, but without adequate documentation she has been repeatedly denied benefits.

This bill would help people like Betty Reo, people who lack the documentation necessary to prove their cases, and those who worked in any of the four areas of the Santa Susana site.

I urge my colleagues to join me in correcting these injustices and cutting through the ''red tape'' that prevents Santa Susana Field Laboratory workers, and their families, from receiving fair compensation.

For many, such as Ms. Reo, time is running out. We can no longer afford to delay, and this bill provides a straightforward solution to fix a broken system.

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 placed in the RECORD, as follows:

S. 709

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 ''Santa Susana Fair Compensation Act''.

SEC. 2. DEFINITION OF MEMBER OF SPECIAL EXPOSURE COHORT.

(a) IN GENERAL.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) is amended by adding at the end the following new subparagraph:

''(D) The employee was so employed for a number of work days aggregating at least 250 work days before January 1, 2009, by the Department of Energy or a Department of Energy contractor or subcontractor at the Santa Susana Field Laboratory in California.''.

(b) REAPPLICATION.—A claim that an individual qualifies, by reason of section 3621(14)(D) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as added by subsection (a)), for compensation or benefits under such Act shall be considered for compensation or benefits notwithstanding any denial of any other claim for compensation with respect to such individual.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 85—CONGRATULATING THE ROCKY MOUNTAIN COLLEGE BATTLIN' BEARS FOR WINNING THE 2009 NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS MEN'S BASKETBALL NATIONAL CHAMPIONSHIP

Mr. TESTER (for himself and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 85

Whereas, on March 24, 2009, the Rocky Mountain College Battlin' Bears won the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship title with a stunning 77-61 triumph over the Columbia College Cougars;

Whereas Rocky Mountain College, located in Billings, Montana, is one of the premier liberal arts schools in the State of Montana;

Whereas Rocky Mountain College forward Devin Uskoski was named the Most Valuable Player of the National Association of Intercollegiate Athletics men's basketball tournament;

Whereas Devin Uskoski averaged 17.4 points per game and 11 rebounds per game throughout his senior season;

Whereas the Battlin' Bears finished the 2009 season with a record of 30-8 and won 10 of their final 11 games;

Whereas Rocky Mountain College fans across Montana supported and encouraged the Battlin' Bears throughout the basketball season;

Whereas Rocky Mountain College President Michael R. Mace and Athletic Director Robert Beers have shown great leadership in bringing academic and athletic success to Rocky Mountain College; and

Whereas the people of the State of Montana celebrate the success and share the pride of Rocky Mountain College: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Rocky Mountain College Battlin' Bears for winning the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the Rocky Mountain College Battlin' Bears win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to—

(A) the President of Rocky Mountain College, Michael R. Mace;

(B) the Athletic Director of Rocky Mountain College, Robert Beers; and

(C) the Head Coach of the Rocky Mountain College basketball team, Bill Dreikosen.

AMENDMENTS SUBMITTED AND PROPOSED

SA 701. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table.

SA 702. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 703. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 704. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 705. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 706. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 692 submitted by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 707. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 708. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 709. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 710. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 711. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 712. Mrs. SHAHEEN (for herself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms . MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 713. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.