BENNETT), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 161, a resolution recognizing June 2009 as the first National Hereditary Hemorrhagic Telangiecstasia (HHT) month, established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States.

S. RES. 199

At the request of Mr. KOHL, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 199, a resolution recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1321. A bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program; to the Committee on Finance.

Mr. UDALL of Colorado. Mr. President, there is an old saying that ''you don't know what you've got until it's gone.'' It is true, especially when you are talking about water. We have a tendency to take water for granted when we turn on our faucets or showers and when we want to water our yards. We tend to use it inefficiently. We let the faucet run when we are brushing our teeth, or we water our lawns in the middle of the day when evaporation rates are at their highest.

When you grow up in the desert, as I did, you learn to treasure water. Everything in the West is shaped by it, and you know that it might not always be there when you need it. This will become—particularly in my part of the country, but also in the Presiding Officer's State as well—more apparent as we see lower snowpack and decreasing precipitation in the Southwest. Because of climate change dynamics and drought cycles, we are already experiencing those situations.

Water is the lifeblood of the West. Recent droughts in the Southeast of our country remind us that no one is immune from water shortages. It is with an eye to those experiences that I rise today to introduce legislation that would take a measured and practical step toward conserving it.

The Water Accountability Tax Efficiency Reinvestment Act of 2009—that is a mouthful, but if you boil it down to its acronym, it is the WATER Act—creates a tax incentive for individuals and businesses to purchase products and services that use water at least 20 percent more efficiently than comparable technology.

It is very similar to the existing tax credit we receive now for purchasing energy-efficient Energy Star products. Certainly, you see Energy Star products all over homes, and increasingly customers are purchasing them.

I thank my friend and colleague in the House of Representatives, Congressman MIKE COFFMAN, for introducing this measure in the House. I am pleased to work with him in a bipartisan way, as he is a Republican, and in a bicameral way.

I urge my colleagues to join us in supporting this bill. Why? The more we can conserve today, the more we can decrease the demands on existing water resources. Better yet, we can save our constituents and ourselves literally hundreds of dollars in the process.

What would the WATER Act do? It would create a 30-percent tax credit on the purchase of products that have earned the EPA's WaterSense label, with a maximum lifetime cap of $1,500. That is a handsome incentive for us as consumers.

Like the Energy Star label awarded by the EPA and Department of Energy, the WaterSense label would be reserved for those products that consume at least 20 percent less water than comparable items. These products are becoming much more common. They include many brands of faucets, toilets, shower heads, even irrigation services.

The predictions are that soon entire homes would become WaterSense certified.

Not only is it a bonus for the environment when we conserve water, but it is helpful to our wallets. The cheapest gallon of water, frankly, like the cheapest barrel of oil, is the one we don't use.

It is estimated by the EPA that with some simple adjustments in the way we use water, the average household can save close to $200 a year on their water and sewer bills.

There is an interesting nexus as well between energy and water use. If we conserve energy water, we use less energy. Less water means less energy to heat the water in our showers, our sinks, our dishwashers, and the energy that is used to supply and treat public water. EPA estimates if 1 percent of American households used WaterSense-certified toilets, each year we could save enough electricity to power 43,000 homes for a month, lower water bills, and reduce demands on the environment. That is something we ought to be striving to accomplish.

Numerous groups already support this legislation as it is written. I focus in particular on my home State of Colorado where industry groups, water authorities, and local leaders in Colorado have signed on to this concept.

I wanted to also say that moving forward on this legislation gained added importance for me last month when I attended a briefing that the University Corporation for Atmospheric Research held. This particular briefing was focused on the ways we will have to adapt our management of water resources in response to the effects of climate change. I know the Presiding Officer and I share a real concern about climate change.

I used to think any discussion of adapting to climate change was misguided because we were giving in to the problem. We were saying we are going to let climate change occur. I have come to believe adapting to climate change is a recognition of reality. It is having impacts all across our country. If we do not act now, we will not be meeting our responsibilities to not only our constituents today but our children and their children in the future.

In my State, all you have to do is look, for example, at the Colorado River. Colorado, Wyoming, Utah, Arizona, New Mexico, California, Nevada, and the country of Mexico have an agreement that was reached about 80 years ago on how to divide up the Colorado River. When that agreement was reached, I believe, in 1922, we thought there were 16.5 million acre feet of water we could divide among all those States and communities. We now believe that time period, when we took those numbers interest account, was a particularly wet period in the history of the Colorado River Basin. Our best guess now is there is only about 14.5 million acre feet available, and 16.5 million versus 14.5 million—there is a 2-million-acre-foot deficit there, and it is causing increasing concern.

So these water shortages that are possible because of climate change, combined with drought cycles that are normal, have the potential to cause great political tension and controversy. The river levels in the Colorado basin most likely are going to get lower, and that means serious impacts for businesses, homes, and farmers in seven States and two counties. The longer we wait to take practical steps to adjust the steps of climate change, the harder it will become to deal with them.

The good news is we have options that will do more than help address global climate change. These are policies we ought to be adopting anyway. They simply have added significance now, and they make perfect common sense.

To return to the Water Act, which I came to the Senate floor to discuss, this is a prime example of how we can adapt and take some steps today that benefit all of us. If consumers in the Colorado River Basin install WaterSense products, they will decrease the demand on the overallocated Colorado River Basin, reduce their water and energy bills, and help head off an impending problem as a result of climate change. This is a win-win-win across the board.

Again, I come to the Senate floor to ask my colleagues to join me in supporting what is a commonsense, bipartisan, bicameral effort to save taxpayers money and take a big practical step toward greater water conservation.

As I close, I also add once again that we would be leading the world as it develops and the demand for water around the world increases. These products would be available in the marketplaces in China, India, Brazil, and the developing world, which would help our economy and help create jobs as well, which we are focused on singularly as Senators. I know that is important in the Presiding Officer's home State as well.

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. 1321

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 ''Water Accountability Tax Efficiency Reinvestment Act of 2009'' or as the ''WATER Act of 2009''.

SEC. 2. CREDIT FOR WATERSENSE LABELED PROPERTY.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 30E. WATERSENSE LABELED PROPERTY.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the amounts paid or incurred by the taxpayer during such taxable year for certified WaterSense labeled property.

''(b) LIFETIME LIMITATION.—The aggregate amount of the credits allowed under this section with respect to any taxpayer for any taxable year shall not exceed the excess (if any) of $1,500 over the aggregate credits allowed under this section with respect to such taxpayer for all prior taxable years.

''(c) CERTIFIED WATERSENSE LABELED PROPERTY.—For purposes of this section, the term 'certified WaterSense labeled property' means any property—

''(1) which is certified by a licensed independent third party as meeting specifications of the Environmental Protection Agency WaterSense program, and

''(2) the original use of which commences with the taxpayer.

''(d) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23, 25D, 30, and 30D) and section 27 for the taxable year.

''(e) SPECIAL RULES.—For purposes of this section—

''(1) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (m) or (o) of section 414, shall be treated as a one person.

''(2) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed (determined without regard to subsection (d)).

''(3) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter with respect to any property for which credit is allowable under subsection (a) shall be reduced by the amount of credit allowed under subsection (a) with respect to such property (determined without regard to subsection (d)).

''(4) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

''(f) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(B) Section 25(e)(1)(C)(ii) of such Code is amended by inserting ''30E,'' after ''30D,''.

(C) Section 25B(g)(2) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(D) Section 26(a)(1) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(E) Section 904(i) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(F) Section 1400C(d)(2) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(2) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30E(e)(2).''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 30E. WaterSense labeled property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

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

S. 1322. A bill to provide for the Captain James A. Lovell Federal Health Care Center in Lake County, Illinois, and for other purposes; to the Committee on Armed Services.

Mr. DURBIN. 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. 1322

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 ''Captain James A. Lovell Federal Health Care Center Act of 2009''.

SEC. 2. EXECUTIVE AGREEMENT.

(a) EXECUTIVE AGREEMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall execute a signed executive agreement for the joint use by the Department of Defense and the Department of Veterans Affairs of the following:

(1) A new Navy ambulatory care center (on which construction commenced in July 2008), parking structure, and supporting structures and facilities in North Chicago, Illinois, and Great Lakes, Illinois.

(2) Medical personal property and equipment relating to the center, structures, and facilities described in paragraph (1).

(b) SCOPE.—The agreement required by subsection (a) shall—

(1) be a binding operational agreement on matters under the areas specified in section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500); and

(2) contain additional terms and conditions as required by the provisions of this Act.

SEC. 3. TRANSFER OF PROPERTY.

(a) TRANSFER.—

(1) TRANSFER AUTHORIZED.—The Secretary of Defense, acting through the Administrator of General Services, may transfer, without reimbursement, to the Secretary of Veterans Affairs jurisdiction over the center, structures, facilities, and property and equipment covered by the executive agreement under section 2.

(2) DATE OF TRANSFER.—The transfer authorized by paragraph (1) may not occur before the earlier of—

(A) the date that is five years after the date of the execution under section 2 of the executive agreement required by that section; or

(B) the date of the completion of such specific benchmarks relating to the joint use by the Department of Defense and the Department of Veterans Affairs of the Navy ambulatory care center described in section 2(a)(1) as the Secretary of Defense (in consultation with the Secretary of the Navy) and Secretary of the Department of Veterans Affairs shall jointly establish for purposes of this section not later than 180 days after the date of the enactment of this Act.

(3) DELAY OF TRANSFER FOR COMPLETION OF CONSTRUCTION.—If construction on the center, structures, and facilities described in paragraph (1) is not complete as of the date specified in subparagraph (A) or (B) of that paragraph, as applicable, the transfer of the center, structures, and facilities under that paragraph may occur thereafter upon completion of the construction.

(4) DISCHARGE OF TRANSFER.—The Administrator of General Services shall effectualize and memorialize the transfer as authorized by this subsection not later than 30 days after receipt of the request for the transfer.

(5) DESIGNATION OF FACILITY.—The center, structures, facilities transferred under this subsection shall be designated and known after transfer under this subsection as the ''Captain James A. Lovell Federal Health Care Center''.

(b) REVERSION.—

(1) IN GENERAL.—If any of the real and related personal property transferred pursuant to subsection (a) is subsequently used for purposes other than those specified in the executive agreement required by section 2, or is otherwise jointly determined by the Secretary of Defense and the Secretary of Veterans Affairs to be excess to the needs of the Captain James A. Lovell Federal Health Care Center, the Secretary of Veterans Affairs shall offer to transfer jurisdiction over such property, without reimbursement, to the Secretary of Defense. Any such transfer shall be carried out by the Administrator of General Services not later than one year after the acceptance of the offer of such transfer, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(2) REVERSION IN EVENT OF LACK OF FACILITIES INTEGRATION.—

(A) WITHIN INITIAL PERIOD.—During the five-year period beginning on the date of the transfer of real and related personal property pursuant to subsection (a), if the Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Navy jointly determine that the integration of the facilities transferred pursuant to that subsection should not continue, jurisdiction over such real and related personal property shall be transferred, without reimbursement, to the Secretary of Defense. The transfer under this subparagraph shall be carried out by the Administrator of General Services not later than 180 days after the date of the determination by the Secretaries, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(B) AFTER INITIAL PERIOD.—After the end of the five-year period described in subparagraph (A), if the Secretary of Veterans Affairs or the Secretary of Defense determines that the integration of the facilities transferred pursuant to subsection (a) should not continue, the Secretary of Veterans Affairs shall transfer, without reimbursement, to the Secretary of Defense jurisdiction over the real and related personal property described in subparagraph (A). Any transfer under this subparagraph shall be carried out by the Administrator of General Services not later than one year after the date of the determination by the applicable Secretary, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(C) REVERSION PROCEDURES.—The executive agreement required by section 2 shall provide the following:

(i) Specific procedures for the reversion of real and related personal property, as appropriate, transferred pursuant to subsection (a) to ensure the continuing accomplishment by the Department of Defense and the Department of Veterans Affairs of their missions in the event that the integration of facilities described transferred pursuant to that subsection (a) is not completed or a reversion of property occurs under subparagraph (A) or (B).

(ii) In the event of a reversion under this paragraph, the transfer from the Department of Veterans Affairs to the Department of Defense of associated functions including appropriate resources, civilian positions, and personnel, in a manner that will not result in adverse impact to the missions of Department of Defense or the Department of Veterans Affairs.

SEC. 4. TRANSFER OF CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—The Secretary of Defense and the Secretary of the Navy may transfer to the Secretary of Veterans Affairs functions necessary for the effective operation of the Captain James A. Lovell Federal Health Care Center. The Secretary of Veterans Affairs may accept any functions so transferred.

(b) TERMS.—

(1) EXECUTIVE AGREEMENT.—Any transfer of functions under subsection (a) shall be carried out as provided in the executive agreement required by section 2. The functions to be so transferred shall be identified utilizing the provisions of section 3503 of title 5, United States Code.

(2) ELEMENTS.—In providing for the transfer of functions under subsection (a), the executive agreement required by section 2 shall provide for the following:

(A) The transfer of civilian employee positions of the Department of Defense identified in the executive agreement to the Department of Veterans Affairs, and of the incumbent civilian employees in such positions, and the transition of the employees so transferred to the pay, benefits, and personnel systems that apply to employees of the Department of Veterans Affairs (to the extent that different systems apply).

(B) The transition of employees so transferred to the pay systems of the Department of Veterans Affairs in a manner which will not result in any reduction in an employee's regular rate of compensation (including basic pay, locality pay, any physician comparability allowance, and any other fixed and recurring pay supplement) at the time of transition.

(C) The continuation after transfer of the same employment status for employees so transferred who have already successfully completed or are in the process of completing a one-year probationary period under title 5, United States Code, notwithstanding the provisions of section 7403(b)(1) of title 38, United States Code.

(D) The extension of collective bargaining rights under title 5, United States Code, to employees so transferred in positions listed in subsection 7421(b) of title 38, United States Code, notwithstanding the provisions of section 7422 of title 38, United States Code, for a two-year period beginning on the effective date of the executive agreement.

(E) At the end of the two-year period beginning on the effective date of the executive agreement, for the following actions by the Secretary of Veterans Affairs with respect to the extension of collective bargaining rights under subparagraph (D):

(i) Consideration of the impact of the extension of such rights.

(ii) Consultation with exclusive employee representatives of the transferred employees about such impact.

(iii) Determination, after consultation with the Secretary of Defense and the Secretary of the Navy, whether the extension of such rights should be terminated, modified, or kept in effect.

(iv) Submittal to Congress of a notice regarding the determination made under clause (iii).

(F) The recognition after transfer of each transferred physician's and dentist's total number of years of service as a physician or dentist in the Department of Defense for purposes of calculating such employee's rate of base pay, notwithstanding the provisions of section 7431(b)(3) of title 38, United States Code.

(G) The preservation of the seniority of the employees so transferred for all pay purposes.

(c) RETENTION OF DEPARTMENT OF DEFENSE EMPLOYMENT AUTHORITY.—Notwithstanding subsections (a) and (b), the Department of Defense may employ civilian personnel at the Captain James Lovell Federal Health Care Center if the Secretary of the Navy, or a designee of the Secretary, determines it is necessary and appropriate to meet mission requirements of the Department of the Navy.

SEC. 5. JOINT FUNDING AUTHORITY FOR THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) IN GENERAL.—The Department of Veterans Affairs/Department of Defense Health Care Resources Sharing Committee under section 8111(b) of title 38, United States Code, may provide for the joint funding of the Captain James A. Lovell Federal Health Care Center in accordance with the provisions of this section.

(b) HEALTH CARE CENTER FUND.—

(1) ESTABLISHMENT.—There is established on the books of the Treasury under the Department of Veterans Affairs a fund to be known as the ''Captain James A. Lovell Federal Health Care Center Fund'' (in this section referred to as the ''Fund'').

(2) ELEMENTS.—The Fund shall consist of the following:

(A) Amounts transferred to the Fund by the Secretary of Defense, in consultation with the Secretary of the Navy, from amounts authorized to be appropriated for the Department of Defense.

(B) Amounts transferred to the Fund by the Secretary of Veterans Affairs from amounts authorized to be appropriated for the Department of Veterans Affairs.

(C) Amounts transferred to the Fund from medical care collections under paragraph (4).

(3) DETERMINATION OF AMOUNTS TRANSFERRED GENERALLY.—The amount transferred to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs under subparagraphs (A) and (B), as applicable, of paragraph (2) each fiscal year shall be such amount, as determined by a methodology jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection, that reflects the mission-specific activities, workload, and costs of provision of health care at the Captain James A. Lovell Federal Health Care Center of the Department of Defense and the Department of Veterans Affairs, respectively.

(4) TRANSFERS FROM MEDICAL CARE COLLECTIONS.—

(A) IN GENERAL.—Amounts collected under the authorities specified in subparagraph (B) for health care provided at the Captain James A. Lovell Federal Health Care Center may be transferred to the Fund under paragraph (2)(C).

(B) AUTHORITIES.—The authorities specified in this subparagraph are the following:

(i) Section 1095 of title 10, United States Code.

(ii) Section 1729 of title 38, United States Code.

(iii) Public Law 87–693, popularly known as the ''Federal Medical Care Recovery Act'' (42 U.S.C. 2651 et seq.).

(5) ADMINISTRATION.—The Fund shall be administered in accordance with such provisions of the executive agreement required by section 2 as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly include in the executive agreement. Such provisions shall provide for an independent review of the methodology established under paragraph (3).

(c) AVAILABILITY.—

(1) IN GENERAL.—Funds transferred to the Fund under subsection (b) shall be available to fund the operations of the Captain James A. Lovell Federal Health Care Center, including capital equipment, real property maintenance, and minor construction projects that are not required to be specifically authorized by law under section 2805 of title 10, United States Code, or section 8104 of title 38, United States Code.

(2) LIMITATION.—The availability of funds transferred to the Fund under subsection

(b)(2)(C) shall be subject to the provisions of section 1729A of title 38, United States Code.

(3) PERIOD OF AVAILABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds transferred to the Fund under subsection (b) shall be available under paragraph (1) for one fiscal year after transfer.

(B) EXCEPTION.—Of an amount transferred to the Fund under subsection (b), an amount not to exceed two percent of such amount shall be available under paragraph (1) for two fiscal years after transfer.

(d) FINANCIAL RECONCILIATION.—The executive agreement required by section 2 shall provide for the development and implementation of an integrated financial reconciliation process that meets the fiscal reconciliation requirements of the Department of Defense, the Department of the Navy, and the Department of Veterans Affairs. The process shall permit each of the Department of Defense, the Department of Navy, and the Department of Veterans Affairs to identify their fiscal contributions to the Fund, taking into consideration accounting, workload, and financial management differences.

(e) ANNUAL REPORT.—The Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall jointly provide for an annual independent review of the Fund for at least three years after the date of the enactment of this Act. Such review shall include detailed statements of the uses of amounts of the Fund and an evaluation of the adequacy of the proportional share contributed to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs.

(f) TERMINATION.—The authorities in this section shall terminate on September 30, 2015.

SEC. 6. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR CARE AND SERVICES AT THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) IN GENERAL.—For purposes of eligibility for health care under chapter 55 of title 10, United States Code, the Captain James A. Lovell Federal Health Care Center may be treated as a facility of the uniformed services to the extent provided under subsection (b) in the executive agreement required by section 2.

(b) ADDITIONAL ELEMENTS.—The executive agreement required by section 2 may include provisions as follows:

(1) To establish an integrated priority list for access to health care at the Captain James A. Lovell Federal Health Care Center, which list shall—

(A) integrate the respective health care priority lists of the Secretary of Defense and the Secretary of Veterans Affairs; and

(B) take into account categories of beneficiaries, enrollment program status, and such other matters as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate.

(2) To incorporate any resource-related limitations for access to health care at the Captain James A. Lovell Federal Health Care Center that the Secretary of Defense may establish for purposes of administering space-available eligibility for care in facilities of the uniformed services under chapter 55 of title 10, United States Code.

(3) To allocate financial responsibility for care provided at the Captain James A. Lovell Federal Health Care Center for individuals who are eligible for care under both chapter 55 of title 10, United States Code, and title 38, United States Code.

(4) To waive the applicability to the Captain James A. Lovell Federal Health Care Center of any provision of section 8111(e) of title 38, United States Code, that the Secretary of Defense and the Secretary of Veterans Affairs shall jointly specify.

SEC. 7. EXTENSION OF DOD–VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2015''.

By Mr. SPECTER:

S. 1325. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to make permanent a tax credit for the production of Steel Industry Fuel, SIF. SIF is used by the domestic steel industry as a feedstock for the manufacture of coke, which is coal that has been carbonized and is used as a fuel in steel making.

Last fall, Congress enacted a new tax credit under the refined coal provision of section 45 of the Internal Revenue Code for the production of this fuel product made from coal waste sludge and coal. This tax credit supports SIF projects that may not otherwise be viable due to materials, process, technology and other transaction costs. As originally enacted, the SIF credit provides for a one-year credit period.

There are numerous reasons that favor extending the tax incentives for SIF: it has significant energy, environmental, and economic benefits. First, SIF recaptures the BTU content of coal waste sludge; second, its production is the preferred method of coal waste sludge disposal and is done so in a manner approved by the Environmental Protection Agency, EPA; and third, it provides the economic and financial benefits of making our domestic steel industry more competitive by lowering production and operational costs.

The production of SIF is the most favorable method of disposing of coal waste sludge from an energy resource and environmental perspective. The disposal of coal waste sludge would otherwise be treated as a hazardous waste under applicable Federal environmental rules. The alternative methods of disposal are to transport the coal waste sludge off-site for incineration or to foreign countries for landfilling. Both options require the physical conveyance of a waste product, which is a dangerous, cumbersome, and expensive undertaking. The more obvious drawback is the failure to recapture the energy content of the coal waste sludge.

An extension of the SIF tax incentive is of critical importance in the current economic downturn, and its sunset would have a negative impact on the industry. Steel companies and coke plant operators are incurring losses as the demand for their product has dried up. There have been significant layoffs at the major domestic integrated steel producers, impacting thousands of workers in Pennsylvania, Illinois, Indiana, Michigan, Ohio, West Virginia, Kentucky, and elsewhere. Domestic steel manufacturers have been forced to operate at low capacity utilization rates and coke batteries have been placed on ''hot idle,'' a holding pattern to prevent the bricks that comprise the coke battery from cooling and damaging the battery. An extension of the SIF credit will enable these manufacturers to mitigate their losses while the economy recovers.

The current 1-year period for the SIF credit has been a significant hindrance in attracting the outside investment needed to finance SIF projects, especially in light of the prevailing economic conditions since the enactment of the credit. Steel industry fuel projects often involve lengthy negotiations to implement the transaction structure necessary to claim the SIF credit, which has effectively reduced the 1-year credit period to a lesser period for many projects. For this reason, the subsidy intended to be provided by the credit for the development of SIF projects requires a longer credit period.

Included in this legislation is an important clarification on an issue that has slowed negotiations with respect to SIF projects. It is expected that, for the convenience of the parties and for environmental safety, facilities producing SIF will typically be located on land leased from a steel company or other owner of a coking operation. Such a lessor will not be treated as having an ownership interest in the SIF facility because it leases land and related facilities, sells coal waste sludge or coal feedstock, and/or buys SIF so long as such person's entitlement to rent and/or other net payments is measured by a fixed dollar amount or a fixed dollar amount per ton, or otherwise determined without reference to the profit or loss of the facility. Similarly, a licensor of technology will not be treated as having an ownership interest in the SIF facility because it is entitled to a royalty and/or other payment that is a fixed amount per ton or otherwise determined without regard to the profit or loss of the facility. Such arrangements may also cause facilities that produce SIF to operate at a loss before the credit is taken into account; however, it is intended that the occurrence of such a ''pre-tax loss'' will not affect entitlement to this credit, regardless of whether such ''pre-tax loss'' is caused by the terms of the lease, license, supply or sales contracts between the parties. To that end, the bill provides necessary flexibility for varying circumstances of ownership interests and clarifies that the existence of such arrangements will not prevent the equity owner of a facility from receiving tax credits for its sales of SIF. This provision provides greater tax certainty to potential investors in SIF projects.

SIF is typically produced at facilities that are located on the premises of coke plants that are owned by integrated steel companies that are unrelated to the producer of such SIF. The

SIF production facility is situated on or near conveyor belts that may be leased from the integrated steel company and production of SIF may occur while coal, and coal blended with petroleum coke, as described below, is transported on the conveyor belts. For commercial, liability, safety, environmental and other business reasons germane to the integrated steel companies that consume the SIF, SIF producers may purchase coal from the integrated steel producer, taking title and having risk of loss while such coal is transported on the conveyor belt, rather than directly purchasing the coal from the mine. The bill provides a safe harbor that establishes that the SIF producer shall be treated as the producer and seller of SIF that it manufactures from coal to which it has taken title. The bill further clarifies that the sale of SIF shall not fail to qualify as a sale to an unrelated party for purposes of the SIF credit solely because the sale is to a party that is also a ground lessor, supplier, and/or customer.

The bill also establishes that SIF may also be made using coal or coal that is mixed with some petroleum coke. Such ''pet coke'' has traditionally been used by steel companies/coke operators in a blend with coal as a feedstock for coke. The bill provides that its presence in SIF does not invalidate or otherwise reduce the credit.

SIF projects will expand our domestic energy resources by using what would otherwise be a hazardous waste of the coking process in a fuel product. The availability of the tax credit will attract outside investment to the steel and coke production industries and promote job growth in the domestic steel production industry and in related industries that service the steel and coke production industries. I urge my colleagues to support this legislation.

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

S. 1328. A bill to provide for the exchange of administrative jurisdiction over certain Federal land between the Forest Service and the Bureau of Land Management, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senator BOXER to introduce legislation to improve the administration of Chappie-Shasta Off-Highway Vehicle area by reducing unnecessary bureaucracy and aiding in proper enjoyment of these Federal lands.

This bill is simple. It interchanges the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management in Shasta-Trinity National Forest in California.

This legislation consolidates BLM's jurisdiction and management of the Off-Highway-Vehicle area while, in exchange, the Forest Service benefits by receiving small tracts of wilderness areas that are currently managed by the BLM but are contiguous to Forest Service land.

This exchange only affects land already controlled by the Federal government and will not change the designation of these lands. Furthermore, it will be beneficial to the local community which has supported this jurisdictional change.

These Federal lands, near Redding, California, have long been used by off-highway-vehicle enthusiasts. However, overlapped management of these areas by both the Forest Service and the Bureau of Land Management has caused unnecessary burden to these recreational opportunities.

It means users need two permits, often at substantial and unnecessary cost. Likewise, the overlapping management has resulted in different opening dates for the same area of land, frustrating the local off-highway-vehicle community and the thousands of tourists who travel there every year.

This jurisdictional exchange will reduce bureaucracy to ease recreational access as well as provide for better Federal management of these areas.

The bill was developed in a collaborative manner, with input and agreement at the local level by the Forest Service and BLM, in conjunction with the local off-highway-vehicle community. The bill is also supported by the local community and the County Board of Supervisors.

This effort represents a sensible, common sense approach to problem solving and better government.

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. 1328

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 ''Shasta-Trinity National Forest Administrative Jurisdiction Transfer Act''.

SEC. 2. TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE BUREAU OF LAND MANAGEMENT.

(a) IN GENERAL.—Administrative jurisdiction over the Federal land described in subsection (b) is transferred from the Chief of the Forest Service (referred to in this Act as the ''Chief'') to the Director of the Bureau of Land Management (referred to in this Act as the ''Director''), to be administered by the Director, subject to the laws (including regulations) applicable to land administered by the Director.

(b) DESCRIPTION OF LAND.—

(1) IN GENERAL.—The Federal land referred to in subsection (a) is the land within the Shasta-Trinity National Forest in California, Mount Diablo Meridian, as depicted on the map entitled ''H.R. 689, Transfer from Forest Service to BLM, Map 1'' and dated April 21, 2009.

(2) EXCLUSION.—The land within the Shasta Dam Reclamation Zone shall—

(A) be excluded from the transfer of administrative jurisdiction under subsection (a); and

(B) continue to be administered by the Secretary of the Interior (acting through the Commissioner of Reclamation).

SEC. 3. TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE FOREST SERVICE.

(a) IN GENERAL.—Administrative jurisdiction over the Federal land described in subsection (b) is transferred from the Director to the Chief, to be administered by the Chief, subject to the laws (including regulations) applicable to National Forest System land.

(b) DESCRIPTION OF LAND.—The Federal land referred to in subsection (a) is the land administered by the Director in the Mount Diablo Meridian, California, as depicted on the map entitled ''H.R. 689, Transfer from BLM to Forest Service, Map 2'' and dated April 21, 2009.

(c) WITHDRAWAL.—The Federal land described in subsection (b) is—

(1) withdrawn from the public domain; and

(2) reserved for administration as part of the Shasta-Trinity National Forest.

(d) WILDERNESS ADMINISTRATION.—The transfer of administrative jurisdiction from the Director to the Chief of certain land previously designated as part of the Trinity Alps Wilderness shall not affect the wilderness status of the wilderness land.

(e) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Shasta-Trinity National Forest, as adjusted under this section, shall be considered to be the boundaries of the Shasta-Trinity National Forest as of January 1, 1965.

SEC. 4. ADMINISTRATIVE PROVISIONS.

(a) CORRECTIONS.—

(1) MINOR ADJUSTMENTS.—The Director and the Chief, may, by mutual agreement, make minor corrections and adjustments to the transfers under this Act to facilitate land management, including corrections and adjustments to any applicable surveys.

(2) PUBLICATIONS.—Any corrections or adjustments made under subsection (a) shall be effective on the date of publication of a notice of the corrections or adjustments in the Federal Register.

(b) HAZARDOUS SUBSTANCES.—

(1) NOTICE.—The Chief and Director shall, with respect to the land described in sections 2(b) and 3(b), respectively—

(A) identify any known sites containing hazardous substances; and

(B) provide to the head of the Federal agency to which the land is being transferred notice of any sites identified under subparagraph (A).

(2) CLEANUP OBLIGATIONS.—The cleanup of hazardous substances on land to which administrative jurisdiction is transferred by this Act shall be the responsibility of the head of the agency with jurisdiction over the affected land on the day before the date of enactment of this Act.

(c) EFFECT ON EXISTING RIGHTS AND AUTHORIZATIONS.—Nothing in this Act affects—

(1) any valid existing rights; or

(2) the validity or term and conditions of any existing withdrawal, right-of-way, easement, lease, license, or permit on the land to which administrative jurisdiction is transferred under this Act, except that beginning on the date of enactment of this Act, the head of the agency to which administrative jurisdiction over the land is transferred shall be responsible for administering the interests or authorizations (including reissuing the interests or authorizations in accordance with applicable law).

By Mr. KOHL (for himself, Mr. CARDIN, Mr. DURBIN, and Mr. KENNEDY):

S. 1329. A bill to authorize the Attorney General to award grants to State

courts to develop and implement state courts interpreter programs; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today, with Senator KENNEDY, Senator DURBIN, and Senator CARDIN to introduce the state Court Interpreter Grant Program Act of 2009. This legislation would create a modest grant program to provide much needed financial assistance to States for developing and implementing effective state court interpreter programs. This would help to ensure fair trials for individuals with limited English proficiency.

States are already legally required, under Title VI of the Civil Rights Act of 1964, to take reasonable steps to provide meaningful access to court proceedings for individuals with limited English proficiency. Unfortunately, however, court interpreting services vary greatly by State. Some States have highly developed programs. Others are trying to get programs up and running, but lack adequate funds. Still others have no interpreter certification program at all. It is critical that we protect the constitutional right to a fair trial by adequately funding state court interpreter programs.

Our States are finding themselves in an impossible position. Qualified interpreters are in short supply because it is difficult to find individuals who are both bilingual and well-versed in legal terminology. The skills required of a court interpreter differ significantly from those required of other interpreters or translators. Legal English is a highly particularized area of the language, and requires special training. Although anyone with fluency in a foreign language could attempt to translate a court proceeding, the best interpreters are those that have been tested and certified as official court interpreters.

Making the problem worse, States continue to fall further behind as the number of Americans with limited English proficiency—and therefore the demand for court interpreter services—continues to grow. According to the most recent Census data, 20 percent of the population over age five speaks a language other than English at home. In 2000, the number of people in this country who spoke English less than ''very well'' was more than 21 million, approaching twice what the number was 10 years earlier. Illinois had more than 1 million. Texas had nearly 2.7 million. California had more than 6.2 million.

The shortage of qualified interpreters has become a national problem, and it has serious consequences. In Pennsylvania, a committee established by the state Supreme Court called the State's interpreter program ''backward,'' and said that the lack of qualified interpreters ''undermines the ability of the . . . court system to determine facts accurately and to dispense justice fairly.'' When interpreters are unqualified, or untrained, mistakes are made. The result is that the fundamental right to due process is too often lost in translation, and because the lawyers and judges are not interpreters, these mistakes often go unnoticed.

Some of the stories associated with this problem are simply unbelievable. In Pennsylvania, for instance, a husband accused of abusing his wife was asked to translate as his wife testified in court. In Ohio, a woman was wrongly placed on suicide watch after an unqualified interpreter mistranslated her words. In February 2007 testimony before the Judiciary Committee, Justice Kennedy described a particularly alarming situation where bilingual jurors can understand what the witness is saying and then interrupt the proceeding when an interpreter has not accurately represented the witness' testimony. Justice Kennedy agreed that the lack of qualified court interpreters poses a significant threat to our judicial system, and emphasized the importance of addressing the issue.

This legislation does just that by authorizing $15 million per year, over 5 years, for a state Court Interpreter Grant Program. The bill does not merely send Federal dollars to States to pay for court interpreters. It will provide much needed ''seed money'' for States to start or bolster their court interpreter programs to recruit, train, test, and certify court interpreters. Those States that apply would be eligible for a $100,000 base grant allotment. In addition, $5 million would be set aside for States that demonstrate extraordinary need. The remainder of the money would be distributed on a formula basis, determined by the percentage of persons in that State over the age of five who speak a language other than English at home.

Some will undoubtedly question whether this modest amount can make a difference. It can, and my home State of Wisconsin is a perfect example of that. When Wisconsin's court interpreter program got off the ground in 2004, using State money and a $250,000 Federal grant, certified interpreters were scarce. Now, 5 years later, it has certified 48 interpreters. Most of those are certified in Spanish, where the greatest need exists. However, the State also has interpreters certified in sign language and German. The list of provisional interpreters—those who have received training and passed written tests—is much longer and includes individuals trained in Russian, Hmong, Korean, and other languages. All of this progress in only 5 years, and with only $250,000 of Federal assistance.

This legislation has the strong support of state court administrators and state supreme court justices around the country. Our States are facing this difficult challenge, and Federal law requires them to meet it. Despite their noble efforts, many of them have been unable to keep up with the demand. It is time we lend them a helping hand. This is an access issue, and no one should be denied justice or access to our courts merely because of a language barrier. I strongly urge my colleagues to support this critical legislation.

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

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

S. 1329

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 ''State Court Interpreter Grant Program Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 19 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference interpreting;

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) regulations implementing title VI of the Civil Rights Act of 1964, as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

(7) 40 States have developed, or are developing, qualified court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters; and

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

SEC. 3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the ''Administrator'') shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs

to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500,000 of the amount appropriated pursuant to section 4 to be used to establish a court interpreter technical assistance program to assist State courts receiving grants under this Act.

(b) USE OF GRANTS.—Grants awarded under subsection (a) may be used by State courts to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State courts;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed under paragraph (2); and

(6) engage in other related activities, as prescribed by the Attorney General.

(c) APPLICATION.—

(1) IN GENERAL.—The highest State court of each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(2) STATE COURTS.—The highest State court of each State submitting an application under paragraph (1) shall include in the application—

(A) a demonstration of need for the development, implementation, or expansion of a State court interpreter program;

(B) an identification of each State court in that State which would receive funds from the grant;

(C) the amount of funds each State court identified under subparagraph (B) would receive from the grant; and

(D) the procedures the highest State court would use to directly distribute grant funds to State courts identified under subparagraph (B).

(d) STATE COURT ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate $100,000 to each of the highest State court of each State, which has an application approved under subsection (c).

(2) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate $5,000,000 to be distributed among the highest State courts of States which have an application approved under subsection (c), and that have extraordinary needs that are required to be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each of the highest State court of each State, which has an application approved under subsection (c), an amount equal to the product reached by multiplying—

(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section 4; and

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

(4) TREATMENT OF DISTRICT OF COLUMBIA.—For purposes of this section—

(A) the District of Columbia shall be treated as a State; and

(B) the District of Columbia Court of Appeals shall act as the highest State court for the District of Columbia.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2010 through 2014 to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 200—DESIGNATING SEPTEMBER 12, 2009, AS ''NATIONAL CHILDHOOD CANCER AWARENESS DAY''

Mr. UDALL of Colorado (for himself and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 200

Whereas childhood cancer is the leading cause of death by disease for children in the United States;

Whereas an estimated 12,500 children in this Nation are diagnosed with cancer each year;

Whereas an estimated 2,300 children in this Nation lose their lives to cancer each year;

Whereas the results of peer-reviewed clinical trials have raised the standard of care and improved the 5-year cancer survival rate in children to greater than 80 percent overall;

Whereas more than 40,000 children and adolescents in the United States currently are being treated for childhood cancers;

Whereas up to 2/3 of childhood cancer survivors are likely to experience at least one life-altering or life-threatening late effect from treatment; and

Whereas childhood cancer occurs regularly and randomly and spares no racial or ethnic group, socioeconomic class, or geographic region: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 12, 2009, as ''National Childhood Cancer Awareness Day'';

(2) requests that the Federal Government, States, localities, and nonprofit organizations observe the day with appropriate programs and activities, with the goal of increasing public knowledge of the risks of cancer;

(3) recognizes the profound toll a diagnosis of cancer has on children, families, and communities and pledges to make its prevention and cure a public health priority; and

(4) urges public and private sector efforts to promote awareness, invest in research, and improve treatments for childhood cancer.

SENATE RESOLUTION 201—RECOGNIZING AND HONORING THE TENTH ANNIVERSARY OF THE UNITED STATES SUPREME COURT DECISION IN OLMSTEAD V. L.C., 527 U.S. 581 (1999)

Mr. HARKIN (for himself and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 201

Whereas in the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (referred to in this preamble as the ''ADA''), Congress found that the isolation and segregation of individuals with disabilities is a serious and pervasive form of discrimination;

Whereas the ADA provides the guarantees of equality of opportunity, economic self-sufficiency, full participation, and independent living for individuals with disabilities;

Whereas on June 22, 1999, the United States Supreme Court in Olmstead v. L.C., 527 U.S. 581 (1999), held that under the ADA, States must offer qualified individuals with disabilities the choice to receive their long-term services and support in a community-based setting;

Whereas the Supreme Court further recognized in Olmstead v. L.C. that ''institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life'' and that ''confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment.'';

Whereas June 22, 2009, marks the tenth anniversary of the Olmstead v. L.C. decision;

Whereas, as a result of the Supreme Court decision in Olmstead v. L.C., many individuals with disabilities have been able to live in home and community-based settings, rather than institutional settings, and to become productive members of the community;

Whereas despite this success, community-based services and supports remain unavailable for many individuals with significant disabilities;

Whereas eligible families of children with disabilities, working-age adults with disabilities, and older individuals with disabilities should be able to make a choice between entering an institution or receiving long-term services and supports in the most integrated setting appropriate to the individual's needs; and

Whereas families of children with disabilities, working-age adults with disabilities, and older individuals with disabilities should retain the greatest possible control over the services received and, therefore, their own lives and futures, including quality services that maximize independence in the home and community: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the tenth anniversary of the Supreme Court decision in Olmstead v. L.C.;

(2) salutes all people whose efforts have contributed to the expansion of home and community-based long-term services and supports for individuals with disabilities; and

(3) encourages all people of the United States to recognize the importance of ensuring that home and community-based services are equally available to all qualified individuals with significant disabilities who choose to remain in their home and community.

SENATE CONCURRENT RESOLUTION 30—COMMENDING THE BUREAU OF LABOR STATISTICS ON THE OCCASION OF ITS 125TH ANNIVERSARY

Mr. SCHUMER (for himself, Mr. BROWNBACK, and Mrs. MURRAY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 30

Whereas the Act entitled ''An Act to establish a Bureau of Labor'', approved on June 27, 1884 (23 Stat. 60), established a bureau to ''collect information upon the subject of labor, its relation to capital, the hours of