

BROWN, TESTER, BEGICH, BURRIS, SPECTER and ISAKSON. I am also delighted that Senator SNOWE was an original cosponsor of this bill and has worked hard in support of it.

Mr. President, this legislation will bring much needed stability and predictability to the VA health care system and consistent, high-quality health care to the veterans and I am delighted with today's action by the Senate.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 129, H.R. 1016, the House companion; that all after the enacting clause be stricken and the text of S. 423 be inserted in lieu thereof; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table; that upon passage of H.R. 1016, S. 423 be returned to the calendar, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1016), as amended, was read the third time and passed, as follows:

#### H.R. 1016

*Resolved*, That the bill from the House of Representatives (H.R. 1016) entitled "An Act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Veterans Health Care Budget Reform and Transparency Act of 2009".*

#### SEC. 2. FINDINGS.

*Congress makes the following findings:*

(1) Title 38, United States Code, authorizes the Secretary of Veterans Affairs to furnish hospital and domiciliary care, medical services, nursing home care, and related services to eligible and enrolled veterans, but only to the extent that appropriated resources and facilities are available for such purposes.

(2) For 19 of the past 22 fiscal years, funds have not been appropriated for the Department of Veterans Affairs for the provision of health care as of the commencement of the new fiscal year, causing the Department great challenges in planning and managing care for enrolled veterans, to the detriment of veterans.

(3) The cumulative effect of insufficient, late, and unpredictable funding for the Department for health care endangers the viability of the health care system of the Department and impairs the specialized health care resources the Department requires to maintain and improve the health of sick and disabled veterans.

(4) Appropriations for the health care programs of the Department have too often proven insufficient over the past decade, requiring the Secretary to ration health care and Congress to approve supplemental appropriations for those programs.

(5) Providing sufficient, timely, and predictable funding would ensure the Government meets its obligation to provide health care to sick and disabled veterans and ensure that all

veterans enrolled for health care through the Department have ready access to timely and high quality care.

(6) Providing sufficient, timely, and predictable funding would allow the Department to properly plan for and meet the needs of veterans.

#### SEC. 3. TWO-FISCAL YEAR BUDGET AUTHORITY FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) TWO-FISCAL YEAR BUDGET AUTHORITY.—

(1) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 113 the following new section:

#### "§113A. Two-fiscal year budget authority for certain medical care accounts

"(a) IN GENERAL.—Beginning with fiscal year 2011, new discretionary budget authority provided in an appropriations Act for the appropriations accounts of the Department specified in subsection (b) shall be made available for the fiscal year involved, and shall include new discretionary budget authority for such appropriations accounts that first become available for the first fiscal year after such fiscal year.

"(b) MEDICAL CARE ACCOUNTS.—The medical care accounts of the Department specified in this subsection are the medical care accounts of the Veterans Health Administration as follows:

"(1) Medical Services.

"(2) Medical Support and Compliance.

"(3) Medical Facilities."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 113 the following new item:

"113A. Two-fiscal year budget authority for certain medical care accounts."

#### SEC. 4. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE EXPENDITURES.

(a) STUDY OF ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS.—The Comptroller General of the United States shall conduct a study of the adequacy and accuracy of the budget projections made by the Enrollee Health Care Projection Model, its equivalent, or other methodologies, as utilized for the purpose of estimating and projecting health care expenditures of the Department of Veterans Affairs (in this section referred to as the "Model") with respect to the fiscal year involved and the subsequent four fiscal years.

(b) REPORTS.—

(1) IN GENERAL.—Not later than the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the appropriate committees of Congress and to the Secretary a report.

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) A statement whether the amount requested in the budget of the President for expenditures of the Department for health care in such fiscal year is consistent with anticipated expenditures of the Department for health care in such fiscal year as determined utilizing the Model.

(B) The basis for such statement.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate; and

(B) the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives.

#### TO AMEND TITLE XI OF THE SOCIAL SECURITY ACT

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 3325 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3325) to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; further that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3325) was ordered to a third reading, was read the third time, and passed.

#### CAMPUS FIRE SAFETY MONTH

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 40, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 40) designating September 2009 as "Campus Fire Safety Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 40) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 40

Whereas, each year, States across the Nation formally designate September as Campus Fire Safety Month;

Whereas, since January 2000, at least 129 people, including students, parents, and children have died in campus-related fires;

Whereas more than 80 percent of those deaths occurred in off-campus residences;

Whereas a majority of college students in the United States live in off-campus residences;

Whereas a number of fatal fires have occurred in buildings in which the fire safety systems had been compromised or disabled by the occupants;

Whereas automatic fire alarm systems provide the early warning of a fire that is necessary for occupants and the fire department to take appropriate action;

Whereas automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, protecting the lives of the building's occupants;

Whereas many college students live in off-campus residences, fraternity and sorority housing, and residence halls that are not adequately protected with automatic fire sprinkler systems and automatic fire alarm systems;

Whereas fire safety education is an effective method of reducing the occurrence of fires and reducing the resulting loss of life and property damage;

Whereas college students do not routinely receive effective fire safety education during their time in college;

Whereas it is vital to educate young people in the United States about the importance of fire safety to help ensure fire-safe behavior by young people during their college years and beyond; and

Whereas, by developing a generation of fire-safe adults, future loss of life from fires may be significantly reduced: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2009 as "Campus Fire Safety Month"; and

(2) encourages administrators of institutions of higher education and municipalities across the country—

(A) to provide educational programs to all students during September and throughout the school year;

(B) to evaluate the level of fire safety being provided in both on- and off-campus student housing; and

(C) to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety.

#### AGENT ORANGE AWARENESS MONTH

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 248, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 248) designating the month of August 2009 as "Agent Orange Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 248) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 248

Whereas between 1964 and 1973, 8,744,000 men and women bravely served our Nation in the Vietnam War;

Whereas an estimated 2,600,000 service men and women may have been exposed to Agent Orange in Vietnam;

Whereas Agent Orange is an herbicide that was used during the Vietnam War to kill unwanted plant life and remove leaves from trees that provided cover for the enemy;

Whereas the United States military sprayed more than 19,000,000 gallons of herbicide throughout South Vietnam, with Agent Orange accounting for approximately 11,000,000 gallons of this amount;

Whereas Agent Orange is an extremely toxic substance that contains dioxin;

Whereas the Department of Veterans Affairs has recognized that certain cancers and other health problems are associated with exposure to Agent Orange;

Whereas John Baldacci, the Governor of the State of Maine, has proclaimed August 2009 as "Agent Orange Awareness Month" for that State;

Whereas the State of Alaska has 76,000 veterans, the highest population of veterans per capita, with 26,000 of these being veterans of the Vietnam War; and

Whereas, as a Nation, we are deeply grateful and thankful for those men and women who bravely served during the Vietnam War: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the month of August 2009 as "Agent Orange Awareness Month";

(2) calls attention to those veterans who were exposed to Agent Orange and the adverse effects that such exposure has had on their health;

(3) recognizes the sacrifices that our veterans and servicemembers have made and continue to make on behalf of our great Nation, especially those veterans who were exposed to Agent Orange;

(4) reaffirms its commitment to our Nation's veterans; and

(5) does not, by this resolution, authorize, support, or settle any claim against the United States.

#### HONORING U.S. NAVY PILOT CAPTAIN MICHAEL SCOTT SPEICHER

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 249, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 249) honoring United States Navy Pilot Captain Michael Scott Speicher who was killed in Operation Desert Storm.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 249) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 249

Whereas more than 88,000 Americans remain missing from World War II, the Korean

War, the Cold War, the Vietnam War, and the wars in Iraq and Afghanistan;

Whereas the people of the United States honor Captain Michael Scott Speicher;

Whereas Captain Speicher was shot down in Wadi Thumayal while flying an F/A-18 Hornet fighter jet on January 16, 1991, the first night of the Persian Gulf War;

Whereas Captain Speicher's fate remained unknown until July 2009, when United States Marines stationed in Anbar recovered his remains in an unmarked desert grave;

Whereas Captain Speicher made the ultimate sacrifice for his country; and

Whereas Captain Speicher's wife and 2 children have sacrificed to the greatest extent, and the people of the United States honor them by commemorating Captain Speicher: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Captain Michael Scott Speicher for his service and sacrifice, and for giving his life fighting for the Nation in Operation Desert Storm;

(2) honors Captain Speicher's family for their love and undying strength and determination to bring Captain Speicher home;

(3) encourages the Department of Defense to continue the Nation's efforts to provide clear and accurate information about what happened to our fallen heroes, to determine the nature and cause of Captain Speicher's death, and to continue accounting for all who remain missing in action; and

(4) honors the United States Navy, the United States Marine Corps, the Defense Intelligence Agency, and the Department of Defense for their efforts to bring Captain Speicher home.

#### AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 250, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 250) to authorize testimony and legal representation in *People of the State of California v. Amir Shervin*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in a criminal action in Superior Court in Alameda County, CA. In this action, the defendant is charged by the State of California with resisting arrest arising out of an attempt by the police to serve him with a warrant requiring his court appearance on the charge that, in September 2006, he battered an employee in the reception area of the San Francisco office of Senator BARBARA BOXER.

The prosecution has sought testimony from Senator BOXER's employee concerning the events that transpired in the reception area of her San Francisco office. This resolution would authorize her employee to testify in this action, with representation by the Senate Legal Counsel of him and any other employee of Senator BOXER's office from whom testimony may be necessary.