

United States by improving accountability and transparency in the financial system, to end “too big to fail”, to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

## AMENDMENT NO. 3974

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3974 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end “too big to fail”, to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

## AMENDMENT NO. 3975

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3975 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end “too big to fail”, to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

## AMENDMENT NO. 3977

At the request of Mr. LEVIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 3977 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end “too big to fail”, to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

## AMENDMENT NO. 3978

At the request of Mr. JOHNSON, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Kansas (Mr. ROBERTS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 3978 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end “too big to fail”, to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 3348. A bill to amend title 38, United States Code, to provide for the treatment of documents that express disagreement with decisions of the

Board of Veterans' Appeals and that are misfiled with the Board within 120 days of such decisions as motions for reconsideration of such decisions, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, as Chairman of the Senate Committee on Veterans' Affairs, I am introducing legislation today to protect the rights of appeal by claimants before the United States Court of Appeals for Veterans Claims when claimants erroneously file a document with the Department of Veterans Affairs and the document is not transmitted to the court in a timely fashion.

Under current law, section 7266 of title 38, United States Code, a veteran or other claimant who seeks to have a decision of the Board of Veterans' Appeals reviewed by the U.S. Court of Appeals for Veterans Claims must “file a notice of appeal with the court within 120 days after the date” on which the board mails its decision to the veteran or other claimant.

This measure would respond to a problem identified in a recent decision of the court in the case of Posey v. Shinseki, decided April 23, 2010. In that case, a veteran sent a document purporting to be an appeal to the court to a VA regional office. The document was not forwarded to the court within the 120 day period. VA sought to have the appeal dismissed as untimely filed. However, the court found that the document qualified as a motion for reconsideration by the board.

Judge Lawrence B. Hagel authored a concurring opinion in which he expressed concern with the number of cases in which a claimant's right to appeal to the court had been thwarted because the Secretary had held correspondence from veterans seeking to appeal to the court until after the time for filing had expired. The Secretary would then argue that the claimant's appeal to the court was untimely and should be dismissed. Some of those cases resulted in dismissal of the appeal. Judge Hagel suggested that this problem could be addressed by legislation treating a document as a motion for reconsideration by the Board if it was received by the Secretary and not forwarded to the Court within the 120 day period.

I do not believe that VA has acted deliberately to impede any veteran's right to appeal to the court. However, the failure of VA to notify a veteran promptly of the filing error or to forward the document to the court should not be allowed to deprive a veteran of the right to have a case reviewed on appeal. The bill I am introducing would only apply in those cases where no appeal is filed with the court within the 120-day time period and the board or other VA agency has received during that same 120-day period a document expressing disagreement with the board decision.

I urge our colleagues to support this bill so that any veteran who attempts

to appeal a decision of the Board in a timely fashion does not have his or her attempt thwarted by an error.

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. 3348

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

## SECTION 1. TREATMENT OF CERTAIN MISFILED DOCUMENTS AS MOTIONS FOR RECONSIDERATION OF DECISIONS BY BOARD OF VETERANS' APPEALS.

Section 7103 of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c)(1) Except as provided in paragraph (2), if a person adversely affected by a final decision of the Board, who has not filed a notice of appeal with the United States Court of Appeals for Veterans Claims under section 7266(a) of this title within the period set forth in that section, files a document with the Board or the agency of original jurisdiction referred to in section 7105(b)(1) of this title that expresses disagreement with such decision not later than 120 days after the date of such decision, such document shall be treated as a motion for reconsideration of such decision under subsection (a).

“(2) A document described in paragraph (1) shall not be treated as a motion for reconsideration of the decision under paragraph (1) if—

“(A) the Board or the agency of original jurisdiction referred to in paragraph (1)—

“(i) receives the document described in paragraph (1);

“(ii) determines that such document expresses an intent to appeal the decision to the United States Court of Appeals for Veterans Claims; and

“(iii) forwards such document to the United States Court of Appeals for Veterans Claims; and

“(B) the United States Court of Appeals for Veterans Claims receives such document within the period set forth by section 7266(a) of this title.”.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 521—COMMEMORATING AND CELEBRATING THE LIVES OF DEPUTY SHERIFF STEPHEN MICHAEL GALLAGHER, JR., OFFICER TIMOTHY Q. BRENTON, OFFICER TINA G. GRISWOLD, OFFICER RONALD WILBUR OWENS II, SERGEANT MARK JOSEPH RENNINGER, OFFICER GREGORY JAMES RICHARDS, AND DEPUTY SHERIFF WALTER KENT MUNDELL, JR. WHO GAVE THEIR LIVES IN THE SERVICE OF THE PEOPLE OF WASHINGTON STATE IN 2009

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 521

Whereas law enforcement officers throughout Washington State conduct themselves in

a manner that supports, maintains, and defends the Constitution of the United States and the Constitution of the State of Washington;

Whereas law enforcement officers throughout the Nation and in Washington State risk their own lives to protect the lives of others;

Whereas, since 1791, 20,146 law enforcement officers were killed in the line of duty in the United States and 270 of these officers served the people of Washington State;

Whereas, in 2009, 126 law enforcement officers were killed in the line of duty in the United States;

Whereas, in 2009, Deputy Sheriff Stephen Michael Gallagher, Jr., of the Lewis County Sheriff's Office, Officer Timothy Q. Brenton of the Seattle Police Department, Officer Tina G. Griswold of the Lakewood Police Department, Officer Ronald Wilbur Owens II of the Lakewood Police Department, Sergeant Mark Joseph Renninger of the Lakewood Police Department, Officer Gregory James Richards of the Lakewood Police Department, and Deputy Sheriff Walter Kent Mundell, Jr., of the Pierce County Sheriff's Department gave their lives in the service of the people of Washington State;

Whereas the family members and friends of Deputy Sheriff Stephen Michael Gallagher, Jr., Officer Timothy Q. Brenton, Officer Tina G. Griswold, Officer Ronald Wilbur Owens II, Sergeant Mark Joseph Renninger, Officer Gregory James Richards, and Deputy Sheriff Walter Kent Mundell, Jr., bear the most immediate and profound burden of the absence of their loved ones; and

Whereas National Police Week is observed during the week of May 9, 2010, to May 15, 2010, and is the most appropriate time to honor the Washington State law enforcement officers who sacrificed their lives in service to their State and Nation: Now, therefore, be it

*Resolved*, That the Senate—

(1) extends its condolences to the families and loved ones of Deputy Sheriff Stephen Michael Gallagher, Jr., Officer Timothy Q. Brenton, Officer Tina G. Griswold, Officer Ronald Wilbur Owens II, Sergeant Mark Joseph Renninger, Officer Gregory James Richards, and Deputy Sheriff Walter Kent Mundell, Jr.; and

(2) stands in solidarity with the people of Washington State as they celebrate the lives and mourn the loss of these remarkable and selfless heroes who represented the best of their community and whose memory will serve as an inspiration for future generations.

#### SENATE RESOLUTION 522—RECOGNIZING NATIONAL NURSES WEEK

Mr. BURRIS (for himself, Ms. SNOWE, Ms. MIKULSKI, Mr. MERKLEY, Mr. DURBIN, and Mr. JOHANNIS) submitted the following resolution; which was considered and agreed to:

S. RES. 522

Whereas since 1990, National Nurses Week is celebrated annually from May 6, which is known as National Recognition Day for Nurses, through May 12, which is the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is a time of year to reflect on the important contributions that nurses make to provide safe, high-quality health care;

Whereas nurses are known to be patient advocates, acting fearlessly to protect the lives of those under their care;

Whereas nurses represent the largest single component of the health care profession with 3,100,000 jobs;

Whereas nurses are experienced researchers, and their work encompasses a wide scope of scientific inquiry, including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses are well positioned to provide leadership to eliminate health care disparities that exist in the United States;

Whereas nurses help inform and educate the public to improve the practice of all nurses and, more importantly, the health and safety of the patients they care for;

Whereas survey data shows that enrollments in entry-level baccalaureate programs in nursing rose by 3.6 percent in 2009, and though this marks the ninth consecutive year of enrollment growth, the annual increase in student capacity in 4-year nursing programs has declined sharply since 2003 when enrollment was up by 16.6 percent;

Whereas nursing programs in the United States were forced to reject almost 119,000 qualified applicants according to the most recent survey of all prelicensure nursing programs;

Whereas according to the Bureau of Labor and Statistics, employment of registered nurses is expected to grow by 22 percent from 2008 to 2018, which is a much faster rate of growth than the average rate of growth for all occupations;

Whereas according to survey data, enrollment in doctoral nursing programs increased by more than 20 percent this year, signaling strong interest among students in careers as nursing scientists, faculty, primary care providers, and specialists;

Whereas expanding capacity in baccalaureate and graduate programs is critical to sustaining a healthy nursing workforce and providing patients with the best care possible;

Whereas the nationwide nursing shortage has caused dedicated nurses to work longer hours and care for more acutely ill patients;

Whereas nurse educators work on average more than 57 hours per week in order to ensure that each and every new registered nurse receives an excellent education, advancing excellence among the next generation of nurses;

Whereas nurses inform legislators on the education, retention, recruitment, and practice of all nurses and, more importantly, the health and safety of the patients they care for; and

Whereas increased Federal and State support is needed to enhance existing programs and create new programs to educate nursing students at all levels, to increase the number of faculty members to educate nursing students, to create clinical sites and have appropriately prepared nurses teach and train at those sites, to create educational opportunities to retain nurses in the profession, and to educate and train more nurse research scientists who can discover new nursing: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes National Nurses Week;

(2) supports the goals and ideals of National Nurses Week;

(3) acknowledges the importance of quality higher education in nursing, including baccalaureate and graduate programs, to meet the needs of one of the fastest growing labor fields in the Nation; and

(4) supports the nurse capacity initiatives for institutions of higher education included in the Higher Education Opportunity Act.

#### SENATE RESOLUTION 523—HONORING THE CREW MEMBERS WHO PERISHED ABOARD THE OFFSHORE OIL RIG, DEEPWATER HORIZON, AND EXTENDING THE CONDOLENCES OF THE SENATE TO THE FAMILIES AND LOVED ONES OF THE DECEASED CREW MEMBERS

Ms. LANDRIEU (for herself, Mr. WICKER, Mr. SHELBY, Mr. VITTER, Mrs. HUTCHISON, Mr. COCHRAN, Mr. CORNYN, Mr. SESSIONS, Mr. BINGAMAN, Ms. MURKOWSKI, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 523

Whereas oil and natural gas are necessary commodities for the United States;

Whereas a drill ship, the Deepwater Horizon, was drilling in 5,000 feet of water approximately 50 miles off the coast of Louisiana, in the Gulf of Mexico;

Whereas on April 20, 2010, a terrible explosion occurred aboard the Deepwater Horizon;

Whereas 126 men and women were on board the Deepwater Horizon at the time of the explosion;

Whereas 11 men remain missing, and are presumed dead;

Whereas 17 people were injured, 3 of them critically; and

Whereas the United States is greatly indebted to oil rig crewmen for the serious physical risks, difficult periods of separation from their families, and supremely challenging engineering tasks endured to produce much-needed energy for the Nation: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the crew members who perished aboard the offshore oil rig, Deepwater Horizon; and

(2) expresses sincere condolences to the families and loved ones of the deceased crew members.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3979. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table.

SA 3980. Mr. CARDIN (for himself, Mr. LUGAR, Mr. DURBIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. MERKLEY, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3981. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3982. Mr. WYDEN (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3983. Mr. CORKER submitted an amendment intended to be proposed to amendment