

Part 2" (RIN0694-AB89) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6309. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements" (Docket Nos. AMS-FV-09-0085; FV10-925-1 FIR) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6310. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Changes to Reporting and Assessment Due Dates" (Docket Nos. AMS-FV-10-0020; FV10-956-1 FR) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6311. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Order Amending Marketing Order No. 930" (Docket Nos. AO-370-A8; AMS-FV-06-0213; FV07-930-2) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6312. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2010-2011 Marketing Year" (Docket Nos. AMS-FV-09-0082; FV10-985-1 FR) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6313. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2009-2010 Crop Year" (Docket Nos. AMS-FV-09-0069; FV09-930-2 FR) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6314. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Cherries Grown in Designated Counties in Washington; Change in the Handling Regulation" (Docket Nos. AMS-FV-09-0033; FV09-923-1 FR) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6315. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Increased Assessment Rates" (Docket

Nos. AMS-FV-09-0091; FV10-916-917-2 FR) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6316. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Blueberry Promotion, Research, and Information Order; Increase Membership" (Docket Nos. AMS-FV-09-0022; FV-09-705) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6317. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees for 2010 Crop Cotton Classification Services to Growers" (Docket Nos. AMS-CN-09-0011; CN-10-001) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 3104. A bill to permanently authorize Radio Free Asia, and for other purposes (Rept. No. 111-214).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 3517. A bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. SENSATION, Mr. SPECTER, Mr. SCHUMER, and Mr. LIEBERMAN):

S. 3518. A bill to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments in United States Courts where those judgments undermine the first amendment to the Constitution of the United States, and to provide a cause of action for declaratory judgment relief against a party who has brought a successful foreign defamation action whose judgment undermines the first amendment; to the Committee on the Judiciary.

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

S. 3519. A bill to stabilize the matching requirement for participants in the Hollings Manufacturing Partnership Program; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mr. MERKLEY, Mr. FRANKEN, Mr. BROWN of Ohio, and Mr. WHITEHOUSE):

S. 3520. A bill to provide for an extension of unemployment insurance; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 3521. A bill to provide for the reestablishment of a domestic rare earths materials production and supply industry in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN (for himself, Mr. KOHL, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. FEINGOLD, Mr. DURBIN, and Mrs. FEINSTEIN):

S. 3522. A bill to protect children affected by immigration enforcement actions, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 311

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 311, a bill to prohibit the application of certain restrictive eligibility requirements to foreign non-governmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 334

At the request of Mr. LUGAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 334, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

S. 457

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 457, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 478

At the request of Mr. DEMINT, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 478, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 565

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 714

At the request of Mr. WEBB, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 1055

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1237

At the request of Mrs. MURRAY, the name of the Senator from Maryland

(Mr. CARDIN) was added as a cosponsor of S. 1237, a bill to amend title 38, United States Code, to expand the grant program for homeless veterans with special needs to include male homeless veterans with minor dependents and to establish a grant program for reintegration of homeless women veterans and homeless veterans with children, and for other purposes.

S. 1360

At the request of Mr. BINGAMAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1598

At the request of Mr. SCHUMER, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 1598, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 2750

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2750, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible States for the purpose of reducing the student-to-school nurse ratio in public secondary schools, elementary schools, and kindergarten.

S. 2801

At the request of Mr. FRANKEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2801, a bill to provide children in foster care with school stability and equal access to educational opportunities.

S. 2882

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2882, a bill to amend the Inter-

nal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes.

S. 2903

At the request of Mr. BURR, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2903, a bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks for child care providers.

S. 3058

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3108

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3108, a bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3339

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3345

At the request of Mr. WHITEHOUSE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3345, a bill to amend title 46, United States Code, to remove the cap on punitive damages established by the Supreme Court in *Exxon Shipping Company v. Baker*.

S. 3347

At the request of Mr. VITTER, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Georgia (Mr. ISAKSON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3347, a bill to extend the National Flood Insurance Program through December 31, 2010.

S. 3364

At the request of Mr. UDALL of Colorado, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3364, a bill to amend the Energy Policy and Conservation Act to establish the Office of Energy and Renewable Energy as the lead Federal agency for coordinating Federal, State, and local assistance provided to promote the energy retrofitting of schools.

S. 3479

At the request of Mrs. HAGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3479, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 3481

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3481, a bill to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution.

S. 3512

At the request of Mrs. HUTCHISON, the names of the Senator from Arizona (Mr. McCAIN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3512, a bill to provide a statutory waiver of compliance with the Jones Act to foreign flagged vessels assisting in responding to the Deepwater Horizon oil spill.

S. 3513

At the request of Mr. BAUCUS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3513, a bill to amend the Internal Revenue Code of 1986 to extend for one year the special depreciation allowances for certain property.

S. RES. 411

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 411, a resolution recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United States hardwoods be given full consideration in any program to promote construction of environmentally preferable commercial, public, or private buildings.

S. RES. 541

At the request of Mr. CONRAD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. Res. 541, a resolution designating June 27, 2010, as "National Post-Traumatic Stress Disorder Awareness Day".

S. RES. 546

At the request of Mr. SPECTER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of S. Res. 546, a resolution recognizing the National Museum of American Jewish History, an affiliate of the

Smithsonian Institution, as the only museum in the United States dedicated exclusively to exploring and preserving the American Jewish experience.

S. RES. 552

At the request of Mr. BENNET, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. Res. 552, a resolution designating June 23, 2010, as “Olympic Day”.

AMENDMENT NO. 4342

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 4342 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 3517. A bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans’ Affairs.

Mr. AKAKA. Mr. President, as Chairman of the Senate Committee on Veterans’ Affairs, I introduce the proposed Claims Processing Improvement Act of 2010, to focus on enhancements that can be made to adjudicate veterans’ disability compensation claims in a more timely and accurate manner.

VA has seen a dramatic rise in the number of claims, driven by a number of factors, including the aging of the general veteran population and our prolonged involvement in two overseas conflicts. Further complicating matters, many claims are increasing in complexity, as veterans seek service-connection for multiple disabilities and for disabilities that are difficult to diagnose, such as traumatic brain injury and post traumatic stress disorder.

Claims adjudication is an intricate process that has seen many piecemeal changes in recent years. Unfortunately, these changes have yet to produce the results that veterans deserve. My goal, a goal that I am sure is widely shared, is to ensure that veterans are provided accurate and timely resolution to their claims.

This legislation I am introducing today would make several improvements in the claims adjudication process. Provisions in title I of the bill would establish a pilot program that would utilize ICD codes to identify disabilities of the musculoskeletal system. Over fifty percent of Operations Iraqi and Enduring Freedom veterans that the Department of Veterans Affairs has had some health care contact with have a possible musculoskeletal diagnosis. ICD codes are standard medical condition identification codes used in electronic records that have been

adapted by the Secretary of Health and Human Services for electronic transmission of medical data.

This proposed pilot program would take place in six to ten regional offices and require VA to develop a new method of rating claims, which would consider the frequency, severity, and duration of symptoms of the disability in rating the claim, rather than the current rating schedule published in the Code of Federal Regulations. The current rating schedule adds to the complexity of claims adjudication, because many disabilities claimed are not exactly as described in the regulation and several rating codes may need to be considered. The new rating schedule would focus on the impact of the disability, for example, an inability to walk normally, rather than a particular VA rating code classification. All limitations resulting from all disabilities of the musculoskeletal system would be combined to provide one rating, rather than separate ratings for each individual disability. This information would be placed into an organized and searchable electronic record. A veteran could elect to not participate in the pilot program. I believe that such an approach will result in fairer, comprehensive ratings for the entire musculoskeletal system.

Title II of the bill includes a number of provisions that are intended to yield some near-term changes to the claims processing system and should help reduce the overall time a claim is under consideration by VA. During the last several years, the Committee has held oversight hearings on the claims processing system. Many of the provisions in this legislation were first suggested by veterans service organizations and other interested parties in connection with those hearings. Others have been recommended by the administration. The legislation I am introducing today serves as a starting point to move forward in our effort to improve VA’s claims adjudication process.

Provisions in title II would allow for VA to issue partial ratings of claims that include multiple issues for those issues that can be adjudicated expeditiously; give equal deference to private medical opinions during the rating process; and clarify that the Secretary is required to provide notice to claimants of additional information and evidence required only when additional evidence is actually required. It would also modify filing periods for notices of disagreement from one year to 180 days and require a claimant to file a substantive appeal within 60 days of the Department issuing a post-Notice of Disagreement decision both of these modifications would contain good cause exceptions to the filing deadlines.

Other provisions in title II would automatically waive the review of new evidence by the agency of original jurisdiction, usually a Regional Office, so that any evidence submitted after the initial decision would be subject to ini-

tial review at the Board of Veterans’ Appeals unless the claimant or the claimant’s representative requests in writing that the agency of original jurisdiction initially review such evidence. This legislation would also replace the Secretary’s obligation to provide a Statement of the Case with an obligation to provide a post-Notice of Disagreement decision. The post-Notice of Disagreement decision would be in plain language and contain a description of the specific facts in the case that support the decision including, if applicable, an assessment as to the credibility of any lay evidence pertinent to the issue or issues with which disagreement has been expressed; a citation to pertinent laws and regulations that support the decision; the decision on each issue and a summary of the reasons why the evidence relied upon supports such decision under the specific laws and regulations applied; and the date by which a substantive appeal must be filed in order to obtain further review of the decision. The Secretary would also be required to send, with a rating decision, a form that if completed and returned, would suffice as a notice of disagreement.

This is not a comprehensive recitation of all of the provisions within this important veterans’ legislation but does, I hope, provide an overview of the changes encompassed in this bill.

Everyone involved realizes that there is no quick fix to solving the myriad issues associated with disability claims processing, but the Committee intends to do everything within its power to improve this situation. To bring optimal change to a system this complicated and critical, we must be deliberative, focused, and open to input from all who are involved in this process.

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. 3517

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Claims Processing Improvement Act of 2010”.

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

Sec. 1. Short title; table of contents.

TITLE I—RATING OF SERVICE-CONNECTED DISABILITIES MATTERS

Sec. 101. Pilot program on evaluation and rating of service-connected disabilities of the musculoskeletal system.

TITLE II—ADJUDICATION AND APPEAL MATTERS

Sec. 201. Partial adjudication of claims for disability compensation consisting of multiple issues one or more of which can be quickly adjudicated.