

the FDA-approved labeling and national guidelines", to express deep concerns about such final National Coverage Determination, and to urge that the Centers for Medicare & Medicaid Services reconsider such restriction;

Whereas such restriction could increase blood transfusions and severely compromise the high quality of cancer care delivered by physicians in United States; and

Whereas the Centers for Medicare & Medicaid Services has noted that the agency did not address the impact on the blood supply in such final National Coverage Determination and has specifically stated, "[t]he concern about the adequacy of the nation's blood supply is not a relevant factor for consideration in this national coverage determination": Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the Centers for Medicare & Medicaid Services should begin an immediate reconsideration of the final National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions (CAG-000383N);

(2) the Centers for Medicare & Medicaid Services should consult with members of the clinical oncology community to determine appropriate revisions to such final National Coverage Determination; and

(3) the Centers for Medicare & Medicaid Services should implement appropriate revisions to such final National Coverage Determination as soon as feasible and provide a briefing to Congress in advance of announcing such changes.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce a sense of the Senate regarding a recent Centers for Medicare and Medicaid Services, CMS, national coverage determination on the treatment of anemia in Medicare cancer patients.

On June 29, 2007, I wrote to Secretary of Health and Human Services Michael Leavitt concerning the proposed CMS coverage determination that limits access to erythropoiesis-simulating agents which increases the red blood cell counts of chemotherapy patients who have become anemic. Further, 51 other Senators sent similar letters to Department of Health and Human Services officials.

On July 30, 2007, CMS issued the final coverage determination, and while some of the proposed restrictions were substantially altered in favor of patients, I remain concerned about the impact that this decision will have on Medicare beneficiary access to needed therapies. The new policy requires that patients have lower red blood cell counts before being able to receive treatment with an erythropoiesis-simulating agent, resulting in patients that are unnecessarily weaker and may not be able to maintain their chemotherapy treatment regimens without having to turn to costly and time-consuming blood transfusions.

This restriction is inconsistent with both the FDA-approved label and prescribing instructions and is also contrary to national professional society oncology guidelines. For instance, the American Society of Clinical Oncology, the national organization representing physicians who treat patients with cancer, has written to CMS to express deep concerns about the coverage determination, urging CMS to reconsider these restrictions.

I encourage my colleagues to support this sense of the Senate that I introduce with Senators HARKIN and LAUTENBERG to have CMS reconsider the final national coverage determination on the use of erythropoiesis-simulating agents.

SENATE CONCURRENT RESOLUTION 43—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 43

*Resolved by the Senate (the House of Representatives concurring)*, That when the Senate recesses or adjourns on any day from Friday, August 3, 2007, through Friday, August 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Tuesday, September 4, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, August 3, 2007, through Wednesday, August 8, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 4, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2649. Mr. MCCONNELL (for himself and Mr. BOND) proposed an amendment to the bill S. 1927, to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes.

SA 2650. Mr. REID (for Mr. KERRY) proposed an amendment to the bill S. 163, to improve the disaster loan program of the Small Business Administration, and for other purposes.

SA 2651. Mr. REID (for Mr. BOND) proposed an amendment to amendment SA 2650 proposed by Mr. REID (for Mr. KERRY) to the bill S. 163, supra.

SA 2652. Mr. REID (for Mr. COBURN) proposed an amendment to amendment SA 2650 proposed by Mr. REID (for Mr. KERRY) to the bill S. 163, supra.

SA 2653. Mr. REID (for Mr. DODD (for himself and Mr. REED)) proposed an amendment to the bill H.R. 2358, to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.

SA 2654. Mr. COLEMAN (for Mr. BOND (for himself, Mr. COLEMAN, and Ms. KLOBUCHAR)) proposed an amendment to the bill H.R. 3311, to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the \$100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

SA 2655. Mr. REID (for Mr. KYL (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 849, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

TEXT OF AMENDMENTS

SA 2649. Mr. MCCONNELL (for himself and Mr. BOND) proposed an amendment to the bill S. 1927, to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes; as follows:

At the end, add the following:

(c) SUNSET.—Except as provided in subsection (d), sections 2, 3, 4, and 5 of this Act, and the amendments made by this Act, shall cease to have effect 180 days after the date of the enactment of this Act.

(d) AUTHORIZATIONS IN EFFECT.—Authorizations for the acquisition of foreign intelligence information pursuant to the amendments made by this Act, and directives issued pursuant to such authorizations, shall remain in effect until their expiration. Such acquisitions shall be governed by the applicable provisions of such amendments and shall not be deemed to constitute electronic surveillance as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)).

SA 2650. Mr. REID (for Mr. KERRY) proposed an amendment to the bill S. 163, to improve the disaster loan program of the Small Business Administration, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Disaster Response and Loan Improvements Act of 2007".

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Extension of program authority.

TITLE I—DISASTER PLANNING AND RESPONSE

Sec. 101. Disaster loans to nonprofits.

Sec. 102. Disaster loan amounts.

Sec. 103. Small business development center portability grants.

Sec. 104. Assistance to out-of-State businesses.

Sec. 105. Outreach programs.

Sec. 106. Small business bonding threshold.

Sec. 107. Termination of program.

Sec. 108. Increasing collateral requirements.

Sec. 109. Public awareness of disaster declaration and application periods.

Sec. 110. Consistency between Administration regulations and standard operating procedures.

Sec. 111. Processing disaster loans.

Sec. 112. Development and implementation of major disaster response plan.