Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. McConnell, his name was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

At the request of Mr. Bayh, the name of the Senator from New Hampshire (Mr. Shaheen) was added as a cosponsor of S. 908, supra.

S. 947

At the request of Mrs. Lincoln, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 947, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 962

At the request of Mr. Cardin, his name was added as a cosponsor of S. 962, a bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. 977

At the request of Mr. Durbin, the name of the Senator from New Hampshire (Mr. Shaheen) was added as a cosponsor of S. 977, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1023

At the request of Mr. Durbin, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1025

At the request of Mr. Cornyn, the names of the Senator from Florida (Mr. Martinez), the Senator from Montana (Mr. Tester) and the Senator from Tennessee (Mr. Corker) were added as cosponsors of S. 1025, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1050

At the request of Mr. Rockefeller, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a cosponsor of S. 1050, a bill to amend title XXVII of the Public Health Service Act to establish Federal standards for health insurance forms, quality, fair marketing, and honesty in out-of-network coverage in the group and individual health insurance markets, to improve transparency and accountability in those markets, and to establish a Federal Office of Health Insurance Oversight to monitor performance in those markets, and for other purposes.

S. 1067

At the request of Mr. Feingold, the names of the Senator from Connecticut (Mr. Lieberman) and the Senator from Illinois (Mr. Durbin) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord’s Resistance Army through a comprehensive strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord’s Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1099

At the request of Mr. Coburn, the name of the Senator from South Carolina (Mr. Graham) was added as a cosponsor of S. 1099, a bill to provide comprehensive solutions for the health care system of the United States, and for other purposes.

S. 1116

At the request of Mr. Harkin, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 1116, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1157

At the request of Mr. Conrad, the names of the Senator from Utah (Mr. Hatch) and the Senator from Maine (Ms. Collins) were added as cosponsors of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1198

At the request of Ms. Stabenow, the name of the Senator from Vermont (Mr. Sanders) and the Senator from Ohio (Mr. Brown) were added as cosponsors of S. 1198, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1160

At the request of Mr. Schumer, the name of the Senator from Alaska (Mr. Begich) was added as a cosponsor of S. 1160, a bill to provide low-income assistance for very low-income veterans.

S. 1171

At the request of Mr. Pryor, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. Con. Res. 14

At the request of Mrs. Lincoln, the name of the Senator from Nebraska (Mr. Johanns) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. Res. 167

At the request of Mr. Inhofe, the names of the Senator from Kansas (Mr. Brownback), the Senator from Florida (Mr. Martinez), the Senator from Kentucky (Mr. Bunning) and the Senator from Colorado (Mr. Udall) were added as cosponsors of S. Res. 167, a bill commend ing the people who have sacrificed their personal freedoms to bring about democratic change in the People’s Republic of China and expressing sympathy for the families of the people who were killed, wounded, or imprisoned, on the occasion of the 20th anniversary of the Tiananmen Square Massacre in Beijing, China from June 3 through 4, 1989.

Amendment No. 1242

At the request of Mr. Bayh, the name of the Senator from Alaska (Mr. Begich) was added as a cosponsor of amendment No. 1242 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees’ Retirement System, and for other purposes.

Amendment No. 1245

At the request of Ms. Stabenow, the name of the Senator from Maine (Ms. Collins) was added as a cosponsor of amendment No. 1245 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees’ Retirement System, and for other purposes.

Statements on Introduced Bills and Joint Resolutions

By Mr. Akaka:

S. 1180. A bill to provide for greater diversity within, and to improve policy for Federal, State, and local Executive Service; to the Committee on Homeland Security and Governmental Affairs.
Mr. AKAKA. Mr. President, I rise today to join my colleagues in the House of Representatives, Congressman DANNY K. DAVIS, to reintroduce the Senior Executive Service Diversity Assurance Act of 2009. This legislation promotes greater diversity among the Federal Government’s elite corps of senior executives and establishes a central office of management for these top-level Federal executives. Last year, we introduced this bill. Unfortunately, the Senate was not able to pass the bill before the adjournment of the 110th Congress.

The Senior Executive Service, SES, is the most senior level of career civil servants in the Federal Government. Senior executives are essential to an efficient and effective Federal Government in management and operations. Over the next ten years, ninety percent of the career SES will be eligible to retire. As agencies begin to consider employees for SES positions, it is important that they develop pipelines into highly qualified candidate pools that represent diverse backgrounds, and ensure that applicants of all races, ethnicities, genders, and abilities be equally considered. According to reports that they develop pipelines into highly qualified candidate pools that represent diverse backgrounds, and ensure that applicants of all races, ethnicities, genders, and abilities be equally considered. According to reports that they develop pipelines into highly qualified candidate pools that represent diverse backgrounds, and ensure that applicants of all races, ethnicities, genders, and abilities be equally considered. According to reports that they develop pipelines into highly qualified candidate pools that represent diverse backgrounds, and ensure that applicants of all races, ethnicities, genders, and abilities be equally considered. According to reports that they develop pipelines into highly qualified candidate pools that represent diverse backgrounds, and ensure that applicants of all races, ethnicities, genders, and abilities be equally considered. According to reports that they develop pipelines into highly qualified candidate pools that represent diverse backgrounds, and ensure that applicants of all races, ethnicities, genders, and abilities be equally considered. According to reports that they develop pipelines into highly qualified candidate pools that represent diverse backgrounds, and ensure that applicants of all races, ethnicities, genders, and abilities be equally considered. According to reports that they develop pipelines into highly qualified candidate pools that represent diverse backgrounds, and ensure that applicants of all races, ethnicities, genders, and abilities be equally considered. According to reports that they develop pipelines into highly qualified candidate pools that represent diverse backgrounds, and ensure that applicants of all races, ethnicities, genders, and abilities be equally considered.

A 2007 Equal Opportunity Recruitment Program report by the Office of Personnel Management, OPM, showed that the percentage of minorities and women at senior pay levels in the Federal Government, including SES, is lower than in the total civilian labor force and the Federal workforce as a whole. According to a 2007 GAO report, only 15.8 percent of the SES was minorities compared to 32.8 percent of the entire workforce. The Senior Executive Service Diversity Assurance Act directly addresses this gap.

This legislation would require Federal agencies to submit a plan to OPM on how the agency is removing barriers to minorities, women, and individuals with disabilities to obtain appointments in the SES.

The bill encourages agencies, to the extent practicable, to include minorities, women, and individuals with disabilities on their Executive Resource Boards as well as other qualification review boards that evaluate SES candidates.

Furthermore, the legislation re-establishes the Senior Executive Service Resource Office, SESRO, at OPM, which had dissolved during an internal reorganization of OPM in 2003. This bill would restore SESRO’s responsibilities of overseeing and managing the corps of senior executives. SESRO would serve as a central resource for agencies and provide oversight of agency recruitment and candidate development.

Additionally, it would be responsible for ensuring diversity within the SES through strategic partnerships, mentorship programs, and more stringent reporting requirements. For too long, ethnic minorities, women, and persons with disabilities have been under-represented and this bill attempts to reform shortcomings in the system.

In America’s workforce, we need leadership that reflects its varied cultures and backgrounds. A more diverse SES will better ensure that the executive management of the Federal Government is responsive to the needs, policies, and goals of the Nation.

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. 1180

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 “Senior Executive Service Diversity Assurance Act of 2009”.

SEC. 2. FINDINGS.

Congress finds that—

(1) according to the most recent findings from the Government Accountability Office, a diverse SES can bring a greater variety of perspectives and approaches to policy development, strategic planning, problem solving, and decision making.

(2) a 2007 Federal Equal Opportunity Recruitment Program report by the Office of Personnel Management, OPM, showed that the percentage of minorities and women at senior pay levels in the Federal Government, including SES, is lower than in the total civilian labor force and the Federal workforce as a whole. According to a 2007 GAO report, only 15.8 percent of the SES was minorities compared to 32.8 percent of the entire workforce. The Senior Executive Service Diversity Assurance Act directly addresses this gap.

(3) the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill. Unfortunately, the Senate was not able to pass the bill we introduced this bill.

(4) there being no objection, the text of the bill was ordered to be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term “Director” means the Director of the Office of Personnel Management;

(2) the term “Senior Executive Service” has the meaning given under section 1102 of title 5, United States Code; (3) the terms “agency”, “career appointee”, and “career reserved position” have the meanings given under section 3393(c) of title 5, United States Code; and

(4) the term “SES Resource Office” means the Senior Executive Service Resource Office established under section 4.

SEC. 4. SENIOR EXECUTIVE SERVICE RESOURCE OFFICE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Director shall establish within the Office of Personnel Management an office to be known as the Senior Executive Service Resource Office.

(b) MISSION.—The mission of the SES Resource Office shall be to—

(1) improve the efficiency, effectiveness, and productivity of the Senior Executive Service through policy formulation and oversight;

(2) advance the professionalism of the Senior Executive Service; and

(3) ensure that, in seeking to achieve a Senior Executive Service that is representative of the Nation’s diversity, recruitment is from qualified individuals from appropriate sources.

(c) FUNCTIONS.—(1) In general.—The functions of the SES Resource Office are to—

(A) make recommendations to the Director with respect to regulations; and

(B) provide guidance to agencies, concerning the structure, management, and diverse composition of the Senior Executive Service.

(2) Specific functions.—In order to carry out the purposes of this section, the SES Resource Office shall—

(A) take such actions as the SES Resource Office considers necessary to manage and promote an efficient, elite, and diverse corps of senior executives by—

(i) creating policies for the management and improvement of the Senior Executive Service;

(ii) providing oversight of the performance, structure, and composition of the Senior Executive Service; and

(iii) providing guidance and oversight to agencies in the management of senior executive candidates for the Senior Executive Service;

(B) be responsible for the policy development, management, and oversight of the Senior Executive Service pay and performance management system;

(C) develop standards for certification of each agency’s Senior Executive Service performance management system and evaluate all agency applications for certification;

(D) be responsible for coordinating, promoting, and monitoring programs for the advancement and training of senior executives, including the Senior Executive Service Federal Candidate Development Program;

(E) provide oversight of, and guidance to, agencies’ executive resourcing processes;

(F) be responsible for the administration of the qualifications review board;

(G) establish and maintain annual statistical data in a form that renders such statistics useful to appointing authorities and candidates on—

(i) the total number of career reserved positions at each agency;

(ii) the total number of vacant career reserved positions at each agency;

(iii) the positions under clause (ii), the number for which candidates are being sought;

(iv) the amount of time a career reserved position is vacant; and

(v) the amount of time it takes to hire a candidate into a career reserved position; (vii) the number of individuals who have been certified in accordance with section 3393(c) of title 5, United States Code, and the composition of that group of individuals with regard to race, ethnicity, sex, age, and individuals with disabilities; (viii) the composition of the Senior Executive Service with regard to race, ethnicity, sex, age, and individuals with disabilities; (ix) the composition of the Senior Executive Service with regard to race, ethnicity, sex, age, and individuals with disabilities;职务, gender, and individuals with disabilities;
(ix) the composition of qualifications review boards with regard to race, ethnicity, sex, and individuals with disabilities;
(H) make available to the public through the official public internet site of the Office of Personnel Management, the data collected under subparagraph (G);
(I) establish and promote mentoring programs, including job shadowing and opportunities for the Senior Executive Service, including candidates who have been certified as having the executive qualifications necessary for initial appointment as a career appointee under title 5, United States Code;
(J) conduct a continuing program for the recruitment of minorities, members of cultural and ethnic minority groups, and individuals with disabilities for Senior Executive Service positions, with special efforts directed at recruiting from educational institutions, professional associations, and other sources;
(K) advise agencies on the best practices for an agency in utilizing or consulting with an agency’s equal employment or diversity office or official (if the agency has such an office or official) with regard to the agency’s Senior Executive Service appointments process; and
(L) evaluate and implement strategies to ensure that agencies conduct appropriate outreach to other agencies to identify candidates for Senior Executive Service positions.
(d) PROTECTION OF INDIVIDUALLY IDENTIFIABLE INFORMATION.—For purposes of subsection (c)(2)(H), the SES Resource Office shall combine data for any agency that is not named in section 901(b) of chapter 31, United States Code, to protect individually identifiable information.
(e) COOPERATION OF AGENCIES.—The head of each agency shall provide the Office of Personnel Management with such information as the Office may require in order to carry out subsection (c)(2)(G).
(f) STAFFING.—The Director of the Office of Personnel Management shall make such appointments as necessary to staff the SES Resource Office.

SEC. 5. CAREER APPOINTMENTS.
(a) PROMOTING DIVERSITY IN THE CAREER APPOINTMENT PROCESS.—Section 3393(b) of title 5, United States Code, is amended by inserting after the first sentence the following:
“in establishing an executive resources board, the agency shall, to the extent practicable, ensure diversity of the board and of any subgroup thereof or other evaluation panel related to the merit staffing process, including employees, including members of racial and ethnic minority groups, women, and individuals with disabilities.”
(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Director shall promulgate regulations to implement subsection (a).
(c) AUTHORITY.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report summarizing and evaluating the agency plans or updates (as the case may be) so submitted.

SEC. 6. ENCOURAGING A MORE DIVERSE SENIOR EXECUTIVE SERVICE.
(a) SENIOR EXECUTIVE SERVICE DIVERSITY PLANS.—
(I) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each agency, in consultation with the Office of Personnel Management and the Chief Human Capital Officers Council, shall submit to the Office of Personnel Management a plan to enhance and maximize opportunities for the advancement and appointment of minorities, women, and individuals with disabilities in the agency to the Senior Executive Service. Agency plans shall be reflected in the strategic human capital plan.
(2) CONTENTS.—Agency plans shall address how the agency is identifying and eliminating barriers that impede the ability of minorities, women, and individuals with disabilities in obtaining appointment to the Senior Executive Service and any actions the agency is taking to provide advancement opportunities, including:
(A) conducting outreach to minorities, women, and individuals within the agency and outside the agency;
(B) establishing and maintaining training and education programs to foster leadership development;
(C) identifying career enhancing opportunities for agency employees;
(D) assessing internal availability of candidates for Senior Executive Service positions; and
(E) conducting an inventory of employee skills and potential gaps in skills and the distribution of skills.
(3) UPDATE OF AGENCY PLANS.—Agency plans shall be updated at least every 2 years during the 3 years following the enactment of this Act. An agency plan shall be reviewed by the Office of Personnel Management and, if determined to provide sufficient assurance and commitment to provide adequate opportunities for the advancement and appointment of minorities, women, and individuals with disabilities to the Senior Executive Service shall be approved by such Office. An agency may, in updating its plan, submit to the Office of Personnel Management an assessment of the impacts of the plan.
(b) SUMMARY AND EVALUATION.—Not later than 180 days after the deadline for the submission of any report or update under subsection (a), the Director shall transmit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report summarizing and evaluating the agency plans or updates (as the case may be) so submitted.
(c) COORDINATION.—The Office of Personnel Management shall, in carrying out subsection (b), consult with the Committee on Oversight and Government Reform of the House of Representatives with regard to the implementation of any report or update under subsection (a) of this section.

By Mr. WYDEN:
S. 1181. A bill to provide for a demonstration project to examine whether community-level public health interventions and inventions can result in lower rates of chronic disease for individuals entering the Medicare program; to the Committee on Finance.
Mr. WYDEN, Mr. President, today I am introducing the Healthy Living, Healthy Aging Demonstration Project Act of 2009. This act will provide for a demonstration project to examine whether community-level public health interventions can result in lower rates of chronic disease for individuals who are about to enter the Medicare program. Prevention is a key to health at any age, but especially later in life. I am proud to be introducing a cornerstone of health care reform today.
American people and the U.S. Gov-

American people and the U.S. Government need this prevention act for two main reasons. Health care costs continue to rise exponentially and chronic diseases are the number one cause of death and disability in the U.S. One hundred thirty-three million Americans, representing 45 percent of the total population, have at least one chronic disease. Chronic diseases kill more than 1.7 million Americans each year, and are responsible for 7 out of every 10 deaths in the U.S. Furthermore, the vast majority of cases of chronic disease could be better prevented or managed.
The World Health Organization has estimated that if the major risk factors for chronic disease were eliminated, at least 80 percent of all heart disease, stroke, and type 2 diabetes would be prevented, and that more than 40 percent of cancer cases would be prevented. In addition, depressive disorders are common, chronic, and costly. The World Health Organization has identified major depression as the fourth leading cause of worldwide disease in 1990, causing more disability than even certain types of heart disease. Research shows that mental health screenings after disease diagnosis for diabetic patients can be cost effective and improve health.
The Healthy Living, Healthy Aging Demonstration Project Act of 2009 will address these costly and chronic health problems before people enter the Medicare program. It calls for the Secretary of Health and Human Services to provide 5-year grants to community partners that include the state or local public health department and other community stakeholders such as health centers, providers, small businesses, and rural health clinics to fund evidence-based community-level prevention and wellness strategies. The types of community-based prevention strategies we are looking at in this demonstration project include anti-smoking programs, group exercise classes, anti-smoking programs, programs to highlight healthy dining options at restaurants, and expanding access to farmer’s markets, nutritious foods, and other programs and services recommended by the Task Force on Community Preventive Services.
The Secretary, acting through the Administrator of the Centers for Medicare and Medicaid Services, and in partnership with the Director of the Centers for Disease Control and Prevention, CDC would implement the demonstration program to test whether these public health interventions can result in lower rates of chronic disease and reduce costs for the Medicare program. One assessment level of the act will measure the effects of adopting healthy lifestyle strategies on specific individual and community prevention programs in their communities.
More specifically, program require-
ments in this act include an individual

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health screening conducted by the state or local public health department or its designee. An individual health screening will include the appropriate test for diabetes, high blood pressure, high cholesterol, obesity, and tobacco use. Insured individuals who screen positive for chronic disease will be referred for treatment and for mental health screening and treatment to their existing providers or network providers. Uninsured individuals who screen positive for chronic disease would be referred to the pre-selected clinical referral source for the demonstration site. Uninsured individuals who do not screen positive for chronic disease will receive information on healthy lifestyle choices and may also enroll in community-level prevention interventions. This program will not only conduct community-based prevention strategies, screenings and health assessments, but also help support follow-up care for uninsured individuals identified with chronic diseases, including determining eligibility for public programs.

I would like to thank Dr. Mary Pulcini, chairwoman of the College, who has been working in my office through the American Psychological Association and the American Association for the Advancement of Science, and Daniella Gratante from Trust for America’s Health, for their work on this important prevention bill. I urge all of my colleagues to support this important legislation to help Americans adopt the healthiest lifestyles possible and to prevent chronic diseases in later life.

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. 113  
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 "Healthy Living and Health Aging Demonstration Project Act of 2009".

SEC. 2. FINDINGS. Congress finds the following:

(A) Chronic diseases are the leading cause of death and disability in the United States. Seven in every 10 deaths are attributable to chronic disease, with more than 1,700,000 Americans dying each year. Approximately 131,000,000 Americans, representing 45 percent of the Nation’s population, have at least one chronic disease.

(B) In 2007, the United States spent over $2,200,000,000,000 on health care, with 75 cents out of every dollar spent going towards treating and controlling chronic disease. In public programs, treatment for chronic diseases constitutes an even higher percentage of total spending, with 83 cents of every dollar spent by Medicaid programs and more than 95 cents of every dollar spent by the Medicare program going towards costs related to chronic disease.

(C) Since 1987, the rate of obesity in the United States has doubled, accounting for a 20 to 30 percent increase in health care spending. Additionally, the percentage of young Americans who are overweight has tripled since 1986. If the prevalence of obesity were at the 1980 level as it was in 1987, health care spending would be nearly 10 percent lower per person, for a total savings of nearly $200,000,000,000.

(D) The vast majority of cases of chronic disease could be better prevented or managed. A study by the World Health Organization estimated that if the major risk factors for chronic diseases were eliminated, at least 80 percent of all cases of heart disease, stroke, and type 2 diabetes could be prevented, while also averting more than 40 percent of cancer cases.

(E) Depressive disorders are also becoming increasingly common, chronic, and costly. In 2000, the World Organization identified major depression as the fourth leading cause of disease worldwide, leading to more cases of disability than ischemic heart disease, stroke, or cancer. Research has shown that mental health screenings following disease diagnosis for diabetic patients can improve health while remaining cost-effective.

(F) A report by the Trust for America’s Health found that an annual investment of $10 per person in proven community-based programs to increase physical activity, improve nutrition, and prevent tobacco use and smoking could, within 5 years, save the United States more than $16,000,000 annually, with savings of more than $5,000,000,000 for Medicare and $1,900,000,000 for Medicaid, as well as over $9,000,000,000 in savings for private health insurance payers.

(G) Health found that an annual investment of $10 per person in proven community-based programs to increase physical activity, improve nutrition, and prevent tobacco use and smoking could, within 5 years, save the United States more than $16,000,000 annually, with savings of more than $5,000,000,000 for Medicare and $1,900,000,000 for Medicaid, as well as over $9,000,000,000 in savings for private health insurance payers.

SEC. 3. DEMONSTRATION PROJECT FOR COMMUNITY-LEVEL PUBLIC HEALTH INTERVENTIONS.

(a) DEFINITIONS.—In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Centers for Medicare and Medicaid Services.

(2) CHRONIC DISEASE OR CONDITION.—The term "chronic disease or condition" means diabetes, hypertension, pulmonary diseases (including asthma and chronic obstructive pulmonary disease), obesity, and any other disease or condition as determined by the Secretary of Health and Human Services.

(b) INTERVENTION STRATEGY.—The term "intervention strategy" means an effective strategy that is based on a scientific estimate that a program or intervention can improve health outcomes, reduce costs, or both.

SEC. 4. AUDITS AND REPORTS.

(a) AUDITS.—The Secretary shall audit the demonstration projects and report to the Congress on the effectiveness of the demonstration projects.

(b) REPORTS.—The Secretary shall report to the Congress on the effectiveness of the demonstration projects and the impact of the demonstration projects on reducing health care costs.

SEC. 5. MANDATORY REPORTING REQUIREMENTS.

(a) REPORTS.—The Secretary shall report to the Congress on the effectiveness of the demonstration projects and the impact of the demonstration projects on reducing health care costs.

(b) AUDITS.—The Secretary shall audit the demonstration projects and report to the Congress on the effectiveness of the demonstration projects.

(c) COMPLIANCE.—Any person who fails to comply with any provision of this Act may be fined, imprisoned, or both.

(d) PENALTIES.—Any person who fails to comply with any provision of this Act may be fined, imprisoned, or both.

(e) REPORTS.—The Secretary shall report to the Congress on the effectiveness of the demonstration projects and the impact of the demonstration projects on reducing health care costs.

(f) AUDITS.—The Secretary shall audit the demonstration projects and report to the Congress on the effectiveness of the demonstration projects.

(g) MANDATORY REPORTING REQUIREMENTS.—The Secretary shall report to the Congress on the effectiveness of the demonstration projects and the impact of the demonstration projects on reducing health care costs.

SEC. 6. ADMINISTRATION.

(a) ADMINISTRATION.—The Secretary shall administer the demonstration projects.

(b) REPORTS.—The Secretary shall report to the Congress on the effectiveness of the demonstration projects and the impact of the demonstration projects on reducing health care costs.

(c) AUDITS.—The Secretary shall audit the demonstration projects and report to the Congress on the effectiveness of the demonstration projects.

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(h) AUDITS.—The Secretary shall audit the demonstration projects and report to the Congress on the effectiveness of the demonstration projects.

SEC. 7. ENFORCEMENT.

(a) ENFORCEMENT.—The Secretary shall enforce the provisions of this Act.

(b) AUDITS.—The Secretary shall audit the demonstration projects and report to the Congress on the effectiveness of the demonstration projects.

(c) MANDATORY REPORTING REQUIREMENTS.—The Secretary shall report to the Congress on the effectiveness of the demonstration projects and the impact of the demonstration projects on reducing health care costs.

(d) COMPLIANCE.—Any person who fails to comply with any provision of this Act may be fined, imprisoned, or both.

(e) PENALTIES.—Any person who fails to comply with any provision of this Act may be fined, imprisoned, or both.

(f) REPORTS.—The Secretary shall report to the Congress on the effectiveness of the demonstration projects and the impact of the demonstration projects on reducing health care costs.

(g) AUDITS.—The Secretary shall audit the demonstration projects and report to the Congress on the effectiveness of the demonstration projects.

(h) ENFORCEMENT.—The Secretary shall enforce the provisions of this Act.

SEC. 8. COORDINATION WITH OTHER PROGRAMS.

(a) COORDINATION.—The Secretary shall coordinate the demonstration projects with other programs and initiatives.

(b) REPORTS.—The Secretary shall report to the Congress on the effectiveness of the demonstration projects and the impact of the demonstration projects on reducing health care costs.

(c) AUDITS.—The Secretary shall audit the demonstration projects and report to the Congress on the effectiveness of the demonstration projects.

(d) MANDATORY REPORTING REQUIREMENTS.—The Secretary shall report to the Congress on the effectiveness of the demonstration projects and the impact of the demonstration projects on reducing health care costs.

(e) COMPLIANCE.—Any person who fails to comply with any provision of this Act may be fined, imprisoned, or both.

(f) PENALTIES.—Any person who fails to comply with any provision of this Act may be fined, imprisoned, or both.

(g) REPORTS.—The Secretary shall report to the Congress on the effectiveness of the demonstration projects and the impact of the demonstration projects on reducing health care costs.

(h) AUDITS.—The Secretary shall audit the demonstration projects and report to the Congress on the effectiveness of the demonstration projects.
(ii) A medical facility as deemed appropriate by the Administrator, including health centers (as described under section 330 of the Public Health Service Act (42 U.S.C. 255b)) and chronic care clinics as described in subsection 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2)), that shall—

(i) serve as the designated clinical referral site for medical services, as described in subsection (e)(4)(B)(i);

(ii) provide assistance to the designated public health department with organization and operation of individual health screenings and risk assessments, as described in subsection (e)(3);

(iii) negligently for medical treatment and services that have been provided to individuals during the demonstration project in a manner that is consistent with State law and applicable clinic policy; and

(iv) provide mental health services or obtain an agreement with a designated mental health provider for referral and provision of such services.

(C) Optional Entities.—An eligible partnership may include other organizations as practicable and necessary to assist in community outreach activities and to engage health care providers, insurers, employers, and other community stakeholders in meeting the goals of the demonstration project.

(2) Application.—An eligible partnership that desires to participate in the demonstration project shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(e) Use of Funds.—

(1) In General.—An eligible partnership shall use funds received under this section to conduct community-based prevention and intervention strategies and health screenings and risk assessments for Medicare eligible individuals from a diverse selection of ethnic backgrounds and income levels.

(2) Community-Based Prevention and Intervention Strategy.—An eligible partnership, acting through the State or local health department, shall promote healthy lifestyle choices among pre-Medicare eligible individuals by implementing and conducting a certified community-based prevention and intervention strategy that shall be made available to all such individuals.

(3) Individual Health Screenings and Risk Assessments.—An eligible partnership, acting through the State or local public health department (or an appropriately designated facility), shall agree to provide the following:

(A) Screenings for Chronic Diseases and Conditions.—Individual health screenings for chronic diseases or conditions, which shall include appropriate tests for—

(i) diabetes;

(ii) high blood pressure;

(iii) high cholesterol;

(iv) body mass index;

(v) physical inactivity;

(vi) poor nutrition;

(vii) tobacco use; and

(viii) any other chronic disease or condition as determined by the Director.

(B) Mental Health Screenings.—A mental health screening and, if appropriate, referral for additional mental health services, for any individual who has been screened and diagnosed with a chronic disease or condition.

(4) Clinical Treatment for Chronic Diseases.—The eligible partnership shall agree to provide clinical treatment for—

(A) Treatment and Prevention Referrals for Insured Individuals.—To refer an individual determined to be covered under a health insurance program to a health care provider for referral and provision of medical services, in accordance with applicable law and applicable clinic policy; and

(B) Treatment and Prevention Referrals for Uninsured Individuals.—To refer an individual determined to be without coverage under a health insurance program who has been determined to have chronic disease or chronic disease risk factors (including high blood pressure, high cholesterol, obesity, or tobacco use) to the designated clinical referral site.

(i) for determination of eligibility for public health programs, or appropriate treatment (including, but not limited to) pursuant to the facility’s existing authority and funding and in accordance with applicable fees and payment collection as described in subsection (d)(3)(B)(v), and

(ii) for enrollment in an appropriate community-based prevention and intervention strategy program.

(5) Rule of Construction.—Nothing in this section shall be construed as entitling an individual who participates in the demonstration project to benefits under Medicare.

(6) Authorization of Appropriations.—For the purpose of carrying out the demonstration project established under this section, there is authorized to be appropriated $200,000,000 for the period of fiscal years 2010 through 2016.

By Mr. DURBAN (for himself and Mr. BROWNBACK):

S. 1183. A bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBAN. 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. 1183

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 “Haiti Reformation Act of 2009.”

SEC. 2. FINDINGS; PURPOSE.

(a) Findings.—Congress finds that—

(1) the established policy of the Federal Government is to support and seek protection of tropical forests around the world;

(2) tropical forests provide a wide range of benefits—

(A) harboring a major portion of the biological and terrestrial resources of Earth and providing habitats for an estimated 10,000,000 plant and animal species; including species essential to medical research and agricultural productivity;
(B) playing a critical role as carbon sinks that reduce greenhouse gases in the atmosphere, as 1 hectare of tropical forest can absorb up to approximately 3 tons of carbon dioxide, the rights of local communities and indigenous people; and

(19) tropical reforestation efforts would provide new sources of jobs, income, and investments in Haiti by—

(A) providing employment opportunities in tree seedling programs, contour tree planting and management, sustainable agricultural initiatives, sustainable and managed timber harvesting, and wood products milling and financing; and

(B) enhancing community enterprises that generate income through the trading of sustainable forest resources, many of which exist on small scales in Haiti and in the rest of the region.

(b) PURPOSE.—The purpose of this Act is to provide assistance to the Government of Haiti to develop and implement nationally appropriate policies and actions—

(1) to reduce deforestation and forest degradation in Haiti; and

(2) to increase annual rates of afforestation and reforestation in a measurable, reportable, and verifiable manner—

(A) to eliminate within 5 years after the date of enactment of this Act any further net deforestation of Haiti; and

(B) to restore within 30 years after the date of enactment of this Act the forest cover of Haiti to the surface area that the forest cover had occupied in 1990.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) AFFORESTATION.—(A) In general.—The term “afforestation” means the establishment of a new forest through the seeding of, or planting of trees on, a parcel of nonforested land.

(B) Inclusion.—The term “afforestation” includes the introduction of a tree species to a parcel of nonforested land of which the species is not a native species.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

TITLE I—FORESTATION ASSISTANCE TO GOVERNMENT OF HAITI

SEC. 101. FORESTATION ASSISTANCE.

(a) AUTHORITY OF SECRETARY.—(1) IN GENERAL.—In accordance with paragraph (2), the Secretary, in consultation with the Administrator, may offer to enter into agreements with the Government of Haiti by which the Government of Haiti shall provide financial assistance, technology transfers, or capacity building assistance for the conduct of activities to develop and implement 1 or more forestation proposals under paragraph (2)—

(A) to reduce the deforestation of Haiti; and

(B) to increase the rates of afforestation and reforestation in Haiti.

(2) PROPOSALS.—

(A) IN GENERAL.—To be eligible for assistance under paragraph (1), the Government of Haiti shall—

(i) be represented on the Secretary 1 or more proposals that contain—

(ii) a description of each policy and initiative to be carried out using the assistance; and

(iii) adequate documentation to ensure, as determined by the Secretary, that—

(a) each policy and initiative will be—

(aa) carried out and managed in accordance with widely-accepted environmentally sustainable forest and agricultural practices; and

(bb) designed and implemented in a manner by which to improve the governance of forests by building governmental capacity to be more transparent, inclusive, accountable, and cohesive in decision-making processes, and the implementation of the policy or initiative; and

(b) the Government of Haiti will establish and enforce legal regimes, standards, and safeguards—

(aa) to prevent violations of human rights and the rights of local communities and indigenous people; and

(bb) to prevent harm to vulnerable social groups; and

(c) to ensure that members of local communities and indigenous people in affected areas, as partners and primary stakeholders, will be engaged in the design, planning, implementation, monitoring, and evaluation of the policies and initiatives.

(b) DETERMINATION OF COMPATIBILITY WITH CERTAIN PROGRAMS.—In evaluating each proposal under subparagraph (A), the Secretary shall ensure that each policy and initiative described in the proposal submitted by the Government of Haiti under that subparagraph is compatible with—

(i) broader development, poverty alleviation, and natural resource conservation objectives and initiatives in Haiti; and

(ii) the development, poverty alleviation, disaster risk management, and climate resilience programs of the Department of Agriculture.

(c) ELIGIBLE ACTIVITIES.—Any assistance received by the Government of Haiti under subsection (a)(1) shall be used to implement a proposal developed under subsection (a)(2), which may include—

(I) the provision of technologies and associated support for activities to reduce deforestation or increase afforestation and reforestation rates, including—

(aa) fire reduction initiatives; and

(bb) forest law enforcement initiatives;

(II) the development of timber tracking systems;

(III) the development of cooking fuel substitution programs;

(IV) initiatives to increase agricultural productivity;

(V) tree-planting initiatives; and

(VI) programs that are designed to focus on market-based solutions, including programs that leverage the international carbon-offset market.

(2) the enhancement and expansion of governmental and nongovernmental institutional capacity to effectively design and implement a proposal developed under subsection (a)(2) through initiatives, including—

(A) the establishment of transparent, accountable, and inclusive decisionmaking processes relating to—

(aa) the promotion of enhanced coordination among ministries and agencies responsible for agroecological zoning, mapping, land planning and permitting, sustainable agriculture, forestry, and law enforcement; and

(bb) the clarification of land tenure and resource rights of affected communities, including local communities and indigenous peoples; and

(B) the development and support of institutional capacity to measure, verify, and report the activities carried out by the Government of Haiti to reduce deforestation and increase afforestation and reforestation rates through the use of appropriate methods, including—

(aa) the use of best practices and technical approaches to monitor any change in the forest cover of Haiti; and

(bb) the monitoring of the impacts of policies and initiatives on—

(i) affected communities; and

(ii) the biodiversity of the environment of Haiti; and

(cc) the health of the tropical forests of Haiti; and

(d) independent and participatory forest monitoring.
(c) DEVELOPMENT OF PERFORMANCE METRICS.—
(1) IN GENERAL.—If the Secretary provides assistance under subsection (a)(1), in accordance with paragraph (2), the Secretary, in cooperation with the Government of Haiti and, if necessary, in consultation with the Administrator, shall develop appropriate performance metrics to measure, verify, and report—
(A) the conduct of each policy and initiative to be carried out by the Government of Haiti;
(B) the results of each policy and initiative with respect to the tropical forests of Haiti; and
(C) each impact of each policy and initiative on the local communities and indigenous people of Haiti.
(2) REQUIREMENTS.—Performance metrics developed under paragraph (1) shall, to the maximum extent practicable, include short-term and long-term metrics to evaluate the implementation of each policy and initiative contained in each proposal developed under subsection (a)(2).
(d) REPORTS.—
(1) INITIAL REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the action that the Secretary has taken, and plans to take—
(A) to engage with the Government of Haiti, nongovernmental stakeholders, and public and private nonprofit organizations to implement this section; and
(B) to enter into agreements with the Government of Haiti under subsection (a)(1).
(2) BIENNIAL REPORTS.—Not later than 2 years after the date on which the Secretary first provides assistance to the Government of Haiti under subsection (a)(1) and biennially thereafter, the Secretary shall submit to Congress a report that describes the progress of the Government of Haiti in implementing each policy and initiative contained in the proposal submitted under subsection (a)(2).
(e) ADDITIONAL ASSISTANCE.—The Secretary may provide financial and other assistance to nongovernmental stakeholders to ensure—
(1) the access by local communities and indigenous people of Haiti to a project that the Secretary determines is an appropriate opportunity to participate effectively in the design, implementation, and independent monitoring of each policy and initiative;
(f) NONGOVERNMENTAL ORGANIZATION.—At the election of the Government of Haiti, or on the determination of the Secretary, in cooperation with the Government of Haiti, the assistance provided under this section to the grantee or subgrantee may be used by the Government of Haiti through funds made available under subsection (a)(1); and
(2) that the groups described in paragraph (1) have the opportunity to participate effectively in the design, implementation, and independent monitoring of each project.
(g) GRANTS AUTHORIZED.—The Secretary may award grants pursuant to subsection (a)(2) in an amount greater than $500,000 per year.
(h) EXCEPTION.—The Secretary may award a grant under this section in an amount greater than $500,000 per year if the Secretary determines that the recipient of the grant has demonstrated success with respect to a project that was the subject of a grant under this section.
(i) DURATION.—The Secretary shall award grants under this section for a period not to exceed 3 years.
(j) USE OF FUNDS.—
(1) IN GENERAL.—Grants awarded pursuant to subsection (b) may be used for activities such as—
(A) providing a financial incentive to protect trees;
(B) providing hands-on management and oversight of replanting efforts;
(C) focusing on sustainable income-generating growth;
(D) providing seed money to start cooperatives to reforest and improve reafforestation and afforestation efforts; and
(E) providing a financial incentive to protect trees.
(2) CONSISTENCY WITH PROPOSALS.—To the maximum extent practicable, a project carried out using grant funds shall support and be consistent with the proposal developed under section 101(a)(2) that is the subject of the project.
(k) APPLICATION.—
(1) IN GENERAL.—To be eligible for a grant under this section, an entity shall prepare and submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.
(2) CONTENT.—Each application submitted under paragraph (1) shall include—
(A) a description of the objectives to be attained;
(B) a description of the manner in which the grant funds will be used;
(C) a plan for evaluating the success of the project based on verifiable evidence; and
(D) to the extent that the applicant intends to use nonnative species in afforestation efforts, an explanation of the benefit of the use of nonnative species over native species.
(l) PREFERENCE FOR CERTAIN PROJECTS.—In awarding grants under this section, the Secretary shall give preference to applicants that propose—
(A) to develop market-based solutions to the deforestation in Haiti, including the use of conditional cash transfers and similar financial incentives to protect reforestation efforts;
(B) to work with local communities and cooperatives; and
(C) to focus on efforts that build local capacity to sustain growth after the completion of the grant project.
(m) DISSEMINATION OF INFORMATION.—The Secretary shall collect and widely disseminate information about the effectiveness of the demonstration projects assisted under this section.
(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 202. FOREST PROTECTION GRANTS.
Chapter 7 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2281 et seq.) is amended by inserting after section 466 the following new section:
"SEC. 467. PILOT PROGRAM FOR HAITI.
"(a) SUBMISSION OF LIST OF AREAS OF SEVERELY Degraded Natural Resources.—The Administrator of the Agency for International Development, in cooperation with nongovernmental conservation organizations, shall invite the Government of Haiti to submit a list of areas within the territory of Haiti in which tropical forests are severely degraded or threatened.
(b) REVIEW OF LIST.—The Administrator shall assess the list submitted by the Government of Haiti under subsection (a) and shall seek to reach agreement with the Government of Haiti for the restoration and future sustainable use of those areas.
(c) GRANT PROGRAM.—
(1) GRANTS AUTHORIZED.—The Administrator of the Agency for International Development is authorized to make grants, in consultation with the International Forestry Division of the Department of Agriculture and on such terms and conditions as may be necessary, to nongovernmental organizations for the purchase on the open market of discounted commercial debt of the Government of Haiti in exchange for commitments by the Government of Haiti to restore tropical forests identified by the Government under subsection (a) or for commitments to develop plans for sustainable use of such tropical forests.
(2) MANAGEMENT OF PROTECTED AREAS.—Each recipient of a grant under this section shall participate in the ongoing management of the area or areas protected pursuant to such grant.
(3) REDUCTION OF PROCEEDS.—Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in section (a) may retain, without deposit in the Treasury of the United States, and without further appropriation by Congress, interest earned on the proceeds of any reduction-for-fee arrangements for the disbursements of such proceeds and interest approved for program purposes, which may include the establishment of an endowment, the income of which is used for such purposes.
(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section."
FPL, and are eligible for assistance with their Medicare costs. Another 6 million have incomes under 200 percent of FPL. These nearly 20 million beneficiaries are poorer than other Medicare beneficiaries. They also tend to be sicker, more isolated and have more chronic conditions than the rest of the population. A further 43 million people are likely in need of medical and other health-related services, and they benefit in both access and health outcomes from financial assistance with their out-of-pocket costs.

Although seniors and younger people with disabilities would benefit tremendously from greater access to needed health care services and financial savings, the Congressional Budget Office has estimated that about 67 percent to 87 percent of individuals eligible for various MSP services do not receive benefits. Additionally, the Centers for Medicare & Medicaid Services state that more than 13 million individuals are eligible for Part D LIS but only about 1.5 million are enrolled. Most of those 9 million get the subsidy automatically without having to apply, due to their eligibility for other programs.

The lives of low-income beneficiaries would improve significantly with improved access to the financial assistance provided by these important programs. Barriers to enrollment in MSP and LIS include: lack of effective outreach, lack of knowledge of the programs, language issues, social and physical isolation, restrictive income limits, and income and asset documentation complexities, and other daunting application requirements. Another major barrier is the lack of alignment of eligibility rules and application processes between MSP and LIS, although both programs serve the same general population.

The Medicare Financial Stability for Beneficiaries Act of 2009 decreases these barriers through:

1. Modifying programs by eliminating the recurring short-term re-authorizations of one of the MSPs—the Qualified Individual, QI program and the roller-coaster eligibility/loss of eligibility some beneficiaries face due to the effects of the subsidies on eligibility for other benefits.

2. Increasing access to financial assistance for low-income beneficiaries.

Research supports the conclusion that financial assistance results in greater access to health care for low-income beneficiaries. Currently full assistance is available only for those beneficiaries with incomes up to 135 percent of the Federal Poverty Level, 135 percent FPL is $1218/month for an individual and very limited assets, about $8,000 for an individual; much more limited assistance is available for those with incomes up to 150 percent of FPL. People with low incomes but some savings may be disqualified altogether. Our bill increases income eligibility to 150 percent of FPL for full benefits and 200 percent FPL for partial benefits and uses a single asset standard for all programs of $27,500 for an individual. Increasing the asset test for both MSP and LIS and increasing income eligibility levels will improve health outcomes for millions more seniors and younger people with disabilities.

3. Aligning the rules for MSP and LIS programs by cross-deeming so that qualifying for one program would automatically qualify an individual for the other programs. Currently, income and asset eligibility rules for MSP and LIS are similar, but not identical. Individuals eligible for MSP benefits are deemed eligible for LIS, without having to apply or take any other action. The reverse, however, is not true. Greater alignment of the rules of both programs makes cross-deeming sensible, and ensures that individuals will receive both benefits regardless of where they first seek assistance. The legislation will also assist LIS beneficiaries in receiving Supplemental Nutritional Assistance Program, SNAP, food stamp, and vice versa.

4. Simplifying outreach and enrollment for low-income Medicare programs by authorizing the Social Security Administration to have access to Internal Revenue Service records to identify potentially eligible beneficiaries; by making more materials, including applications, available in additional languages; and by other simplifications of the application process. These provisions will benefit the millions of Americans who desperately need assistance, and will cut down on unnecessary and duplicative work for the Social Security Administration and for State Medicaid agencies.

There is strong support for this important legislation from many organizations including the American Association of Retired Persons, National Senior Citizens Law Center, Medicare Rights Center, Center for Medicare Advocacy, Inc, Families USA, National Council on Aging, National Patient Advocate Foundation, American Federa- tion of Labor and Congress of Industrial Organizations, APL-CIO, and the National Committee to Preserve Social Security and Medicare.

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. 1185
Be it enacted by the Senate and House of Represent- atives of the United States of America in Congress assem- bled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Medicare Financial Stability for Beneficiaries Act of 2009”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Eligibility for other programs.
Sec. 3. Cost-sharing protections for low-income subsidy-eligible individ- uals.
Sec. 4. Modification of resource standards for determination of eligibility for LIS; no consideration of pension or retirement plan in determination.
Sec. 5. Increase in income levels for eligibility.
Sec. 6. Effective date of MSP benefits.
Sec. 7. Expanding special enrollment process to individuals eligible for an income-related subsidy.
Sec. 8. Enhanced cost-sharing protections for full-benefit dual eligible individuals and qualified Medicare beneficiaries.
Sec. 9. Two-way deeming between Medicare Savings Program and Low-In- come Subsidy Program.
Sec. 10. Improving linkages between health programs and snap.
Sec. 11. Expediting low-income subsidies under the Medicare prescription drug program.
Sec. 12. Enhanced oversight and enforce- ment relating to reimbursements for retroactive LIS en- rolement.
Sec. 13. Intelligent assignment in enrollment.
Sec. 14. Medicare enrollment assistance.
Sec. 15. QMB buy-in for part A and part B premiums.
Sec. 16. Increasing availability of MSP applications through availability on the internet and designation of preferred language.

SEC. 2. ELIGIBILITY FOR OTHER PROGRAMS.


(1) in subparagraph (A), in the matter preceding clause (i), by striking “subparagraph (F)” and inserting “subparagraphs (F) and (H)”;

(2) by adding at the end the following new subparagraph:

“(H) DISREGARD OF PREMIUM AND COST- sharing SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Notwithstanding any other provision of law, any premium or cost-sharing subsidy with respect to a subsidy-eligible individual under this section shall not be considered income or resources in determining eligibility for, or the amount of assistance or benefits provided under, any other public benefit provided under Federal law or the law of any State or political sub- division thereof.”;

(b) MSP.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396p) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the fol- lowing new paragraph:

“(6) Notwithstanding any other provision of law, any medical assistance for some or all medicare cost-sharing under this title shall not be considered income or resources in determining eligibility for, or the amount of assistance or benefits provided under, any other public benefit provided under Federal law or the law of any State or political sub- division thereof.”;

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to eligi- bility for benefits on or after January 1, 2010.

SEC. 3. COST-SHARING PROTECTIONS FOR LOW- INCOME SUBSIDY-ELIGIBLE INDIVID- UALS.

(a) IN GENERAL.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–14(a)) is amended—
subsequent year’’.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to determinations made on or after January 1, 2011.

(3) APPLICATION OF APPLICABLE RESOURCE STANDARD AND EXEMPTIONS FROM INCOME AND RESOURCES.—

(i) AMENDMENTS.—Section 1905(p)(1)(C) of the Social Security Act (42 U.S.C. 1396p(1)(C)) is amended—

(A) by inserting ‘‘without taking into account any part of the value of any life insurance policy or any balance in, or benefits received under, an employee pension benefit plan (as defined in section 3 of the Employee Retirement Income Security Act of 1974) that shall be taken into account’’;

(B) by striking paragraph (D) and all that follows through ‘‘section’’ and inserting ‘‘section 1860D–14(a)(3)(E)’’;

(ii) EXEMPTION OF IN-KIND SUPPORT AND MAINTENANCE.—(A) IN GENERAL.—Section 1905(p)(1)(B) of the Social Security Act (42 U.S.C. 1396p(1)(B)) is amended by striking ‘‘except that support and maintenance furnished in kind shall not be counted as income’’ after ‘‘(2)(D)’’.

(B) CONFORMING AMENDMENT.—Section 1860D–14(a)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(C)(i)) is amended by striking ‘‘without taking into account any part of the value of any life insurance policy or any balance in, or benefits received under, an employee pension benefit plan (as defined in section 3 of the Employee Retirement Income Security Act of 1974) that shall be taken into account’’.

(iii) OVERALL LIMITATION ON COST-SHARING.—The amendments made by this subsection shall apply to determinations made on or after January 1, 2011.

(iv) EFFECTIVE DATE.—The amendments made by this subsection shall apply to determinations made on or after January 1, 2011.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to determinations made on or after January 1, 2011.

(5) INCREASE IN INCOME LEVELS FOR ELIGIBILITY.—


(ii) IN SUBPARAGRAPH (B)—

(A) by striking ‘‘and’’ at the end of clause (i); and

(B) by striking the period at the end of clause (ii) and inserting ‘‘and’’.

(iii) IN SUBPARAGRAPH (C)—

(A) by striking ‘‘and’’ at the end of clause (i); and

(B) by striking the period at the end of clause (ii) and inserting ‘‘and’’.

(6) ELIGIBILITY OF INDIVIDUALS WITH INCOME BELOW 200 PERCENT OF FPL.—

(i) GENERAL.—Section 1905(p)(1)(E) of the Social Security Act (42 U.S.C. 1396p(1)(E)) is amended—

(A) by inserting ‘‘and’’ at the end of clause (i); and

(B) by striking ‘‘and’’ at the end of clause (ii) and inserting ‘‘and’’.

(ii) EXEMPTION OF IN-KIND SUPPORT AND MAINTENANCE.—(A) IN GENERAL.—Section 1905(p)(1)(B) of the Social Security Act (42 U.S.C. 1396p(1)(B)) is amended by striking ‘‘except that support and maintenance furnished in kind shall not be counted as income’’ after ‘‘(2)(D)’’.

(B) CONFORMING AMENDMENT.—Section 1860D–14(a)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(C)(i)) is amended by striking ‘‘except that support and maintenance furnished in kind shall not be counted as income’’.

(iii) OVERALL LIMITATION ON COST-SHARING.—The amendments made by this subsection shall apply to determinations made on or after January 1, 2011.

(iv) EFFECTIVE DATE.—The amendments made by this subsection shall apply to determinations made on or after January 1, 2011.

(7) ELIGIBILITY OF QUALIFIED MEDICARE BENEFICIARIES.—

(i) GENERAL.—Section 1860D–14(a)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)) is amended by striking the following new subclauses:

(A) IN SUBPARAGRAPH (A)—

(i) by inserting ‘‘without taking into account any part of the value of any life insurance policy or any balance in, or benefits received under, an employee pension benefit plan (as defined in section 3 of the Employee Retirement Income Security Act of 1974) that shall be taken into account’’;

(ii) by striking paragraph (D) and all that follows through ‘‘section’’ and inserting ‘‘section 1860D–14(a)(3)(E)’’;

(ii) EXEMPTION OF IN-KIND SUPPORT AND MAINTENANCE.—(A) IN GENERAL.—Section 1905(p)(1)(B) of the Social Security Act (42 U.S.C. 1396p(1)(B)) is amended by striking ‘‘except that support and maintenance furnished in kind shall not be counted as income’’ after ‘‘(2)(D)’’.

(B) CONFORMING AMENDMENT.—Section 1860D–14(a)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(C)(i)) is amended by striking ‘‘except that support and maintenance furnished in kind shall not be counted as income’’.

(iii) OVERALL LIMITATION ON COST-SHARING.—The amendments made by this subsection shall apply to determinations made on or after January 1, 2011.

(iv) EFFECTIVE DATE.—The amendments made by this subsection shall apply to determinations made on or after January 1, 2011.
the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first date of the new calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For previous enactment of provisions specifying a case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 6. EFFECTIVE DATE OF MSP BENEFITS.

(a) In General.—

(1) EFFECTIVE DATE OF MSP BENEFITS.—Section 1915(v)(1)(C) of the Social Security Act (42 U.S.C. 1396a(e)(8)) is amended by striking the first sentence.

(2) CONFORMING AMENDMENTS.—(A) Section 1902(e)(8) of the Social Security Act (42 U.S.C. 1396a(e)(8)) is amended by striking the first sentence.

(b) Section 1866(a)(3) of such Act (42 U.S.C. 1395w–4(a)(3)) is amended by adding at the end the following sentence: "(C) TREATMENT OF RETROACTIVE ELIGIBILITY.—In the case of an individual who is determined to be eligible for medical assistance as a specified low-income Medicare beneficiary under this section, the Secretary shall provide a process whereby claims which are submitted for services furnished during the period of retroactive eligibility and during a month in which the individual otherwise would have been eligible for such assistance and which were not submitted in accordance with such subparagraph (A), are submitted and reprocessed in accordance with such subparagraph.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010, but shall not result in eligibility for benefits for medicare cost-sharing for months before January 1, 2010.

SEC. 7. EXPANDING SPECIAL ENROLLMENT PROCESS TO INDIVIDUALS ELIGIBLE FOR AN INCOME-RELATED SUBSIDY.

(a) In General.—Section 1860D–1(b)(1)(C) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(C)) is amended—

(1) by striking "a full-benefit dual eligible individual (as defined in section 1395w–6(b))" and inserting "a subsidy-eligible individual (as defined in section 1860D–1(a)(3))"; and

(2) by striking "D–1(2)" and inserting "subsection (a)(1)(A) or (D)(1)(A) of section 1860D–14, as applicable".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to enrollment on or after January 1, 2010.

SEC. 8. ENHANCED COST-SHARING PROTECTIONS FOR FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS AND QUALIFIED MEDICARE BENEFICIARIES.

(a) ELIMINATION OF PART D COST-SHARING FOR FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—Section 1860D–14(a)(1)(D)(i) of the Social Security Act (42 U.S.C. 1395w–114(a)(1)(D)(i)) is amended—

(1) in the heading, by striking "INSITUOTIONALIZED INDIVIDUALS.—In" and inserting "ELIMINATION OF COST-SHARING FOR CERTAIN FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—In"; and

(2) by adding at the end the following new subparagraph:

"(II) INSTITUTIONALIZED INDIVIDUALS.—In"; and

(b) PROVIDER AMENDMENTS.—Section 1866(a)(1)(A)(i) of the Social Security Act (42 U.S.C. 1395cc(a)(1)(A)(i)) is amended by striking "1902(n)(3) and inserting "1902(n)(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 9. TWO-WAY DEEMING BETWEEN MEDICARE SAVINGS PROGRAM AND LOW-INCOME PARTICIPANT PROGRAM.

(a) LOW-INCOME SUBSIDY PROGRAM.—Section 1860D–14(a)(3) of the Social Security Act (42 U.S.C. 1395w–104(a)(3)), as amended by section 4, is amended by adding at the end the following new subparagraph:

"(J) DETERMINE ELIGIBILITY FOR LOW-INCOME MEDICARE BENEFICIARIES.—

"(1) QMBS ELIGIBLE FOR FULL SUBSIDY.—A part D eligible individual who has been determined for purposes of title XIX to be a qualified medicare beneficiary is deemed, for purposes of this part and without the need to file any additional application, to be a subsidy-eligible individual described in paragraph (1).

"(2) MEDICARE SAVINGS PROGRAM.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396(p)), as amended by section 4, is amended—

(1) by redesigning paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following new paragraph:

"(8) An individual who has been determined eligible for premium and cost-sharing subsidies under—

'(A) section 1906D–14(a)(1) is deemed, for purposes of this title and without the need to file any additional application, to be a qualified medicare beneficiary for purposes of this title; or

'(B) section 1860D–14(a)(2) is deemed, for purposes of this title and without the need to file any additional application, to be a qualified medicare beneficiary (as defined in section 1902(a)(10)(E)(ii)).'

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to eligibility for months beginning on or after January 1, 2010.

SEC. 10. IMPROVING LINKAGES BETWEEN MEDICARE SAVINGS PROGRAM AND SNAP.

(a) LOW-INCOME PART D SUBSIDY PROGRAM.—Section 114(c) of the Social Security Act (42 U.S.C. 1320c–14(c)) is amended—

(1) by redesigning paragraph (1)(D) by striking "an application for benefits under the Medicare Savings Program." and inserting "applications for benefits under the Medicare Savings Program and the supplemental nutrition assistance program.";

(2) by striking paragraph (3) and inserting the following:

"(3) COMMUNICATION OF DATA TO STATES.—

"(A) IN GENERAL.—Beginning on January 1, 2010, with the consent of an individual completing an application for benefits described in paragraph (1)(B), the Commissioner shall electronically transmit data from such application—

"(i) to the appropriate State Medicaid agency that is determined to be the recipient, which transmitting shall initiate an application of the individual for benefits under the Medicare Savings Program; or

"(ii) to the appropriate State Medicaid agency that is determined to be the recipient, which transmitting shall initiate an application of the individual for benefits under the Medicare Savings Program; or

"(B) IN GENERAL.—As provided in subparagraph (A), the amendments made by this subsection shall take effect on the date of enactment of this Act.
‘(B) the gross income and financial resources of the household under section 5.

‘(4) TEMPORARY BENEFIT PERIOD.—A household shall receive temporary supplemental nutritional benefits under this subsection for a period of not more than 2 months.

‘(5) TEMPORARY BENEFIT AMOUNT.—During the temporary benefit period under paragraph (4), except as provided in subparagraph (B), a household shall receive a monthly amount of supplemental nutritional assistance benefits calculated under section 8(a).

‘(B) CALCULATION.—In calculating benefits under subsection (b),—

‘(i) the benefits shall be determined based on the gross income of the household rather than net income; and

‘(ii) the minimum allotment described in the proviso in section 8(a) shall be equal to 40 percent of the cost of the thrifty food plan for a household containing 1 member, as determined by the Secretary under section 3, rounded to the nearest whole dollar increment.

‘(6) DETERMINATION OF FUTURE ELIGIBILITY.—Upon the completion of the temporary benefit period under paragraph (4), the State agency shall provide to the household—

‘(A) an application to apply for benefits under the other provisions of this Act; and

‘(B) an opportunity to complete the application process by the month immediately following the temporary benefit period, without a denial of eligibility or suspension in the benefits of the household.

‘(7) LIMITATION.—This subsection shall not—

‘(A) apply to individuals who—

‘(i) are members of households that currently receive benefits under this Act; or

‘(ii) have received benefits under this subsection during the period ending 2 years prior to the date of the application.

‘(B) have an opportunity to complete the application process by the month immediately following the temporary benefit period, without a denial of eligibility or suspension in the benefits of the household.

‘(8) TEMPORARY BENEFITS FOR MEDICARE SAVINGS PROGRAM APPLICANTS.—In the case of each individual determined eligible for, and, if eligible, receiving, supplemental nutritional assistance program benefits who is an applicant for benefits under the Medicare Savings Program under section 1144(c)(1), the Secretary of Health and Human Services shall provide the applicant with—

‘(A) an opportunity to complete the application process by the month immediately following the temporary benefit period, without a denial of eligibility or suspension in the benefits of the household.

SEC. 11. EXPANDING LOW-INCOME SUBSIDIES UNDER THE MEDICARE PRESCRIPTION DRUG PROGRAM.

(a) TARGETED OUTREACH FOR LOW-INCOME SUBSIDIES.—

(1) IN GENERAL.—Section 1906D-1 of the Social Security Act (42 U.S.C. 1395w–114) is amended by adding at the end the following new subsection:

‘(1) TARGETED IDENTIFICATION OF ELIGIBLE INDIVIDUALS.—

‘(A) IN GENERAL.—The Commissioner of Social Security shall provide for the identification of individuals who are potentially eligible for low-income assistance under this subsection through requests to the Secretary of the Treasury in accordance with the criterion established under section 6101(b)(21) of the Internal Revenue Code of 1986 for information indicating whether an individual is likely eligible for such assistance.

‘(B) INITIATION OF IDENTIFICATIONS.—Not later than 90 days after the date of the enactment of this subsection, the Commissioner of Social Security shall begin implementation of the identification process described in paragraph (A) and, by such date, shall submit to the Secretary of the Treasury requests for part D eligible individuals who the Commissioner has identified as potentially eligible for low-income subsidies under this section before such date of enactment.

‘(2) NOTIFICATION OF POTENTIALLY ELIGIBLE INDIVIDUALS.—In the case of each individual identified under paragraph (1) who has not otherwise applied for, or been determined eligible for, benefits under this section or (who was found ineligible for such benefits based on excess income, resources, or both), the Commissioner shall transmit by mail to the individual a letter including the information and application necessary to enroll into a low-income subsidy program under such section through requests to the Secretary of the Treasury in accordance with the criterion established under section 6101(b)(21) of the Internal Revenue Code of 1986.
section after the date of the enactment of this subsection be less than such level of ef-
fort before such date of enactment until at least 90 percent of such potentially eligible individuals have attained such level.

(7) GAO REPORT TO CONGRESS.—Not later than 2 years after the date of the first sub-
misson to the Secretary of the Treasury de-
scribed in paragraph (1)(B), the Comptroller General of the United States shall submit to Congress a report, with respect to the 18-
month period following the establishment of the process described in paragraph (1)(A), on:

(A) the extent to which the percentage of individuals eligible for low-income assistance under this section but not en-
rolled under this part has decreased during such period;

(B) the Commissioner of Social Security has used any savings resulting from the implementation of this section and section 6103(i)(21) of the Internal Revenue Code of 1986 to improve outreach to individual de-
scribed in subparagraph (A) to increase en-
rollment of such individuals under this part; and

(C) the effectiveness of using information from the Commissioner of the Treasury in ac-
cordance with section 6103(i)(21) of the Inter-
nal Revenue Code of 1986 for purposes of indi-
cating whether individuals are eligible for low-income assistance under this section; and

(D) the effectiveness of the outreach con-
ducted by the Commissioner of Social Security based on the data described in subpara-
graph (C).

(2) CONFORMING AMENDMENT.—Section 114 of the Social Security Act (42 U.S.C. 1320b–14(c)(1)) is amended by inserting "(including through request to the Secretary of the Treasury pursuant to section 1860D–
(1)(B))" after "Secretary to make the deter-
mination de-
scribed in clause (i)."

(b) IMPROVEMENTS TO THE LOW-INCOME SUB-
SIDY APPLICATIONS.—Section 1860D–14(a)(3) of the Social Security Act (42 U.S.C. 1360w–
14(a)(3)) is amended—

(1) in subparagraph (E), by striking clauses (i) and (ii) and redesignating clause (iv) as clauses (i) and (ii); and

(2) by redesigning subparagraphs (F) and (G) as subparagraphs (G) and (F), respec-
tively; and

(3) inserting after subparagraph (E) the following new subparagraph:

(P) SIMPLIFIED LOW-INCOME SUBSIDY AP-
PLICATION AND PROCESS .—

(i) In general.—The Secretary, jointly with the Commissioner of Social Security, shall—

(I) develop a model, simplified application form and procedures consistent with clause (ii) for the determination and verification of a part D eligible individual's assets or re-
sources under this paragraph and

(II) Documentation and Safeguards.—

Under such process—

(I) the application form shall consist of an assessment of the penalty of noncompliance regard-
ing the level of assets or resources (or combined assets and resources in the case of a married part D eligible individual) and valuations of general classes of assets or re-
sources;

(II) such form shall not require the sub-
mittal of additional documentation regard-
ing income or assets;

(III) matters attested to in the applica-
tion shall be subject to appropriate methods of administrative verification;

(IV) the applicant shall be permitted to authorize another individual to act as the applicant's personal representative with re-
spect to communications under this part and the enactment of a retroactive LIS enrol-
ment and cost-sharing subsidies under section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114) with respect to the provision of prescription drug coverage to the beneficiary during such retroactive period;

and

(B) in the case that the beneficiary is de-
scribed in subsection (e)(4)(A)(i), for direct subsidies under section 1860D–15(a)(1) of such Act and premium subsidies and cost-sharing subsidies under section 1860D–14 of such Act with respect to the provision of prescription drug coverage to the beneficiary during such retroactive period;

unless the plan demonstrates to the Sec-

etary that the plan has provided timely and 

(2) The Secretary shall not make any pay-

ment described in paragraph (2) to the plan with respect to such beneficiary for any month of the retroactive enrollment period which

(3) ADMINISTRATIVE REQUIREMENTS RELAT-

ING TO REIMBURSEMENTS.—

(1) LINE-ITEM DESCRIPTION.—Each reim-

bursement made by a prescription drug plan or MA–PD plan under subsection (a)(1) shall include a line-item description of the items for which the reimbursement was made.

(2) TIMING OF REIMBURSEMENTS.—A pre-

scription drug plan or MA–PD plan must make a reimbursement under subsection (a)(1) for retroactive LIS enrolment beneficiary, with respect to a claim, not later than 30 days after—

(A) in the case of a beneficiary described in subsection (e)(4)(A)(i), the date on which the plan receives notice from the Secretary that the beneficiary is eligible for assistance described in such subsection; or

(B) in the case of a beneficiary described in subsection (e)(4)(A)(ii), the date on which the beneficiary files the claim with the plan.

(3) NOTICE REQUIREMENTS.—

(1) BY SECRETARY OF HHS AND COMMISSION-

ER OF THE SOCIAL SECURITY ADMINISTRATION.—

The Secretary, jointly with the Commis-

sioner of the Social Security Administra-

tion, shall ensure that each retroactive LIS enrollment beneficiary receives, with any letter or notification of eligibility for a low-

income subsidy under section 1860D–14 of the Social Security Act, a notice of their right to reimbursement described in subsection (a)(1) for covered drug costs incurred during the retroactive coverage period of the benef-

iciary. Such notice shall—

(A) with respect to a beneficiary described in subsection (e)(4)(A)(i), inform the bene-

ficiary that the Secretary will provide an auto-

matic reimbursement as described in sub-

section (a)(1); and

(B) with respect to a beneficiary described in subsection (e)(4)(A)(ii), include a descrip-

tion of a clear process that the beneficiary should follow to seek such reimbursement.
(2) BY PRESCRIPTION DRUG PLANS.—

(A) IN GENERAL.—Each prescription drug plan under part D of title XVIII of the Social Security Act (and MA–PD plan under part C of such title) shall make available to a plan to a retroactive LIS enrollment beneficiary described in subsection (e)(4)(A)(ii) a model notice described under subparagraph (A) of clause (i) and shall make such model notice available to all prescription drug plans under part D of title XVIII of the Social Security Act (and MA–PD plans under part C of such title).

(B) MODEL NOTICE.—The Secretary, jointly with the Commissioner of Social Security, shall develop a model notice for purposes of subparagraph (A) and shall make such model notice available to all prescription drug plans under part D of title XVIII of the Social Security Act (and MA–PD plans under part C of such title). (C) RETROACTIVE COVERAGE PERIOD.—The term "retroactive coverage period" means—

(1) beginning on the date the individual is both entitled to benefits under part A, or enrolled under part B, of title XVIII of the Social Security Act and eligible for medical assistance under a State plan under title XIX of such Act; and

(2) beginning on the date the plan effectuates the status of such individual as a full-benefit dual eligible individual (as defined in section 1935(c)(6) of such Act).

(4) RETROACTIVE LIS ENROLLMENT BENEFICIARY.—

(A) IN GENERAL.—The term "retroactive LIS enrollment beneficiary" means an individual who—

(i) is enrolled in a prescription drug plan under part D of the Social Security Act (or an MA–PD plan under part C of such title) and subsequently becomes eligible as a full-benefit dual eligible individual (as defined in section 1935(c)(6) of such Act), an individual receiving a low-income subsidy under section 1860D–14 of such Act, an individual receiving assistance under the Medicare Savings Program implemented under clauses (i), (ii), (iii), and (iv) of section 1902(a)(10)(E) of such Act, or an individual receiving assistance under the supplemental security income program under section 1611 of such Act; or

(ii) subject to subparagraph (B)(i), is a full-benefit dual eligible individual (as defined in section 1935(c)(6) of such Act) who is automatically enrolled in such a plan under section 1860D–1(b)(1)(C) of such Act.

(B) EXCEPTION FOR BENEFICIARIES ENROLLED IN RFP PLAN.—

(1) IN GENERAL.—In no case shall an individual described in subparagraph (A)(ii) include an individual who is enrolled, pursuant to a Request for Proposal under section (3)(A) and the amount allocated to the State under subparagraph (3)(A) and the amount allocated to the State under subparagraph (3)(B).

(2) AMOUNT OF GRANTS.—The amount allocated to a State under this subsection from the total amount made available under paragraph (1) shall be based on the number of individuals who meet the requirement under subsection (a)(3)(A)(i) of the Social Security Act (42 U.S.C. 1395w–21(c), of $4,100,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2011, to remain available until expended.

(3) ALLOCATION TO STATES.—

(A) ALLOCATION BASED ON PERCENTAGE OF LOW-INCOME BENEFICIARIES.—The amount allocated to a State under this paragraph from ⅔ of the total amount made available under paragraph (1) shall be based on the number of part D eligible individuals (as defined in section 1860D–1(b)(1) of such Act and (4) U.S.C. 1395w–114) who but have not enrolled to receive a subsidy under section 1860D–14 relative to the total number of individuals who meet the requirement under subsection (a)(3)(A)(i) of such Act, as estimated by the Secretary.

(B) ALLOCATION BASED ON PERCENTAGE OF RURAL BENEFICIARIES.—The amount allocated to a State under this subparagraph from ⅔ of the total amount made available under paragraph (1) shall be based on the number of part D eligible individuals (as defined in section 1860D–1(b)(1) of such Act and (4) U.S.C. 1395w–114) who meet the requirement under subsection (a)(3)(A)(i) of such Act, residing in a rural area relative to the total number of such individuals in such State, as estimated by the Secretary.

(C) POCKET OF GRANT BASED ON PERCENTAGE OF LOW-INCOME BENEFICIARIES TO BE USED TO PROVIDE OUTREACH TO INDIVIDUALS WHO MAY BE SUBSIDY ELIGIBLE INDIVIDUALS OR ELIGIBLE FOR THE MEDICARE SAVINGS PROGRAM.—Each grant awarded under this subsection with respect to amounts allocated under paragraph (3)(A) shall be used to provide outreach to individuals who may be subsidy eligible individuals (as defined in section 1860D–14(a)(3)(A) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(A)) or eligible for the Medicare Savings Program (as defined in section 1860D–14(a)(3)(A) of such Act).

(B) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—
1395w–23(f)), of $10,000,000 to the Administration on Aging for fiscal year 2011, to remain available until expended.

(2) AMOUNT OF GRANT AND ALLOCATION TO STATES BASED ON PERCENTAGE OF LOW-INCOME AND RURAL BENEFICIARIES.—The amount of a grant to a State under this subsection from the total amount made available under paragraph (1) shall be determined in the same manner as the amount of a grant under section 1817 of the Social Security Act (42 U.S.C. 1395f) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $10,000,000 to the Administration on Aging for fiscal year 2011, to remain available until expended.

(3) REQUIRED USE OF FUNDS.—(A) ALL FUNDS.—Subject to subparagraph (B), each grant awarded under this subsection shall be used to provide outreach to eligible Medicare beneficiaries regarding the benefits available under title XVIII of the Social Security Act.

(B) OUTREACH TO INDIVIDUALS WHO MAY BE SUBSIDY ELIGIBLE INDIVIDUALS OR ELIGIBLE FOR THE MEDICAID SAVINGS PROGRAM.—Subsection (B) of section 1817 of title XVIII of the Social Security Act (42 U.S.C. 1395f) shall apply to each grant awarded under this subsection in the same manner as it applies to a grant under subsection (a).

(c) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—

(1) GRANTS.—In general.—The Secretary shall make grants to State Aging and Disability Resource Centers under the Aging and Disability Resource Center grant program that are established centers under such program on the date of the enactment of this Act.

(B) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $10,000,000 to the Administration on Aging for fiscal year 2011, to remain available until expended.

(e) MEDICAID SAVINGS PROGRAM DEFINED.—For purposes of this section, the term ‘‘Medicaid Savings Program’’ means the program established under section 1902(a)(10)(E) of title XVIII of the Social Security Act (42 U.S.C. 1396a(a)), as added by the Social Security Act Amendments of 1986 (Public Law 99–272).

(f) GRANTS TO STATES.—The Secretary shall make grants to States for area agencies on aging, in cooperation with related Federal agencies and other Federal, State, and local agencies, to, or on behalf of, individuals who meet the requirements of section 1915(b)(5) of title XIX of the Social Security Act (42 U.S.C. 1396n(b)(5)).

(g) ADDITIONAL AMENDMENTS.—(1) IN GENERAL.—Except as provided in subparagraph (A), the amendments made by this subsection shall be in such language; and

(2) EFFECTIVE DATE.—(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection take effect on the date that is 3 years after the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XV of the Social Security Act (42 U.S.C. 1396 et seq.), which the Secretary of Health and Human Services determines requires State legislation in order for the additional requirements imposed by the amendments made by this subsection, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that occurs after the date of enactment of this Act.

SEC. 15. QMB BUY-IN OF PART A AND PART B PREMIUMS.

(a) REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 10, is amended—

(1) in paragraph (73), by striking ‘‘and’’ at the end;

(2) in paragraph (74), by striking the period at the end and inserting ‘‘; and’’; and

(3) by inserting after paragraph (74) the following new paragraph:

‘‘(75) provide that the State enters into a modification of an agreement under section 1818(p).’’

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on the date that is 6 months after the date of enactment of this Act.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XV of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the additional requirements imposed by the amendments made by this subsection, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act.

SEC. 16. INCREASING AVAILABILITY OF MSP APPLICATIONS THROUGH AVAILABILITY ON THE INTERNET AND DESIGNATION OF PREFERRED LANGUAGE.

(a) REQUIREMENT FOR STATES.—

(1) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 15, is amended—

(A) in paragraph (74), by striking ‘‘and’’ at the end;

(B) in paragraph (75), by striking the period at the end and inserting ‘‘; and’’; and

(C) by inserting after paragraph (75) the following new paragraph:

‘‘(76) provide—

‘‘(A) that the application for medical assistance for medicare cost-sharing under this title used by the State allows an individual to specify a preferred language for subsequent communication; and, in the case in which a language other than English is specified, provide that subsequent communications under this title to the individual shall be in such language; and

‘‘(B) that the State makes such application available through an Internet website and provides for such application to be completed on such website.’’.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection take effect on the date that is 3 years after the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XV of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the additional requirements imposed by the amendments made by this subsection, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act.

SEC. 17. STATE MEDICAID AGENCY CONSIDERATION OF LOW-INCOME SUBSIDY APPLICATION AND DATA TRANSMITTAL.

(a) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 114(c)(3)(A)(i) of the Social Security Act (42 U.S.C. 1320b–14(c)(3)(A)(i)), as amended by section 10, is amended—

(A) by striking ‘‘transmittal’’; and

(B) by inserting ‘‘(as specified in section 1905(a)(4))’’ before the semicolon at the end.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 113(a) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275).

(b) CLARIFICATION OF STATE MEDICAID AGENCY CONSIDERATION OF LOW-INCOME SUBSIDY APPLICATION.—Section 1905(a)(4) of the Social Security Act (42 U.S.C. 1396a–5(a)(4)), as added by section 113(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended—
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(1) by striking “PROGRAM.—The State” and inserting “PROGRAM.—
(A) IN GENERAL.—The State”;
(2) in subparagraph (A), as inserted by paragraph (1), by striking the second sen-
tence; and
(3) by adding at the end the following new subparagraph:
“(B) For purposes of a State’s obligation under section 1902(a)(6) to furnish medical assistance with reasonable promptness, the date of the electronic transmission by the Social Security Administration to the State Medicaid agency of data under section 1144(c)(3) shall be the date of the filing of such application for benefits under the Medicare Independent Living Act of 2009.”.

By Mr. BINGAMAN (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. HARKIN):
S. 1186. A bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs for use “in the home,” as those efforts are critical to enhancing the quality of care and quality of life for individuals with disabling conditions.

Mr. BINGAMAN. Mr. President, I rise today along with Senators COLLINS, LIEBERMAN and HARKIN to introduce the Medicare Independent Living Act of 2009. This legislation would eliminate the in the home restriction for durable medical equipment that is necessary for use inside the home. As a result, seriously disabled beneficiaries who would primarily utilize a wheelchair outside the home are prevented from receiving this critical and basic equipment through Medicare. For example, this restriction prevents beneficiaries from receiving wheelchairs to access their homes. People who summon all their strength and strength to hobble around a small apartment get no help for tasks that are beyond them and their front door.”

In New Mexico, I have heard this complaint about the law that until recently was viewed as a State’s most vulnerable disabled and senior citizens. People argue the provision is being misinterpreted by the administration and results in Medicare beneficiaries being trapped in their home.

The Independence Through Enhancement of Medicare and Medicaid, ITEM, Coalition adds in a letter to CMS on this issue in November 25, 2005, “There continues to be no clinical basis for the in the home restriction and by asking treating practitioners to document medical need only within the home setting, CMS is severely restricting patients from receiving the most appropriate devices to meet their mobility needs.”

My legislation would clarify that this restriction does not apply to mobility devices, including wheelchairs, for people with disabilities in the Medicare Program. The language change is fairly simple and simply clarifies that the “in the home” restriction for durable medical equipment does not apply in the case of mobility devices needed by Medicare beneficiaries with expected long-term needs for use “in customary settings such as normal domestic, vocational, and community activities.”

This legislation is certainly not intended to discourage CMS from dedicating its resources to reducing waste, fraud, and abuse in the Medicare system, as those efforts are critical to ensuring that Medicare remains financially viable and strong in the future. However, it should be noted that neither Medicaid nor the Department of Veterans Affairs impose such “in the home” restrictions on mobility devices.

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. 1186

Be it enacted by the Senate and House of Repre-
sentatives of the United States of America in Congress assem-
bled,

SECTION 1. SHORT TITLE. — This Act may be cited as the “Medicare Independent Living Act of 2009.”

SEC. 2. ELIMINATION OF IN THE HOME RESTRICTION FOR MEDICARE COVERAGE OF MOBILITY DEVICES FOR INDIVID-
UALS WITH EXPECTED LONG-TERM NEEDS.

(a) IN GENERAL.—Section 1396m(n) of the Social Security Act (as amended by section 1902(a)(6)) is amended by inserting “or, in the case of a mobility device required by an individual with expected long-term need, used in customary settings for the purpose of normal domestic, vocational, or community activities” after “1919(a)(1)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items furnished on or after the date of enactment of this Act.

By Mr. REED (for himself, Ms. MURKOWSKI, and Mr. WHITEHOUSE):
S. 1188. A bill to amend the Public Health Service Act with respect to mental health services, to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce, along with Senators MURKOWSKI and WHITEHOUSE, the Community Mental Health Services Improvement Act. For decades, we have known that people suffering from mental illness die sooner—and 25 years sooner—and have higher rates of disability than the general population.

People with mental illness are at greater risk of preventable health conditions such as heart disease and diabetes. With this legislation, we are taking steps to address these disturbing trends.

We know that mental health and physical health are inter-related. Yet historically mental health and physical health have been treated separately. This legislation would integrate care in one setting.

In a recent survey, 91 percent of community mental health centers said that improving the quality of health care is a priority. However, only one-third have the capacity to provide health care on site, and only one-fifth provide medical referrals off site. The centers identified a lack of financial resources as the biggest barrier to integrating treatment.

Accordingly, this legislation provides grants to integrate treatment for mental health, substance abuse, and primary and specialty care. Grantees can use the funds for screenings, basic health care services on site, referrals, or information technology.

This legislation also comprehensively responds to the well identified mental health workforce crisis by providing grants for a wide range of innovative recruitment and retention efforts, including loan-forgive and repayment programs, to placement and support for new mental health professionals, and expanded mental health education and training programs.

Finally, this legislation provides grants for tele-mental health in medically-underserved areas and investments in health IT for mental health providers.

These proposals address the twin goals of improving the quality of mental health.
Section 520I of the Public Health Service Act (42 U.S.C. 256b-1) is amended—

(1) by striking subsection (i) and inserting the following:

"(j) FUNDING.—The Secretary shall make available to carry out this section, $14,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2014.

SEC. 4. INTEGRATING TREATMENT FOR MENTAL HEALTH AND SUBSTANCE ABUSE CO-OCcurring DISORDERS.

Section 520I of the Public Health Service Act (42 U.S.C. 256b-40) is amended—

(2) by inserting after subsection (i), the following:

"(j) FUNDING.—The Secretary shall make available to carry out this section, $50,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2014.

SEC. 5. IMPROVING THE MENTAL HEALTH WORKFORCE.

(a) NATIONAL HEALTH SERVICE CORPS.—Paragraph (1) of section 332(a) of the Public Health Service Act (42 U.S.C. 256a(a)) is amended—

(3) by adding at the end the following:

"(j) USE OF FUNDS.—(1) IN GENERAL.—This Act may be cited as the "Community Mental Health Services Improvement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) almost 60,000,000 Americans, or one in four adults and one in five children, have a mental illness that can be diagnosed and treated in a given year;

(2) mental illness costs our economy more than $198 billion annually, accounting for 15 percent of the total economic burden of disease;

(3) alcohol and drug abuse contributes to the deaths of more than 100,000 people and costs society upwards of half a trillion dollars a year;

(4) individuals with serious mental illness die on average 25 years sooner than individuals in the general population; and

(5) community mental and behavioral health organizations provide cost-efficient and evidence-based treatment and care for millions of Americans with mental illness and addiction disorders.

SEC. 3. CO-LOCATING PRIMARY AND SPECIALTY CARE IN COMMUNITY-BASED MENTAL HEALTH SETTINGS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290b-31 et seq.) is amended by adding at the end the following:

"SEC. 520K. GRANTS FOR COMMUNITY-BASED PRIMARY AND SPECIALTY CARE IN COMMUNITY-BASED MENTAL HEALTH SETTINGS.

(1) DEFINITIONS.—In this section:

"(A) Children and adolescents with mental and emotional disturbances who have co-occurring primary care conditions and chronic diseases.

"(B) Adults with mental illnesses who have co-occurring primary care conditions and chronic diseases.

"(C) Older adults with mental illnesses who have co-occurring primary care conditions and chronic diseases.

"(D) Program Authorized.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration and in coordination with the Director of the Health Resources and Services Administration, shall make grants to eligible entities to establish demonstration projects for the provision of co-ordinated and integrated services to special populations through the co-location of primary and specialty care services in community-based mental and behavioral health settings.

"(E) Application.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the Administrator at such time, in such form, and with such content as the Administrator may require.

"(F) Use of Funds.—(1) IN GENERAL.—For the benefit of special populations, an eligible entity shall use funds awarded under this section for—

"(A) primary care services on site at the eligible entity;

"(B) diagnostic and laboratory services; or

"(C) adult and pediatric eye, ear, and dental screenings.

"(2) Limitation.—Not to exceed 15 percent of grant funds may be used for activities described in subparagraphs (C) and (D) of paragraph (1).

"(G) Geographic Distribution.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(H) Evaluation.—Not later than 3 months after a grant or cooperative agreement is awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

"(I) Reporting.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate the activities funded under this section. The report shall include an evaluation of the impact of co-locating primary and specialty care in community-based health settings on overall patient health status and recommendations on whether or not the demonstration program under this section shall be made permanent and expanding access to mental health services.

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

S. 1188

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 "Community Mental Health Services Improvement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) almost 60,000,000 Americans, or one in four adults and one in five children, have a mental illness that can be diagnosed and treated in a given year;

(2) mental illness costs our economy more than $198 billion annually, accounting for 15 percent of the total economic burden of disease;

(3) alcohol and drug abuse contributes to the deaths of more than 100,000 people and costs society upwards of half a trillion dollars a year;

(4) individuals with serious mental illness die on average 25 years sooner than individuals in the general population; and

(5) community mental and behavioral health organizations provide cost-efficient and evidence-based treatment and care for millions of Americans with mental illness and addiction disorders.

SEC. 3. CO-LOCATING PRIMARY AND SPECIALTY CARE IN COMMUNITY-BASED MENTAL HEALTH SETTINGS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290b-31 et seq.) is amended by adding at the end the following:

"SEC. 520K. GRANTS FOR COMMUNITY-BASED PRIMARY AND SPECIALTY CARE IN COMMUNITY-BASED MENTAL HEALTH SETTINGS.

(1) DEFINITIONS.—In this section:

"(A) Children and adolescents with mental and emotional disturbances who have co-occurring primary care conditions and chronic diseases.

"(B) Adults with mental illnesses who have co-occurring primary care conditions and chronic diseases.

"(C) Older adults with mental illnesses who have co-occurring primary care conditions and chronic diseases.

"(D) Program Authorized.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration and in coordination with the Director of the Health Resources and Services Administration, shall make grants to eligible entities to establish demonstration projects for the provision of co-ordinated and integrated services to special populations through the co-location of primary and specialty care services in community-based mental and behavioral health settings.

"(E) Application.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the Administrator at such time, in such form, and with such content as the Administrator may require.

"(F) Use of Funds.—(1) IN GENERAL.—For the benefit of special populations, an eligible entity shall use funds awarded under this section for—

"(A) primary care services on site at the eligible entity;

"(B) diagnostic and laboratory services; or

"(C) adult and pediatric eye, ear, and dental screenings.

"(2) Limitation.—Not to exceed 15 percent of grant funds may be used for activities described in subparagraphs (C) and (D) of paragraph (1).

"(G) Geographic Distribution.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(H) Evaluation.—Not later than 3 months after a grant or cooperative agreement is awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

"(I) Reporting.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate the activities funded under this section. The report shall include an evaluation of the impact of co-locating primary and specialty care in community-based health settings on overall patient health status and recommendations on whether or not the demonstration program under this section shall be made permanent and expanding access to mental health services.

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

S. 1188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
from racial and ethnic minority and medically-underserved communities;

"(3) grants or low-interest or no-interest loans for behavioral and mental health professionals who participate in the Medicaid program under title XIX of the Social Security Act to establish or expand practices in designated mental health professional shortage areas, or to serve in qualified community mental health programs as defined in section 1913(b)(1);

"(4) placement and support for behavioral and mental health students, residents, trainees, fellows, and interns; or

"(5) continuing behavioral and mental health education, including distance-based education.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded by the grant and to evaluate and report on the outcomes resulting from such activities.

"(d) MATCHING REQUIREMENT.—The Secretary may not make a grant to an eligible entity under this section unless that entity agrees that, with respect to the costs to be incurred by the entity in carrying out the activities for which the grant was awarded, the entity will contribute a non-Federal contribution in an amount equal to not less than 35 percent of Federal funds provided under the grant. The entity may provide the contributions, necessary to satisfy the matching requirement, by, including plant, equipment, and services, and may provide the contributions from State, local, or private sources.

"(e) SUPPLEMENT NOT SUPPLANT.—A grant awarded under this section shall be expended to supplement, and not supplant, the expenditures of the eligible entity and the value of in-kind contributions for carrying out the activities for which the grant was awarded.

"(f) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural areas.

"(g) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the Secretary concerning the effectiveness of the activities carried out under the grant.

"(h) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to behavioral and mental health services in designated mental health professional shortage areas.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

SEC. 506C. GRANTS FOR BEHAVIORAL AND MENTAL HEALTH EDUCATION AND TRAINING PROGRAMS.

"(a) DEFINITIONS.—For purposes of this section, the term ‘related mental health personnel’ means an individual who—

"(1) facilitates access to a medical, social, educational, or economic benefit, or

"(2) is not a mental health professional, but who is the first point of contact with persons who are seeking mental health services.

"(b) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall establish a program to increase the number of trained behavioral and mental health professionals and related mental health personnel by awarding grants on a competitive basis to mental and behavioral health nonprofit organizations or accredited institutions of higher education to enable such entities to establish or expand accredited mental and behavioral health education programs.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded by the grant and to evaluate and report on the outcomes resulting from such activities.

"(3) DURATION.—In awarding grants under this section, the Secretary shall provide for—

"(i) establish or expand accredited behavioral and mental health education programs, including programs to expand the 5-year reporting period, certified mental health personnel, or family of such programs; or

"(ii) establish or expand accredited mental and behavioral health education programs for related mental health personnel.

"(d) REQUIREMENTS.—The Secretary may award a grant to an eligible entity only if such entity agrees that—

"(1) any behavioral or mental health program assisted under the grant will prioritize cultural competency and the recruitment of trainees from racial and ethnic minority and medically-underserved communities; and

"(2) with respect to any violation of the requirements of this section or the terms of the agreement between the Secretary and the entity, the entity will pay such liquidated damages as prescribed by the Secretary.

"(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(f) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

"(g) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate the activities funded under this section.

SEC. 506B. GRANTS FOR TELE-MENTAL HEALTH IN MEDICALLY-UndERSERVED AREAS.

"(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants to eligible entities to provide tele-mental health in medically-underserved areas.

"(b) ELIGIBLE ENTITY.—To be eligible for an award under this subsection, an entity shall be a qualified community mental health program as defined in section 1913(b)(1).

"(c) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded by the grant and to evaluate and report on the outcomes resulting from such activities.

"(3) MATCHING REQUIREMENT.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural areas.

"(4) ELIGIBLE ENTITY.—To be eligible for an award under this subsection, an entity shall be a qualified community mental health program as defined in section 1913(b)(1).

"(5) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural areas.

"(6) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

"(7) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to behavioral and mental health services in designated mental health professional shortage areas.

"(8) AUTHORIZATION OF APPROPRIATIONS.—

SEC. 506A. GRANTS FOR BEHAVIORAL AND MENTAL HEALTH EDUCATION AND TRAINING PROGRAMS.

"(a) DEFINITIONS.—For purposes of this section, the term ‘related mental health personnel’ means an individual who—

"(1) facilitates access to a medical, social, educational, or economic benefit, or

"(2) is not a mental health professional, but who is the first point of contact with persons who are seeking mental health services.

"(b) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall establish a program to increase the number of trained behavioral and mental health professionals and related mental health personnel by awarding grants on a competitive basis to mental and behavioral health nonprofit organizations or accredited institutions of higher education to enable such entities to establish or expand accredited mental and behavioral health education programs.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded by the grant and to evaluate and report on the outcomes resulting from such activities.

"(3) DURATION.—In awarding grants under this section, the Secretary shall provide for—

"(i) establish or expand accredited behavioral and mental health education programs, including programs to expand the 5-year reporting period, certified mental health personnel, or family of such programs; or

"(ii) establish or expand accredited mental and behavioral health education programs for related mental health personnel.

"(d) REQUIREMENTS.—The Secretary may award a grant to an eligible entity only if such entity agrees that—

"(1) any behavioral or mental health program assisted under the grant will prioritize cultural competency and the recruitment of trainees from racial and ethnic minority and medically-underserved communities; and

"(2) with respect to any violation of the requirements of this section or the terms of the agreement between the Secretary and the entity, the entity will pay such liquidated damages as prescribed by the Secretary.

"(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(f) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

"(g) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to behavioral and mental health services in designated mental health professional shortage areas.

"(h) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to...commercial aviation in this country is so admirable.

We all remember last spring’s news: a U.S. carrier continued flying aircraft even though critical safety checks involving cracks in their fuselages had not been performed on approximately 50 jets. In fact, an independent review concluded that these flights potentially endangered over six million passengers. What was the punitive or disciplinary action taken against the inspector who condemned these unencouraged—those aircraft to continue flying? Nothing. The PMI, or supervising inspector, continued in his role. Also, as many of you will recall, last April, American Airlines cancelled nearly 2,000 flights in order to catch up on inspections of aircraft wiring—inspections that should have been performed previously under its agreement with the FAA.

This startling news was compounded by a Department of Transportation Inspector General’s report in June disclosing so-called safety inspectors are turning a blind eye to violations. Now, according to a New York Times article dated June 4, an inspector reported to his superiors that Colgan Air had been having trouble with a recent purchase, the Bombardier Q400. The same aircraft that crashed outside of Buffalo, New York this past March. What did his superiors do with this information? They transferred the inspector to a different job, and reportedly buried the report.

The FAA’s overarching role is to serve as a protector of the public trust; not as a public relations and management tool for the commercial airlines. What I find most offensive throughout these reports is the willingness by the FAA to ignore safety concerns or inspection violations, to presume that due to the tremendous level of success regarding safety protections for so long, they no longer need to follow the procedures that created that high level of safety, instead, as the Inspector General’s report indicated, they want to “avoid a negative effect on the FAA” by enforcing those measures. That is why Senator KLOBuchar and I are committed to closing the revolving door between the airlines and the FAA. We need to codify our safety expectations into law and hold anyone up to undertake the integrity of the safety process accountable. By establishing a cooling-off period so that FAA inspectors cannot immediately go to work for an airline they used to inspect, and demanding that the FAA establish a national review team of experienced inspectors to conduct periodic, unannounced audits of FAA air carrier inspection facilities will guarantee that aircraft inspections are carried out in a rigorous and timely fashion. The American people, not the airlines, are the primary beneficiary of the FAA. It is my hope that these provisions will assist in returning the FAA to their core mission: safety.
Ms. CANTWELL (for herself, Ms. SNOWE, Mr. ROCKEFELLER, and Mrs. HUTCHISON):

S. 1194. A bill to reauthorize the Coast Guard for fiscal years 2010 and 2011, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, for countless communities around the country, our oceans are the heartbeat of their histories and economies. In fact, according to a report by the Joint Oceans Commission, healthy oceans and coasts are an important means of transportation, trade, and national security. Ocean-dependent industries generate about $138 billion and support millions of jobs in the United States’ economy.

According to the National Ocean Economic Project, 30 U.S. coastal States accounted for 82 percent of total population and 81 percent of all U.S. jobs in 2006. In my home State of Washington, 1,044 port of Seattle’s facilities and activities alone support 190,000 jobs, and the State has 3,000 fishing vessels that employ 10,000 fishermen.

There is no group that is more important to the health and safety of our ports, economy, and maritime community than the U.S. Coast Guard. The brave men and women of the U.S. Coast Guard are charged with many missions—from serving as our environmental stewards, performing search and rescue missions, and protecting us from terrorism, to helping clean up oil spills and enforcing fisheries laws. They are largely responsible for keeping these coastal economic engines running, and have proved time and time again that they are, as their motto says, “Always ready.”

But for the Coast Guard to do its job Congress needs to support those who serve in its ranks. We have a responsibility to ensure the Coast Guard has the tools it needs to carry out the missions of today, while looking ahead to the challenges of tomorrow.

The bill I am introducing today, The Coast Guard Authorization Act for fiscal years 2010 and 2011, is designed to help the Coast Guard move toward the future, and ensure our maritime industries remain the clean and safe economic engine our nation’s coastal communities have depended on for generations.

As the U.S. experiences major oil spills, tropical storms, hurricanes, and terrorism, our maritime economy faces ever-present threats. Congress needs to uphold its end of the bargain and provide the legislative backing the Coast Guard needs to do its job, and do its job well.

This bill gives the Coast Guard greater authority to work with international maritime authorities, get better access to global safety and security information, and work more cooperatively with other nations on law enforcement; allows the Coast Guard to rework its command structure and increase its alignment with other armed forces; better supports the men and women who serve in the U.S. Coast Guard by allowing greater reimbursement for medical-related expenses and allowing Coast Guard service-members to participate in the Armed Forces Retirement Home system; and directs the Coast Guard to conduct a thorough cost-benefit analysis for recapitalizing its polar icebreaker fleet so the service can prepare for future mission demands in the Arctic.

This bill also contains the most ambitious reform of its acquisitions program in the Coast Guard’s history. The Coast Guard is struggling right now to replace their rapidly aging fleet of ships, aircraft, and facilities. At a cost of $24 billion, the Deepwater program is the Coast Guard’s largest and most complex acquisition program ever. Congress has a responsibility to ensure there is transparency and oversight so this program is as efficient and effective as possible.

Unfortunately, the Coast Guard’s Deepwater program has experienced major failures and setbacks. The program utilized a private sector lead systems integrator, LSI, known as Integrated Coast Guard Systems, ICGS, to oversee acquisition of a “system of systems.” When the Deepwater contract was originally awarded in 2002, the Coast Guard did not have the personnel within their ranks to manage such a large contract. Congress was told that outsourcing that role to industry would save the Coast Guard time and money over the long run.

That approach, which may have seemed innovative at the time, has not produced the promised results. Instead of cost and time savings, we have seen cost overruns, schedule delays, less competition and inadequate technical oversight.

The Department of Homeland Security Inspector General, IG, released three reports in 2006 and early 2007 detailing some of the problems with Deepwater, including problems with electronics equipment, crucial design flaws and cost overruns created by a faulty contract structure and lack of oversight, and serious issues with the 123-foot cutter conversion project.

This legislation wages the slate clean and makes fundamental changes to the Coast Guard’s acquisition program. It requires the Coast Guard to abandon the industry-led Lead Systems Integrator and get back to basics—full and open competition for all future assets. It requires a completely new ‘analysis of alternatives’ for all future Deepwater acquisitions to ensure that the Coast Guard is getting the assets best-suited for their needs.

It requires the Coast Guard to follow a rigorous acquisitions process to make sure taxpayer dollars are spent wisely. And, it gives the Coast Guard the tools it needs to manage acquisitions effectively, including requiring the Coast Guard to make internal management changes to ensure open competition, increase technical oversight and improve reporting to Congress.

This legislation takes major steps towards getting the Coast Guard the assets they need while ensuring responsible management of taxpayer dollars. I look forward to working with my colleagues to enact the changes I am proposing today so we can get this program back on track and help the Coast Guard accomplish its missions.

If we fail to pass legislation, we are doing a major disservice to those very people we depend on. We will do so as they continue to place their lives at risk while they perform the mission of the Coast Guard.

This bill is good for taxpayers, good for the Coast Guard, and good for every American depending on them to be, “Always ready.”

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:

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 “Coast Guard Authorization Act for Fiscal Years 2010 and 2011”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLES I—AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

TITLES II—ADMINISTRATION

Sec. 201. Authority to distribute funds through grants, cooperative agreements, and contracts to maritime authorities and organizations.
Sec. 202. Assistance to foreign governments and maritime authorities.
Sec. 203. Cooperative agreements for industrial activities.
Sec. 204. Defining Coast Guard vessels and aircraft.

TITLES III—ORGANIZATION

Sec. 301. Vice commandant; vice admirals.
Sec. 302. Number and distribution of commissioned officers on the active duty promotion list.

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Sec. 401. Leave retention authority.
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TITLES V—ACQUISITION REFORM

Sec. 501. Chief Acquisition Officer.
Sec. 502. Acquisitions.

CHAPTER 15—ACQUISITIONS

"SUBCHAPTER 1—GENERAL PROVISIONS"
SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized a manning level of 49,954 as of September 30, 2010, and 52,452 as of September 30, 2011.

(b) MILITARY TRAINING STUDENT LOADS.—

(1) For recruit and special training, 2,500 student years for fiscal year 2010, and 2,625 student years for fiscal year 2011.

(2) For flight training, 170 student years for fiscal year 2010 and 179 student years for fiscal year 2011.

(3) For professional training in military and civilian institutions, 350 student years for fiscal year 2010 and 368 student years for fiscal year 2011.

(4) For officer acquisition, 1,300 student years for fiscal year 2010 and 1,365 student years for fiscal year 2011.

TITLE II—ADMINISTRATION

SEC. 201. AUTHORITY TO DISTRIBUTE FUNDS THROUGH GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS TO MARITIME AUTHORITIES AND ORGANIZATIONS.

SEC. 202. ASSISTANCE TO FOREIGN GOVERNMENTS AND MARITIME AUTHORITIES.

TITLE III—ORGANIZATION

SEC. 301. VICE COMMANDANT; VICE ADMIRALS.

(a) VICE COMMANDANT.—The fourth sentence of section 47 of title 14, United States Code, is amended by striking “vice admiral” and inserting “admiral.”

(b) VICE ADMIRALS.—Section 50 of such title is amended to read as follows:

“§ 50. Vice admirals

(a)(1) The President may designate no more than 4 positions and the respective duties and responsibilities that shall be held by officers who—

(A) while serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and

(B) shall perform such duties as the Commandant may prescribe.

(2) The President may appoint, by and with the advice and consent of the Senate, any officer who is serving on active duty above the grade of captain.

The Commandant shall make recommendations for such appointments.

(b) Any officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

(A) while under orders transferring the officer to another position designated under subsection (a), beginning on the date the officer is detached from that duty and termi-
of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer’s permanent grade.

(1) In case a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office.

(c) REPEAL.—Section 50a of this title is repealed.

(d) CONFORMING AMENDMENTS.—Section 51 of this title is amended—

(1) in the first sentence of subsection (b) and (c) and inserting the following:

(‘‘a) An officer, other than the Commandant, who, while serving in the grade of admiral or vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.

(b) An officer, other than the Commandant, who is retired while serving in the grade of admiral or vice admiral, or who, after serving at least 2½ years in the grade of admiral (upper half) or vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served.

(c) Other than the Commandant, who, after serving less than 2½ years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.

and

(2) by striking “Area Commander, or Chief of Staff” in subsection (d) and inserting “or Vice Admiral”.

(e) CLERICAL AMENDMENTS.—

(1) The section caption for section 47 of such title is amended to read as follows: “§ 47. Vice commandant; appointment.”

(2) The table of contents for chapter 3 of such title is amended—

(A) in the third sentence of subsection (b) and (c) and inserting the following:

(1) Vice commandant; appointment.”;

(2) by striking the item relating to section 50a; and

(3) by striking the item relating to section 50 and inserting the following:

“§ 50. Vice admirals.”;

(f) TECHNICAL CORRECTION.—Section 47 of such title is further amended by striking “shall be” in the fifth sentence and inserting “section.”

(g) TREATMENT OF INCUMBENTS; TRANSITION.—

(1) Notwithstanding any other provision of law, the officer who, on the date of enactment of this Act, is serving as Vice Commandant, shall continue to serve as Vice Commandant;

(2) shall have the grade of admiral with pay and allowances of that grade; and

(3) shall be considered by the Commandant, Atlantic Area, or Commander, Pacific Area—

(A) shall continue to have the grade of admiral with pay and allowances of that grade until such time that the officer is relieved of his duties and appointed and confirmed to another position as a vice admiral or admiral;

(B) for the purposes of transition, may continue, for not more than 1 year after the date of enactment of this Act, to perform the duties of another position or any other such duties that the Commandant prescribes.

SEC. 302. NUMBER AND DISTRIBUTION OF COMMISSIONED OFFICERS ON THE ACTIVE DUTY PROMOTION LIST.

(a) In General.—Section 14 of title 14, United States Code, is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

‘‘(a) The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 7,200. This total number may be temporarily increased up to 2 percent for no more than the 60 days that follow the commissioning of a Coast Guard Academy class.

(b) The total number of commissioned officers authorized to serve in each grade shall be distributed in grade not to exceed the following percentages:

(1) 0.375 percent for rear admiral.

(2) 0.375 percent for rear admiral (lower half).

(3) 6.0 percent for captain.

(4) 15.0 percent for commander.

(5) 22.0 percent for lieutenant commander.

(c) The Secretary shall, at least once a year, compute the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages of this section to the total number of commissioned officers listed on the current active duty promotion list. In making such calculations, any fraction shall be rounded to the nearest whole number. The number of commissioned officers on the active duty promotion list serving with other departments or agencies on a reimbursable basis or excluded under the provisions of section 324(d) of title 49, shall not be counted against the total number of commissioned officers authorized to serve in each grade.

(d) By striking subsection (e) and inserting the following:

‘‘(e) The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in each grade, including any reserve officers, shall be prescribed by the Secretary.’’;

(3) by striking the third sentence of such section and inserting the following:

‘‘§ 42. Number and distribution of commissioned officers on the active duty promotion list.”;

TITLe IV—PERSONNEL

SEC. 401. LEAVE RETENTION AUTHORITY.

Section 701(n)(2) of title 10, United States Code, is amended by inserting “or a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 99-248, 42 U.S.C. 5212 et seq.)” after “such declaration.”

SEC. 402. LEGAL ASSISTANCE FOR COAST GUARD RESERVISTS.

Section 104(a)(4) of title 10, United States Code, is amended—

(1) by striking “(as determined by the Secretary of Defense),” and inserting “(as determined by the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, with respect to the Coast Guard when it is not operating as a service of the Navy),”;

(2) by striking “prescribed by the Secretary of Defense,” and inserting “prescribed by the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, with respect to the Coast Guard when it is not operating as a service of the Navy.”

SEC. 403. REIMBURSEMENT FOR CERTAIN MEDICAL-RELATED TRAVEL EXPENSES.

Section 1074(a) of title 10, United States Code, is amended—

(1) by striking “In general.—In” and inserting “In general.—”;

(2) by adding at the end the following:

‘‘In any case in which a covered beneficiary resides on an INCONUS island that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider on the mainland who provides services less than 100 miles from the location in which the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary, and, when an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary’s family who is not least 21 years of age.”

SEC. 404. RESERVE COMMISSIONED WARRANT OFFICER TO LIEUTENANT PROMOTION.

Section 214(a) of title 14, United States Code, is amended to read as follows:

‘‘(a) The President may appoint temporary commissioned officers—

(1) to fill the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from licensed officers of the United States merchant marine;

(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.”

SEC. 405. ENHANCED STATUS QUO OFFICER PROMOTION.

Section 238(a) of title 14, United States Code, is amended—

(1) by inserting “and” after “considered.”;

(2) by striking “consideration,” and the number of the officers the board may recommend for promotion” and inserting “consideration,” (b) Section 238 of such title is amended—

(1) by inserting “(a)” before “Before the Secretary”;

(2) by adding at the end the following:

(b) In addition to the information provided pursuant to subsection (a), the Secretary may furnish the selection board—

‘‘(1) specific direction relating to the needs of the service for officers having particular skills, including direction relating to the need for a minimum number of officers with particular skills within a specialty, and;

‘‘(2) such other guidance that the Secretary believes may be necessary to enable the board to properly perform its functions. Sections 238 and 239 of this title are not applicable to the selection board convened under section 251 of this title.”
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(c) Section 259(a) of such title is amended by striking “board” the second place it appears and inserting “board, giving due consideration to the needs of the service for officers with skills so noted in the specific direction furnished pursuant to section 258 of this title,”.

(d) Section 260(b) of such title is amended by inserting after the phrase “and services by the Coast Guard” the phrase “when it is not operating as a service” after “the National Coast Guard”.

SEC. 406. APPOINTMENT OF CIVILIAN COAST GUARD JUDGES.

Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended—

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

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

“(c) APPOINTMENT OF JUDGES.—The Secretary may appoint civilian employees of the Department of Homeland Security as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10, United States Code.”.

SEC. 407. COAST GUARD PARTICIPATION IN THE ARMED FORCES RETIREMENT HOME SYSTEM.

(a) ELIGIBILITY UNDER THE ARMED FORCES RETIREMENT HOME ACT.—Section 1502 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended—

(1) by inserting “has the meaning given such term in section 101(4) of title 10.”; and

(2) by striking “Affairs.” in paragraph (4) and inserting “Affairs; and”.

(b) DEDUCTIONS.—

(1) Section 2772 of title 10, United States Code, is amended—

(A) by striking “of the military department” in subsection (a);

(B) by striking “Armed Forces Retirement Home Act” in subsection (b) and inserting “Chief Operating Officer of the Armed Forces Retirement Home”; and

(C) by striking subsection (c).

(2) Section 1007(i) of title 37, United States Code, is amended—

(A) by striking “Chief Operating Officer of the Armed Forces Retirement Home,” in paragraph (3) and inserting “Chief Operating Officer of the Armed Forces Retirement Home,”; and

(B) by striking “does not include the Coast Guard when it is not operating as a service of the Navy.” in paragraph (4) and inserting “has the meaning given such term in section 101(4) of title 10.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after January 1, 2010.

TITLE V—ACQUISITION REFORM

SEC. 501. CHIEF ACQUISITION OFFICER.

(a) In General.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“§ 55. Chief Acquisition Officer

“(a) In General.—There shall be in the Coast Guard a Chief Acquisition Officer selected by the Commandant who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved). The Chief Acquisition Officer shall serve at the Assistant Commandant level and have acquisition management as that individual’s primary duty.

“(b) QUALIFICATIONS.—The Chief Acquisition Officer shall be an acquisition professional with a Level III certification and must have at least 10 years experience in an acquisition position, of which at least 4 years were spent as—

“(1) the program executive officer; or

“(2) the program manager of a Level 1 or Level 2 acquisition project or program; or

“(3) the deputy program manager of a Level 1 or Level 2 acquisition; or

“(4) a combination of such positions.

“(c) Functions of the Chief Acquisition Officer.—The functions of the Chief Acquisition Officer include—

“(1) monitoring the performance of programs and projects on the basis of applicable performance measurements and advising the Commandant, through the chain of command, regarding the appropriate business strategy to achieve the missions of the Coast Guard;

“(2) maximizing the use of full and open competition at the prime contract and sub-contract levels in the acquisition of property, capabilities, and services by the Coast Guard by establishing policies, procedures, and practices that ensure the lowest cost or best value considering the nature of the property or service procured;

“(3) making acquisition decisions in concurrence with the technical authority, or technical authorities, as appropriate, of the Coast Guard, as designated by the Commandant, in accordance with applicable laws and decisions establishing procedures within the Coast Guard;

“(4) ensuring the use of detailed performance specifications in instances in which performance based contracting is used;

“(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

“(6) developing and maintaining an acquisition directorate in the Coast Guard to ensure that there is an adequate acquisition workforce;

“(7) assessing the requirements established for Coast Guard acquisition programs and projects on the basis of applicable laws and decisions establishing procedures within the Coast Guard; and

“(8) ensuring the use of detailed performance specifications in instances in which performance based contracting is used;

“(9) overseeing the development of acquisition management; and

“(10) overseeing the development of acquisition management;

“(b) QUALIFICATIONS.—The Chief Acquisition Officer shall serve at the Assistant Commandant level and have acquisition management as that individual’s primary duty.

“(b) QUALIFICATIONS.—The Chief Acquisition Officer shall be an acquisition professional with a Level III certification and must have at least 10 years experience in an acquisition position, of which at least 4 years were spent as—

“(1) the program executive officer; or

“(2) the program manager of a Level 1 or Level 2 acquisition project or program; or

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“(3) making acquisition decisions in concurrence with the technical authority, or technical authorities, as appropriate, of the Coast Guard, as designated by the Commandant, in accordance with applicable laws and decisions establishing procedures within the Coast Guard;

“(4) ensuring the use of detailed performance specifications in instances in which performance based contracting is used;

“(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

“(6) developing and maintaining an acquisition directorate in the Coast Guard to ensure that there is an adequate acquisition workforce;

“(7) assessing the requirements established for Coast Guard acquisition programs and projects on the basis of applicable laws and decisions establishing procedures within the Coast Guard; and

“(8) ensuring the use of detailed performance specifications in instances in which performance based contracting is used;

“(9) overseeing the development of acquisition management; and

“(10) overseeing the development of acquisition management;

“(b) QUALIFICATIONS.—The Chief Acquisition Officer shall serve at the Assistant Commandant level and have acquisition management as that individual’s primary duty.

“(b) QUALIFICATIONS.—The Chief Acquisition Officer shall be an acquisition professional with a Level III certification and must have at least 10 years experience in an acquisition position, of which at least 4 years were spent as—

“(1) the program executive officer; or

“(2) the program manager of a Level 1 or Level 2 acquisition project or program; or

“(3) the deputy program manager of a Level 1 or Level 2 acquisition; or

“(4) a combination of such positions.

“(c) Functions of the Chief Acquisition Officer.—The functions of the Chief Acquisition Officer include—

“(1) monitoring the performance of programs and projects on the basis of applicable performance measurements and advising the Commandant, through the chain of command, regarding the appropriate business strategy to achieve the missions of the Coast Guard;

“(2) maximizing the use of full and open competition at the prime contract and sub-contract levels in the acquisition of property, capabilities, and services by the Coast Guard by establishing policies, procedures, and practices that ensure the lowest cost or best value considering the nature of the property or service procured;

“(3) making acquisition decisions in concurrence with the technical authority, or technical authorities, as appropriate, of the Coast Guard, as designated by the Commandant, in accordance with applicable laws and decisions establishing procedures within the Coast Guard;

“(4) ensuring the use of detailed performance specifications in instances in which performance based contracting is used;

“(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

“(6) developing and maintaining an acquisition directorate in the Coast Guard to ensure that there is an adequate acquisition workforce;

“(7) assessing the requirements established for Coast Guard acquisition programs and projects on the basis of applicable laws and decisions establishing procedures within the Coast Guard; and

“(8) ensuring the use of detailed performance specifications in instances in which performance based contracting is used;

“(9) overseeing the development of acquisition management; and

“(10) overseeing the development of acquisition management;

“(b) QUALIFICATIONS.—The Chief Acquisition Officer shall serve at the Assistant Commandant level and have acquisition management as that individual’s primary duty.

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“(1) the program executive officer; or

“(2) the program manager of a Level 1 or Level 2 acquisition project or program; or

“(3) the deputy program manager of a Level 1 or Level 2 acquisition; or

“(4) a combination of such positions.

“(c) Functions of the Chief Acquisition Officer.—The functions of the Chief Acquisition Officer include—

“(1) monitoring the performance of programs and projects on the basis of applicable performance measurements and advising the Commandant, through the chain of command, regarding the appropriate business strategy to achieve the missions of the Coast Guard;

“(2) maximizing the use of full and open competition at the prime contract and sub-contract levels in the acquisition of property, capabilities, and services by the Coast Guard by establishing policies, procedures, and practices that ensure the lowest cost or best value considering the nature of the property or service procured;

“(3) making acquisition decisions in concurrence with the technical authority, or technical authorities, as appropriate, of the Coast Guard, as designated by the Commandant, in accordance with applicable laws and decisions establishing procedures within the Coast Guard;

“(4) ensuring the use of detailed performance specifications in instances in which performance based contracting is used;

“(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

“(6) developing and maintaining an acquisition directorate in the Coast Guard to ensure that there is an adequate acquisition workforce;

“(7) assessing the requirements established for Coast Guard acquisition programs and projects on the basis of applicable laws and decisions establishing procedures within the Coast Guard; and

“(8) ensuring the use of detailed performance specifications in instances in which performance based contracting is used;

“(9) overseeing the development of acquisition management; and

“(10) overseeing the development of acquisition management;
"(1) PROJECT OR PROGRAM MANAGER DEFINED.—In this section, the term 'project or program manager' means an individual designated—

(A) to develop, produce, and deploy a new asset to meet identified operational requirements; and

(B) to manage cost, schedule, and performance of the acquisition or project or program.

(2) LEVEL 1 PROJECTS.—An individual may not be assigned as the project or program manager for a Level 1 acquisition unless the individual holds a Level II acquisition certification as a program manager.

(3) LEVEL 2 PROJECTS.—An individual may not be assigned as the project or program manager for a Level 2 acquisition unless the individual holds a Level III acquisition certification as a program manager.

(b) GUIDANCE ON TENURE AND ACCOUNTABILITY OF PROGRAM AND PROJECT MANAGERS.—Not later than one year after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011, the Commandant shall issue guidance to address the qualifications, resources, responsibilities, and accountability of program and project managers for the management of acquisition programs and projects. The guidance shall—

(1) specify qualifications required for program or project managers, including the number of years of acquisition experience and the professional training levels to be required of those appointed to project or program management positions; and

(2) authorizes available to project or program managers, including, to the extent appropriate, the authority to object to the addition of new program requirements that would be inconsistent with the parameters established for an acquisition program.

(c) ACQUISITION WORKFORCE.—

(1) IN GENERAL.—The Commandant shall designate a sufficient number of positions to be in the Coast Guard’s acquisition workforce to perform acquisition-related functions at Coast Guard headquarters and field activities.

(2) REQUIRED POSITIONS.—The Commandant shall ensure that members of the acquisition workforce have expertise, education, and training in at least 1 of the following fields:

(A) Acquisition logistics.

(B) Auditing.

(C) Business, cost estimating, and financial management.

(D) Contracting.

(E) Facilities engineering.

(F) Industrial or contract property management.

(G) Information technology.

(H) Manufacturing, production, and quality assurance.

(I) Program management.

(J) Purchasing.

(K) Science and technology.

(L) Systems planning, research, development, and engineering.

(M) Test and evaluation.

(3) ACQUISITION WORKFORCE EXPERIENCED HIRING AUTHORITY.—

(A) IN GENERAL.—For purposes of sections 3304, 3333, and 5753 of title 5, the Commandant may—

(i) designate any category of acquisition positions within the Coast Guard as shortage category positions; and

(ii) use the authorities in such sections to recruit from the private sector highly qualified persons directly to positions so designated.

(B) LIMITATION.—The Commandant may not appoint a person to a position of employment under this paragraph after September 30, 2012.

(d) MANAGEMENT INFORMATION SYSTEM.—

(1) IN GENERAL.—The Commandant shall establish a management information system capability to improve acquisition workforce management and reporting.

(2) INFORMATION MAINTAINED.—Information maintained with such capability shall include the following standardized information on individuals assigned to positions in the workforce:

(A) Qualifications, assignment history, and tenure of those individuals assigned to positions in the acquisition workforce or holding acquisition certifications.

(B) Promotion rates for officers and members of the Coast Guard in the acquisition workforce.

(2) CAREER PATHS.—To establish acquisition management as a core competency of the Coast Guard, the Commandant shall—

(1) ensure that officers, members, and employees of the Coast Guard who wish to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression of those officers, members, and employees to the most senior positions in the acquisition workforce; and

(2) publish information on such career paths.

§564. Recognition of Coast Guard personnel for excellence in acquisition

(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011, the Commandant shall implement a program to recognize excellent performance by individuals and teams comprised of officers, members, and employees of the Coast Guard that contributed to the success of a Coast Guard acquisition project or program.

(b) ELEMENTS.—The program shall include—

(1) specific award categories, criteria, and eligibility and manners of recognition;

(2) procedures for the nomination by personnel of the Coast Guard of individuals and teams comprised of officers, members, and employees of the Coast Guard for recognition under the program; and

(3) procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the Government, academia, and the private sector who have such expertise and are appointed in such manner as the Commandant shall establish for the purposes of this program.

(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Commandant, subject to the availability of appropriations, shall pay any civilians or employees of the Coast Guard, as determined by the Commandant, for the performance of such individual or recognized warrants the award of such bonuses.

§565. Prohibition on use of lead systems integrators

(a) IN GENERAL.—The Commandant shall not use a private sector contractor engaged by the Coast Guard, pursuant to any of the following: (i) the Coast Guard Acquisition Program; (ii) the Acquisition Workforce Established for an Acquisition Program; or (iii) the National Distress and Response System Modernization Program, the CHISR projects directly related to the Integrated Deepwater Systems and National Security Cutter projects 2 and 3 if the Secretary of Homeland Security certifies that—

(A) the acquisition is in accordance with the Competition in Contracting Act of 1984 (41 U.S.C. 251 note); the amendments made by that Act, and the Federal Acquisition Regulations; and

(B) the acquisition and the use of a private sector entity as a lead systems integrator for the acquisition is in the best interest of the Federal Government.

(b) TERMINATION DATE FOR EXCEPTIONS.—Except for the modification of delivery or task orders pursuant to Parts 4 and 42 of the Acquisition Workforce Established for an Acquisition Program, the Commandant may not use a private sector entity as a lead systems integrator after the earlier of—

(A) September 30, 2012; or

(B) the date on which the Commandant certifies to the appropriate congressional committees that the Coast Guard has and can retain sufficient contracting personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead system integrator in an efficient and cost-effective manner.

§566. Required contract terms

(a) IN GENERAL.—The Commandant shall ensure that a contract awarded or a delivery order or task order issued for an acquisition of a capability or an asset with an expected service life of 10 years and with a total acquisition cost that is equal to or exceeds $10,000,000 awarded or issued by the Coast Guard under the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011—

(1) provides that all certifications for an end-item capability or asset under such contract, delivery order, or task order, respectively, will be conducted by the Commandant or an independent third party, and that self-certification by a contractor or subcontractor is not allowed;

(2) requires that the Commandant maintain the authority to establish, approve, and maintain technical requirements;

(3) requires that any measurement of contract and subcontractor performance be conducted on the status and completeness of the work performed, including the extent to which the work performed met all performance, cost, and schedule requirements;

(4) specifies that, for the acquisition or upgrade of air, surface, or shore capabilities and assets for which compliance with TEMPEST certification is a requirement, the parties to the contract or delivery order will be the air, surface, or shore standard then used by the Department of the Navy for that type of capability or asset; and

(5) requires that, for any contract awarded to acquire an Offshore Patrol Cutter, includes provisions specifying the service life, fatigue life, and days underway in general Atlantic and North Atlantic waters for which compliance is required, and that the maximum speed the cutter will be built to achieve.
The Commandant shall ensure that any contract awarded or delivery order or task order issued by the Coast Guard after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011 does not include any provision allowing for equitable adjustment that is not consistent with the Federal Acquisition Regulations.

(c) INTEGRATED PRODUCT TEAMS.—Integrated product teams, and all teams that oversee integrated product teams, shall be chaired by the Commandant or by persons, officers, or employees of the Coast Guard.

(d) DEEPWATER TECHNICAL AUTHORITIES.—The Commandant shall maintain the technical authorities to establish, approve, and maintain technical requirements. Any such designation shall be made in writing and may not be delegated to the authority of the Chief Acquisition Officer established by section 55 of this title.

§ 567. Department of Defense consultation

(a) IN GENERAL.—The Commandant shall make arrangements as appropriate with the Department of Defense in support of contracting and management of Coast Guard acquisition programs. The Commandant shall also seek to make such arrangements with the department of the Navy and the Air Force.

(b) INTER-SERVICE TECHNICAL ASSISTANCE.—The Commandant shall seek to enter into a memorandum of agreement with the Secretary of the Navy to obtain the assistance of qualified technical experts from the Department of the Navy for support in any program or project of the Coast Guard.

(c) TECHNICAL REQUIREMENT APPROVAL PROCEDURES.—The Chief Acquisition Officer shall, to the extent practicable, procedures modeled after those used by the Navy, ensure that acquisitions for any program or project of the Coast Guard are approved to all technical requirements.

§ 568. Unidentified contractual actions

(a) IN GENERAL.—The Coast Guard may not enter into an unidentified contractual action unless the contractual action provides for agreement upon contractual terms, specifications, and price by the earlier of—

(1) the date on which the contractor submits a written proposal to definitize the contractual action; or

(2) the date on which the contractor submits an undefinitized proposal to definitize the contractual action for the purchase of initial spare.

(b) REQUESTS FOR UNIDENTIFIED CONTRACTUAL ACTIONS.—Any request to the Head of Contracting Activity for approval of an unidentified contractual action shall include a discussion and analysis of the anticipated effect on requirements of the Coast Guard if a delay is incurred for the purposes of determining contractual terms, specifications, and price. Such a contract may be begun under the contractual action.

(c) REQUIREMENTS FOR UNIDENTIFIED CONTRACTUAL ACTIONS.—

(1) AGREEMENT ON TERMS, SPECIFICATIONS, AND PRICE.—A contracting officer of the Coast Guard may not enter into an unidentified contractual action unless the contractual action provides for agreement upon contractual terms, specifications, and price by the earlier of—

(A) the date on which the contractor submits a written proposal to definitize the contractual action; or

(B) the date on which the contractor submits a written proposal to definitize the contractual action for the purchase of initial spare.

(2) EXCEPTION.—Notwithstanding paragraph (a), a contractor submits a qualifying proposal to definitize an unidentified contractual action before an amount that exceeds 50 percent of the negotiated overall ceiling price is obligated on such action, and the contractor for such action may not obligate with respect to such contractual action an amount that exceeds 75 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

(d) WAIVER.—The Commandant may waive the application of this subsection with respect to a contract if the Commandant determines that the waiver is necessary to support—

(1) a contingency operation (as that term is defined in section 101(a)(13) of title 10);

(2) operations to prevent or respond to a transportation security incident (as defined in section 701(b) of title 46); and

(3) the exchange of personnel between the Coast Guard and the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—A qualified proposal to definitize an unidentified contractual action does not include contractual action until the Commandant—

(A) approves the proposal to definitize such action; or

(B) approves the proposal to definitize such action only if the proposal includes an identical or substantially similar modification that is being included in an identifiable contract.

(2) EXCEPTION.—The Commandant may approve a contingency operation or a transportation security incident to definitize such an unidentified contractual action.

(f) ALLOWABLE PROFIT.—The Commandant may authorize an identifiable contract under an unidentified contractual action for which the final price is negotiated after a substantial portion of the performance is begun to include any provision allowing for equitable adjustment that is not consistent with the Federal Acquisition Regulations.

(g) DEFINITIONS.—In this section:

(1) UNIDENTIFIED CONTRACTUAL ACTION.—The term ‘unidentified contractual action’ includes an unidentified contractual action.

(2) QClexclusion.—The term ‘unidentified contractual action’ does not include contractual actions with respect to—

(i) foreign military sales;

(ii) purchases in an amount not in excess of the final price of the simplified acquisition threshold; or

(iii) special access programs.

§ 571. Identification of major system acquisitions

(a) IN GENERAL.—

(1) SUPPORT MECHANISMS.—The Commandant shall develop and implement mechanisms to support the establishment of mature and stable operational requirements for acquisitions under this subchapter.

(2) MISSION ANALYSIS; AFFORDABILITY ASSESSMENT.—The Commandant may not initiate a Level 1 or Level 2 acquisition project or program until the Commandant—

(A) completes a mission analysis that—

(i) identifies any gaps in capability; and

(ii) develops a clear mission need; and

(B) prepares a preliminary affordability assessment for the project or program.

(3) ELEMENTS.—

(A) IN GENERAL.—

(i) REQUIREMENTS.—The mechanisms required by subsection (a) shall ensure the implementation of a formal process for the development of a mission needs statement, concept-of-operations document, capability development plan, and resource proposal for the initial project or program funding, and that the affordability assessment is included in the Coast Guard Capital Investment Plan.

(ii) ASSESSMENT OF TRADE-OFFS.—In conducting an affordability assessment under subsection (a)(2)(B), the Commandant shall develop and implement mechanisms to ensure that trade-offs among cost, schedule, and performance are considered in the establishment of preliminary operational requirements for development and production of new assets and capabilities for Level 1 and Level 2 acquisitions projects and programs.

(iii) HUMAN RESOURCE CAPITAL PLANNING.—The Commandant shall develop staffing predictions, define human capital performance initiatives, and identify preliminary training needs for any such project or program.

(4) DHS ACQUISITION APPROVAL.—A Level 1 or Level 2 acquisition project or program may not be implemented unless it is approved by the Department of Homeland Security Acquisition Review Board or the Joint Review Board.

§ 572. Acquisition

(a) IN GENERAL.—The Commandant may not establish a Level 1 or Level 2 acquisition project or program approved under section 571 until the Commandant—

(1) clearly defines the operational requirements for the project or program;
in accordance with the requirements of this subsection.

(2) REQUIREMENTS.—The analysis of alternatives shall be conducted by a Federally-funded research and development center, a qualitatively superior entity, or a similar independent third party entity that has appropriate acquisition expertise and has no substantial financial interest or strategic, political, or other influence in any aspect of the acquisition project or program that is the subject of the analysis. At a minimum, the analysis of alternatives shall include:

(A) an assessment of the technical maturity, technical, and other risks;

(B) an examination of capability, interoperability, and other disadvantages;

(C) an evaluation of whether different combinations or quantities of specific assets or capabilities could meet the Coast Guard’s overall performance needs;

(D) a discussion of key assumptions and variables, and sensitivity to change in such assumptions and variables;

(E) when an alternative is an existing asset or prototype, an evaluation of relevant safety and performance records and costs;

(F) a calculation of life-cycle costs including—

(i) an examination of likely research and development costs and the levels of uncertainty associated with such estimated costs;

(ii) an examination of likely production and deployment costs and levels of uncertainty associated with such estimated costs;

(iii) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(iv) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs;

(v) such additional measures as the Commandant or the Secretary of Homeland Security determine to be necessary for appropriate evaluation of the asset; and

(G) the business case for each viable alternative.

(3) Test and Evaluation Master Plan.—

(1) IN GENERAL.—For any Level 1 or Level 2 acquisition project or program the Chief Acquisition Officer shall approve a test and evaluation master plan specific to the acquisition project or program for the capability, asset, or subsystems of the capability or asset intended to minimize technical cost, and schedule risk as early as practicable in the development of the project or program.

(2) TEST AND EVALUATION STRATEGY.—The master plan shall—

(A) set forth an integrated test and evaluation strategy that will verify that capability, asset, or subsystem of the capability or asset is approved for production; and

(B) require that adequate developmental tests and evaluations and operational tests and evaluations are conducted as evidenced on a graph (A) are performed to inform production decisions.

(3) OTHER COMPONENTS OF THE MASTER PLAN.—At a minimum, the master plan shall identify—

(A) the key performance parameters to be resolved using an integrated test and evaluation strategy;

(B) critical operational issues to be assessed in addition to the key performance parameters identified in the test and evaluation plan.

(C) specific development test and evaluation phases and the scope of each phase;

(D) modeling and simulation activities to be performed, if any, and the scope of such activities;

(E) early operational assessments to be performed, if any, and the scope of such assessments;

(F) operational test and evaluation phases;

(G) an estimate of the resources, including funds, that will be required for all test, evaluation, assessment, modeling, and simulation activities; and

(H) the Government entity or independent entity that will perform the test, evaluation, assessment, modeling, and simulation activities.

(4) UPDATE.—The Chief Acquisition Officer shall approve an updated master plan for any test and evaluation whenever there is a revision to project or program test and evaluation strategy, scope, or phasing.

(5) LIMITATION.—The Coast Guard may not—

(A) proceed beyond that phase of the acquisition process that entails approving the acquisition of a capability or asset before the master plan is approved by the Chief Acquisition Officer;

(B) award any production contract for a capability, asset, or subsystem for which a master plan is required under this subsection before the master plan is approved by the Chief Acquisition Officer.

(6) LIFE-CYCLE COST ESTIMATES.—

(1) IN GENERAL.—The Commandant shall implement mechanisms to ensure the developmental and regular updating of life-cycle cost estimates for each Level 1 or Level 2 acquisition to ensure that these estimates are considered in decisions to develop or produce new or enhanced capabilities and assets.

(2) TYPES OF ESTIMATES.—In addition to life-cycle cost estimates that may be developed by acquisition program offices, the Commandant may develop an independent life-cycle cost estimate be developed for each Level 1 or Level 2 acquisition project or program.

(3) REQUIREMENTS.—For each Level 1 or Level 2 acquisition project or program the Commandant shall require that life-cycle cost estimates shall be updated before each milestone decision is concluded and the project or program enters a new acquisition phase.

(c) DHS ACQUISITION APPROVAL.—A project program shall not enter the obtain phase under section 573 unless the Department of Homeland Security Acquisition Review Board or the Joint Review Board (or other entity to which responsibility is delegated by the Secretary of Homeland Security) has approved the analysis of alternatives for the project. The Joint Review Board may also approve the low rates initial production quantity for the project or program if such an initial production quantity is planned by the acquisition project or program and deemed appropriate by the Joint Review Board.

*§ 573. Preliminary development and demonstration*

(a) IN GENERAL.—The Commandant shall ensure that developmental test and evaluation, operational test and evaluation, life cycle cost estimates, and the development and demonstration requirements are met to confirm that the projects or programs meet the requirements described in the mission-need statement and the operational-requirement documents developed and demonstration development and demonstration objectives:

(1) To demonstrate that the most promising design, manufacturing, and production concepts are based upon a stable, producible, and cost-effective product design.

(2) To ensure that the product capabilities meet contract specifications, acceptable operational performance requirements, and system security requirements.

(3) To ensure that the product design is mature enough to commit to full production and deployment.

(b) TESTS AND EVALUATIONS.—

(1) IN GENERAL.—The Commandant shall ensure that the Coast Guard conducts developmental tests and evaluations and operational tests and evaluations of a capability or asset and the subsystems of the capability or asset for which a master plan has been prepared under section 572(c)(1).

(2) USE OF THIRD PARTIES.—The Commandant shall ensure that the Coast Guard uses independent third parties with expertise in testing and evaluations or through the joint project or Government funded research and development center, a qualitatively superior entity, or an independent third party entity that has appropriate acquisition expertise and has no substantial financial interest or strategic, political, or other influence in any aspect of the acquisition project or program.

(3) COMMUNICATION OF SAFETY CONCERNS.—

The Commandant shall require that safety concerns identified during developmental or operational tests and evaluations or through independent or Government- funded research and development assessments of capabilities or assets and subsystems of capabilities or assets to be acquired by the Coast Guard shall be communicated as soon as possible, but not later than 30 days after the completion of the test or assessment event or activity that identified the safety concern, to the program manager for the capability or asset and the subsystems concerned and to the Chief Acquisition Officer.

(d) ASSET ALREADY IN LOW, INITIAL, OR PRODUCTION—

(1) REQUIREMENTS.—

(a) DHS ACQUISITION APPROVAL—A project program may enter the obtain phase under section 573 unless the Department of Homeland Security Acquisition Review Board or the Joint Review Board (or other entity to which responsibility is delegated by the Secretary of Homeland Security) has approved the analysis of alternatives for the project. The Joint Review Board may also approve the low rates initial production quantity for the project or program if such an initial production quantity is planned by the acquisition project or program and deemed appropriate by the Joint Review Board.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The Commandant shall—

(2) (B) notify the Chief Acquisition Officer and include in such notification—

(i) an explanation of the actions that will be taken to correct or mitigate the safety concern in all capabilities or assets and subsystems of the capabilities or assets yet to be produced, and the date by which those actions will be taken;

(ii) an explanation of the actions that will be taken to correct or mitigate the safety concern in previously produced capabilities or assets and subsystems of the capabilities or assets, and the date by which those actions will be taken; and

(iii) an assessment of the adequacy of current funding to correct or mitigate the safety concern in all capabilities or assets and subsystems of the capabilities or assets and in previously produced capabilities or assets and subsystems.

(2) TECHNICAL CERTIFICATION.—
‘(1) IN GENERAL.—The Commandant shall—
(‘b) CONTENT.—The report submitted under subsection (a) shall include—
(‘1) a detailed description of the breach and an explanation of its cause;
(‘2) the projected impact to performance, cost, and schedule;
(‘3) an updated acquisition program baseline and the complete history of changes to the original acquisition program baseline;
(‘4) the updated acquisition schedule and the complete history of changes to the original schedule;
(‘5) a full life-cycle cost analysis for the asset or class of capabilities or assets;
(‘6) a remediation plan identifying corrective actions and any resulting issues or risks; and
(‘7) a description of how progress in the remediation plan will be measured and monitored.

(‘c) SUBSTANTIAL VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 25 percent or a likely delay is greater than 12 months from the costs and schedule described in the acquisition program baseline for any Level 1 or Level 2 acquisition project or program of the Coast Guard, the Commandant shall include in the report a written certification, with a supporting explanation, that—
(‘1) the capability or asset or asset class to be acquired under the project or program is essential to the accomplishment of Coast Guard missions;
(‘2) there are no alternatives to such capability or asset or capability or asset class which will provide equal or greater capability in both a more cost-effective and timely manner;
(‘3) the new acquisition schedule and estimates for total acquisition cost are reasonable; and
(‘4) the management structure for the acquisition program is adequate to manage and control performance, cost, and schedule.

§ 574. Acquisition, production, deployment, and support

(a) IN GENERAL.—The Commandant shall—
(‘1) ensure there is a stable and efficient production and support capability to develop an asset or support system;
(‘2) conduct follow on testing to confirm monitor performance and correct deficiencies; and
(‘3) conduct acceptance tests and trails upon the delivery of each asset or system to ensure the delivered asset or system achieves full operational capability.

(b) ELEMENTS.—The Commandant shall—
(‘1) execute the productions contracts;
(‘2) ensure the delivered products meet performance, cost, and schedule;
(‘3) conduct acceptance tests and trails upon the delivery of each asset or system that were executed by a lead systems integrator by or on behalf of the Coast Guard are not excessive when acting as a lead systems integrator by or on behalf of the Coast Guard;
(‘4) ensure that pass-through charges on contracts, subcontracts, delivery orders, and task orders that were executed by a lead systems integrator by or on behalf of the Coast Guard are not excessive in relation to the cost of work performed by the relevant contractor or subcontractor.

§ 581. Definitions

‘In this chapter:
(‘1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the House of Representatives and the Senate Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.

(‘2) CHIEF ACQUISITION OFFICER.—The term ‘Chief Acquisition Officer’ means the officer appointed under section 56 of this title.

(‘3) COMMANDANT.—The term ‘Commandant’ means the Commandant of the Coast Guard.

(‘4) JOINT REVIEW BOARD.—The term ‘Joint Review Board’ means the Department of Homeland Security’s Investment Review Board and the Senate Committees’ means the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.

(‘5) LIFE-CYCLE COST.—The term ‘life-cycle cost’ means all costs for development, procurement, construction, and operations and maintenance for a particular capability or asset, without regard to funding source or management control.

(‘6) LEVEL 2 ACQUISITION.—The term ‘Level 2 acquisition’ means an acquisition by the Coast Guard—
(A) the estimated life-cycle costs of which are equal to or less than $1,000,000,000, but greater than $300,000,000; or
(B) the estimated total acquisition costs of which are equal to or less than $300,000,000, but greater than $100,000,000.

(‘7) LIFE-CYCLE COST.—The term ‘life-cycle cost’ means all costs for development, procurement, construction, and operations and maintenance for a particular capability or asset, without regard to funding source or management control.

(‘8) SAFETY CONCERN.—The term ‘safety concern’ means any hazard associated with a capability or asset or a subsystem of a capability or asset that is likely to cause serious injury or death to a typical Coast Guard user in testing, maintaining, repairing, or operating the capability, asset, or subsystem or any hazard associated with the capability, asset, or subsystem that is likely to cause major damage to the capability, asset, or subsystem during the course of its normal operation by a typical Coast Guard user.

(b) CONFORMING AMENDMENT.—The part analysis for part 1 of title 14, United States Code, is amended by striking the item relating to chapter 13 the following:

‘15. Acquisitions [amended; 113 Stat. 561].’

SEC. 503. REPORT AND GUIDANCE ON EXCESS PASS-THROUGH CHARGES.

(a) COMPTROLLER GENERAL OF THE UNITED STATES.—The Comptroller General shall issue a report analyzing for part I of title 14, United States Code, the amounts of which exceed $300,000,000; or
(B) set forth procedures for preventing the payment by the Government of excessive pass-through charges; and
(C) identify any exceptions determined by the Comptroller General to be in the best interest of the Government.

(b) SCOPE OF GUIDANCE.—The guidance prescribed under this subsection—
(A) shall not apply to any firm, fixed-price contract or subcontract, delivery order, or task order that is—
(1) based on the basis of adequate price competition, as determined by the Commandant; or
(2) a likely delay of more than 180 days in the delivery of any individual capability or asset or class of capabilities or assets; or
(3) an anticipated failure for any individual capability or asset or class of capabilities or assets; or

(2) SCOPE OF GUIDANCE.—The guidance prescribed under this subsection—
(A) shall not apply to any firm, fixed-price contract or subcontract, delivery order, or task order that is—
(ii) for the acquisition of a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

(b) may include such additional exceptions as the Commandant determines to be necessary in the interest of the United States.

(c) EXCESSIVE PASS-THROUGH CHARGE DEFINED.--For purposes of this section, the term "excessive pass-through charge", with respect to a contractor or subcontractor that adds no, or negligible, value to a contract or subcontract to the Government by the contractor or subcontractor that is for overhead or profit on work performed by a lower-tier contractor or subcontractor, other than charges for the direct costs of managing lower-tier contractors and subcontracts and overhead and profit based on such direct costs.

(d) APPLICATION OF GUIDANCE.--The guidance prescribed under this section shall apply to contracts awarded to a private entity acting as a lead systems integrator by or on behalf of the Coast Guard on or after the date that is 360 days after the date of enactment of this Act.

TITLE VI—SHIPPING AND NAVIGATION

SEC. 601. TECHNICAL AMENDMENTS TO CHAPTER 313 OF TITLE 46, UNITED STATES CODE.

(a) In General.--Chapter 313 of title 46, United States Code, is amended—

(1) by striking "of Transportation" in sections 31302, 31330, 31331, and 31343 each place it appears;

(2) by striking "and" and inserting "office; and"; and

(b) Secretary as Mortgagee.—Section 31301(5)(F) is amended by striking ''office.'' in section 31301(6) and inserting "office; and"; and

(c) Secretary of Transportation.—Section 31329(d) of such title is amended by striking "Secretary of Commerce or Transportation is a mortgagee under this chapter, the Secretary" and inserting "The Secretary of Commerce or Transportation, as a mortgagee under this chapter.",

(d) Mortgagee.—

(1) Section 31330(a)(1) of such title, as amended by subsection (a)(1) of this section, is amended—

(A) by inserting "or" after the semicolon in subparagraph (B);

(B) by striking "Secretary; or" in subparagraph (C) and inserting "Secretary; and";

(C) by striking subparagraph (D);

(2) Section 31330(a)(2) is amended—

(A) by inserting "or" after the semicolon in subparagraph (B);

(B) by striking "faith; or" in subparagraph (C) and inserting "faith; and";

(C) by striking subparagraph (D);

SEC. 602. CLARIFICATION OF RULEMAKING AUTHORITY.

(a) In General.—Chapter 701 of title 46, United States Code, is amended by adding at the end the following:

"§70122. Regulations.

"Unless otherwise provided, the Secretary may issue regulations necessary to implement this chapter.''

(b) Clerical Amendment.—The table of contents of chapter 701 of such title is amended by adding at the end the following new item:

"70122. Regulations."
(c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (2)I) and that qualifies to be documented with a fishery endorsement pursuant to section 239(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 239(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

"(B) APPLICABILITY.—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations on length overall specified on the license that are applicable to the vessel that has been replaced and its owner and mortgagee.

"(4) RULES SPECIAL FOR CERTAIN CATCHER VESSELS.—

"(A) IN GENERAL.—A replacement for a covered vessel described in subparagraph (B) is prohibited from fishing in any fishery (except for the Pacific whiting fishery) managed under the authority of any regional fishery management council (other than the North Pacific Council) established under section 302(a) of the Magnuson-Stevens Fishery Conservation and Management Act for Fiscal Years 2010 and 2011.

"(B) LIMITATION ON FISHERY ENDORSEMENTS.—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

"(C) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligibility entity" means a State or local government, nonprofit corporation, educational agency, community development organization, or other entity that agrees to comply with the conditions established under this section.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1195. A bill to require the Secretary of Agriculture to carry out the Philadelphia School District's Universal Feeding Pilot Program and to introduce legislation extending the program. While changes to the Philadelphia program may be necessary, the appropriate time to consider these changes is during congressional reauthorization of the Child Nutrition Act. Senator CASEY and I are seeking to extend the program through the 2012-13 school year. This extension is necessary to ensure that thousands of children in Philadelphia's poorest schools are not deprived of the nutritional assistance they have relied on for over 17 years.

Recognizing the value of proper nutrition to successful learning, Congress, in 1946, passed the Richard B. Russell National School Lunch Act. This act provides the authority for the School Lunch Program, as well as several other child nutrition initiatives. In 1966 Congress expanded on its commitment to child nutrition by passing the Child Nutrition Act, which authorized the School Breakfast Program. These programs have continued to evolve through changing times and changing technologies to ensure that the goal of providing nutrition assistance to our Nation's school children is met.

In 1991 the Department of Agriculture worked with the Philadelphia School District to develop a more streamlined method of reimbursing the School District for meals served under the National School Breakfast and School Lunch Program, and ensuring all eligible students receive free meals.
This new method eliminated paper applications for free school meals, and replaced them with a socioeconomic survey based method of determining reimbursement rates and eligibility. Paper applications are costly, and parents often fail to return them. The socioeconomic survey method was chosen because it reduced administrative overhead costs and is thought to better ensure that all eligible students are accounted for. In addition, by providing Universal Service the stigma associated with receiving a free or reduced price school meal is eliminated. Indeed, during the first year of the Universal Feeding Pilot Program, the Philadelphia School District saw a 14 percent increase in lunch participation in elementary schools, a 45 percent increase in middle schools and a 180 percent increase in high schools. The Philadelphia Universal Feeding Pilot Program has successfully increased student participation in the school meal program. Should this program be ended, as the Department of Agriculture would have it, children in the Philadelphia School District will have their ability to learn undermined by Washington, DC, bureaucrats.

The students and parents in 200 of Philadelphia’s poorest schools have not filled out paper applications for free and reduced priced school meals in over seventeen years. It is almost certain that some parents will fail to return paper applications to the school district, resulting in the underreporting of eligible students. In fact, the Department of Agriculture tacitly acknowledges the ineffectiveness of paper applications by offering outreach assistance to the Philadelphia School District.

A decrease in the amount of students claiming free or reduced lunches will lower the Department of Agriculture’s reimbursement rate to the Philadelphia School District. Reducing the school meal reimbursement rate will not only cause the Philadelphia School District to have difficulty in loan repayment in relation to the school meals program, but because other grant funding is often based on the percentage of low income students in a district, as determined by participation rates in the school meal program, the District could potentially lose millions of dollars in other state and Federal grant funding. Federal E-rate funding, for example, which is used for educational technology, is based directly on school meal program eligibility percentages.

Congress is expected to take up the Child Nutrition Act reauthorization later this year. Universal Feeding and the National School Breakfast and Lunch Programs will be a part of this debate, and this is an appropriate time and place to consider changes to the program. We know from experience that Congressional action is not always as swift as planned, and that the legislative calendar changes from week to week if not from day to day.

Therefore, Senator Casey and I introduced legislation today to extend the Philadelphia School District’s Universal Feeding Pilot Program through the close of the 2012-2013 school year to ensure that Philadelphia school children receive the necessary nutritional assistance until Congress can enact a new policy.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 168—COMMENDING THE UNIVERSITY OF WASHINGTON WOMEN’S SOFTBALL TEAM FOR WINNING THE 2009 NCAA WOMEN’S COLLEGE WORLD SERIES

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 168

Whereas on June 2, 2009, for the first time in university history, the University of Washington Women Huskies won the National Collegiate Athletic Association (“NCAA”) national softball championship game with a 3-2 victory over the University of Florida Gators;

Whereas University of Washington pitcher Danielle Lawrie was named the Women’s College World Series Most Valuable Player and the USA Softball National Collegiate Player of the Year;

Whereas the Huskies finished the 2009 season with an impressive record of 51-12;

Whereas the members of the 2009 University of Washington softball team are excellent representatives of a university that is 1 of the premier academic institutions in Washington State, producing many outstanding student-athletes and other leaders;

Resolved, That the Senate—

(1) congratulates the University of Washington softball team for winning the 2009 Women’s College World Series;

(2) recognizes the achievements of the women’s softball program, and staff whose hard work and dedication helped the University of Washington win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Mark A. Emmert, president of the University of Washington;

(B) Scott Woodward, director of athletics of the University of Washington; and

(C) Heather Tarr, head coach of the University of Washington softball team.

SENATE RESOLUTION 169—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA SHOULD WORK WITHIN THE FRAMEWORK OF THE UNITED NATIONS PROCESS WITH GREECE TO ACHIEVE LONGSTANDING UNITED STATES AND UNITED NATIONS POLICY GOALS OF FINDING A MUTUALLY ACCEPTABLE COMPOSITE NAME, WITH A GEOGRAPHICAL QUALIFIER AND FOR ALL INTERNATIONAL USES FOR THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Mr. MENENDEZ (for himself, Ms. SNOWE, Mrs. SHAHREED, and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 169

Whereas, on April 8, 1993, the United Nations General Assembly admitted as a member the former Yugoslav Republic of Macedonia, under the name the “former Yugoslav Republic of Macedonia”; 

Whereas United Nations Security Council Resolution 1177 (1998) states that the international dispute over the name must be resolved to maintain peaceful relations between Greece and the former Yugoslav Republic of Macedonia and regional stability;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the Balkan region, having invested over $20,000,000,000 in the countries of the region, thereby creating over 200,000 new jobs, and having contributed over $750,000,000 in development aid for the region;

Whereas Greece has invested over $1,000,000,000 in the former Yugoslav Republic of Macedonia, thereby creating more than 10,000 new jobs and having contributed $110,000,000 in development aid;

Whereas Senate Resolution 300, introduced in the 110th Congress, urged the former Yugoslav Republic of Macedonia to abstain from hostile activities and stop the utilization of materials that violate provisions of the United Nations-brokered Interim Agreement between the former Yugoslav Republic of Macedonia and Greece regarding “hostile activities or propaganda”;

Whereas NATO’s Heads of State and Government unanimously declared on April 3, 2008 that “…within the framework of the UN, many actors have worked hard to resolve the name issue, but the Alliance has noted with regret that these talks have not produced a successful outcome. Therefore we agree that an invitation to the former Yugoslav Republic of Macedonia will be extended as will a mutually acceptable solution to the name issue has been reached. We encourage the negotiations to be resumed without delay and expect them to be concluded as soon as possible”;

Whereas the Heads of State and Government participating in the meeting of the North Atlantic Council in Strasbourg/Kehl on April 4, 2009, reiterated their unanimous support for the agreement at the Bucharest Summit “to extend an invitation to the former Yugoslav Republic of Macedonia as soon as a mutually acceptable solution to the name issue has been reached within the framework of the UN, and urge intensified efforts towards that goal.”; and

Whereas authorities in the former Yugoslav Republic of Macedonia urged their citizens to boycott Greek investments in the...