

“(3) MINORITY HEALTH DISPARITIES RESEARCH.—The plan and budget under paragraph (1) shall include a separate statement of the plan and budget for minority health disparities research.”;

(3) by amending subsection (h) to read as follows:

“(h) RESEARCH ENDOWMENTS.—

“(1) IN GENERAL.—The Director of the Institute shall carry out a program to facilitate minority health and health disparities research and other health disparities research by providing research endowments at—

“(A) centers of excellence under section 736; and

“(B) centers of excellence under section 485F.

“(2) ELIGIBILITY.—The Director of the Institute shall provide for a research endowment under paragraph (1) only if the institution involved meets the following conditions:

“(A) The institution does not have an endowment that is worth in excess of an amount equal to 50 percent of the national average of endowment funds at institutions that conduct similar biomedical research or training of health professionals.

“(B) The application of the institution under paragraph (1) regarding a research endowment has been recommended pursuant to technical and scientific peer review and has been approved by the advisory council established pursuant to subsection (j).

“(C) The institution at any time was deemed to be eligible to receive a grant under section 736 and at any time received a research endowment under paragraph (1).”; and

(4) by adding at the end the following:

“(k) FUNDING.—

“(1) FULL FUNDING BUDGET.—

“(A) IN GENERAL.—With respect to a fiscal year, the Director of the Institute shall prepare and submit directly to the President, for review and transmittal to Congress, a budget estimate for carrying out the plan for the fiscal year, after reasonable opportunity for comment (but without change) by the Secretary, the Director of the National Institutes of Health, the directors of the other institutes and centers of the National Institutes of Health, and the advisory council established pursuant to subsection (j). The budget estimate shall include an estimate of the number and type of personnel needs for the Institute.

“(B) AMOUNTS NECESSARY.—The budget estimate submitted under subparagraph (A) shall estimate the amounts necessary for the institutes and centers of the National Institutes of Health to carry out all minority health and health disparities activities determined by the Director of the Institute to be appropriate, without regard to the probability that such amounts will be appropriated.

“(2) ALTERNATE BUDGETS.—

“(A) IN GENERAL.—With respect to a fiscal year, the Director of the Institute shall prepare and submit to the Secretary and the Director of the National Institutes of Health the budget estimates described in subparagraph (B) for carrying out the plan for the fiscal year. The Secretary and such Director shall consider each of such estimates in making recommendations to the President regarding a budget for the plan for such year.

“(B) DESCRIPTION.—With respect to the fiscal year involved, the budget estimates referred to in subparagraph (A) for the plan are as follows:

“(i) The budget estimate submitted under paragraph (1).

“(ii) A budget estimate developed on the assumption that the amounts appropriated will be sufficient only for—

“(I) continuing the conduct by the institutes and centers of the National Institutes of Health of existing minority health and health disparity activities (if approved for continuation), and continuing the support of such activities by the institutes and centers in the case of projects or programs for which the institutes or centers have made a commitment of continued support; and

“(II) carrying out activities that are in addition to activities specified in subclause (I), only for which the Director determines there is the most substantial need.

“(iii) Such other budget estimates as the Director of the Institute determines to be appropriate.”.

SA 2879. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 974, between lines 9 and 10, insert the following:

SEC. 3316. HHS STUDIES AND REPORTS ON MEDICAID BENEFICIARIES AND DUAL ELIGIBLE INDIVIDUALS RECEIVING CARE IN HOME AND COMMUNITY-BASED SETTINGS.

(a) STUDY AND REPORT ON DUAL ELIGIBLES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall conduct a study and submit to Congress a report that—

(1) analyzes whether dual eligible individuals (as described under subsection (c)(1)) have income levels, prescription drug requirements, and types and levels of disability that are comparable to dual eligible individuals for whom cost-sharing is eliminated under section 1860D-14(a)(1)(D)(i) of the Social Security Act (42 U.S.C. 1395w-114(a)(1)(D)(i)), as amended by section 3309;

(2) determines whether dual eligible individuals have adequate access to prescription medication; and

(3) provides recommendations to address any deficiencies in regard to access to prescription drugs by dual eligible individuals, including an analysis regarding elimination of cost sharing for all such individuals under the prescription drug program under part D of title XVIII of the Social Security Act.

(b) STUDY AND REPORT ON SSI LOW-INCOME MEDICAID BENEFICIARIES.—Not later than 12 months after the date of enactment of this Act, the Secretary shall conduct a study and submit to Congress a report that—

(1) determines whether benefits provided to SSI Medicaid beneficiaries (as described under subsection (c)(2)) under the supplemental security income program are sufficient to cover expenses for room and board that are incurred by such beneficiaries;

(2) analyzes the process used for determining the amount of benefits provided to SSI Medicaid beneficiaries under the supplemental security income program, including whether such amounts—

(A) adequately reflect expenses for room and board that are incurred by such beneficiaries; and

(B) are sufficient to meet the needs of beneficiaries who are disabled; and

(3) identifies methods to provide additional support for SSI Medicaid beneficiaries in covering their expenses for room and board, including benefits provided under Housing and Urban Development programs and other

housing assistance programs, the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), and other methods as determined appropriate by the Secretary.

(c) DEFINITIONS.—In this section:

(1) DUAL ELIGIBLE INDIVIDUAL.—The term “dual eligible individual” means an individual who is—

(A) entitled to benefits under part A of title XVIII of the Social Security Act or enrolled for benefits under part B of such title;

(B) entitled to medical assistance under a State plan under title XIX of such Act;

(C) not an institutionalized individual or couple (as defined in section 1902(q)(1)(B) of such Act (42 U.S.C. 1396a(q)(1)(B))); and

(D) receiving home and community-based services under a State Medicaid plan (or a waiver of such plan) under title XIX of the Social Security Act.

(2) SSI MEDICAID BENEFICIARY.—The term “SSI Medicaid beneficiary” means an individual who—

(A) is eligible for medical assistance under a State plan or waiver under title XIX of the Social Security Act and is enrolled in such plan or waiver;

(B) receives benefits under the supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); and

(C) receives home and community-based services (including such services provided in an assisted living facility).

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 3, 2009, at 10 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 3, 2009.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on December 3, 2009, at 10 a.m., in Room SD-366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 3, 2009, at 9 a.m., to hold a hearing entitled “Afghanistan: Assessing the Road Ahead.”

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

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 3, 2009, at 10 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate in Room 628 on December 3, 2009, at 2:15 p.m. of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 3, 2009, at 10 a.m., in Room SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 3, 2009, at 2:30 p.m.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate to conduct a hearing on December 3, 2009, at 2:30 p.m., in Room SD-366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on December 3, 2009, at 2 p.m. in Room 406 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Stacey Sachs, a detailee in the Senate HELP Committee Majority Health Office, be granted the privileges of the floor for the duration of H.R. 3590, the Patient Protection and Affordable Care Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that my health pol-

icy fellow, Dr. Janet Phoenix, have floor privileges throughout the consideration of this debate on H.R. 3590.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

PROTOCOL AMENDING TAX
CONVENTION WITH FRANCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 1, Treaty Document No. 111-4, Protocol Amending Tax Convention with France; that the treaty be considered as having advanced through the various parliamentary stages, up to and including the presentation of the resolution of ratification; that any committee understanding, declaration, or condition be agreed to as applicable; that any statements be printed in the RECORD; further, that when the vote on the resolution of ratification is taken, the motion to reconsider be considered made and laid upon the table, and the President be immediately notified of the Senate's action.

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

Mr. CASEY. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division vote has been requested. Senators in favor of the resolution of ratification will rise and stand until counted. Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification agreed to is as follows:

Resolved, (two-third of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The senate advises and consents to the ratification of the Protocol Amending the convention between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994, as Amended by the Protocol signed on December 8, 2004, signed on January 13, 2009, at Paris, together with a related Memorandum of Understanding, signed January 13, 2009 (the "Protocol") (Treaty Doc. 111-4), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

The Protocol is self-executing.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

1. Not later than two years from the date on which this Protocol enters into force and prior to the first arbitration conducted pur-

suant to the binding arbitration mechanism provided for in this Protocol, the Secretary of Treasury shall transmit the text of the rules of procedure applicable to arbitration panels, including conflict of interest rules to be applied to members of the arbitration panel, to the committees on Finance and Foreign Relations of the Senate and the Joint Committee on Taxation.

2. Sixty days after a determination has been reached by an arbitration panel in the tenth arbitration proceeding conducted pursuant to this Protocol, the 2006 Protocol Amending the Convention between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes (the "2006 German Protocol") (Treaty Doc. 109-20), the Convention between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying protocol (the "Belgium Convention") (Treaty Doc. 110-3), or the Protocol Amending the Convention between the United States of America and Canada with Respect to Taxes on Income and on Capital (the "2007 Canada Protocol") (Treaty Doc. 110-15), the Secretary of Treasury shall prepare and submit a detailed report to the Joint Committee on Taxation and the Committee on Finance of the Senate, subject to law relating to taxpayer confidentiality, regarding the operation and application of the arbitration mechanism contained in the aforementioned treaties. The report shall include the following information:

I. The aggregate number, for each treaty, of cases pending on the respective dates of entry into force of this Protocol, the 2006 German Protocol, the Belgium Convention, and the 2007 Canada Protocol, along with the following additional information regarding these cases:

- a. The number of such cases by treaty article(s) at issue;
- b. The number of such cases that have been resolved by the competent authorities through a mutual agreement as of the date of the report; and
- c. The number of such cases for which arbitration proceedings have commenced as of the date of the report.

II. A list of every case presented to the competent authorities after the entry into force of this Protocol, the 2006 German Protocol, the Belgium Convention, and the 2007 Canada Protocol, with the following information regarding each case:

- a. The commencement date of the case for purposes of determining when arbitration is available;
- b. Whether the adjustment triggering the case, if any, was made by the United States or the relevant treaty partner;
- c. Which treaty the case relates to;
- d. The treaty article(s) at issue in the case;
- e. The date the case was resolved by the competent authorities through a mutual agreement, if so resolved;
- f. The date on which an arbitration proceeding commenced, if an arbitration proceeding commenced; and
- g. The date on which a determination was reached by the arbitration panel, if a determination was reached, and an indication as to whether the panel found in favor of the United States or the relevant treaty partner.

III. With respect to each dispute submitted to arbitration and for which a determination was reached by the arbitration panel pursuant to this Protocol, the 2006 German Protocol, the Belgium Convention, and the 2007 Canada Protocol, the following information shall be included: