

(Mr. SESSIONS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2752, a bill to ensure the sale and consumption of raw oysters and to direct the Food and Drug Administration to conduct an education campaign regarding the risks associated with consuming raw oysters, and for other purposes.

S. CON. RES. 14

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

S. RES. 334

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 334, a resolution designating Thursday, November 19, 2009, as "Feed America Day".

S. RES. 340

At the request of Mr. CRAPO, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 340, a resolution expressing support for designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our Nation in times of war and conflict.

AMENDMENT NO. 2745

At the request of Mr. FRANKEN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 2745 proposed to H.R. 3082, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2758

At the request of Mr. INHOFE, the names of the Senator from Nebraska (Mr. JOHANNES), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. BOND) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of amendment No. 2758 intended to be proposed to H.R. 3082, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2760

At the request of Mr. DURBIN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 2760 proposed to H.R. 3082, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL, of New Mexico (for himself and Mr. BOND):

S. 2760. A bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans; to the Committee on Veterans' Affairs.

Mr. UDALL of New Mexico. Mr. President, tomorrow we will observe Veterans Day, a day to honor the millions of men and women who put on the uniform to defend our Nation. In communities across the Nation, we will gather to thank all veterans for their service, for their having risked their lives so that the rest of us could enjoy freedom.

I rise to offer legislation that is meant to honor veterans who are too often forgotten. Tonight, on the eve of the day meant to highlight their heroism, more than 130,000 veterans will be homeless, left without a home and without a warm meal. For many, they are on the streets with their families—husbands and wives and children left without any safety net. Perhaps they recently lost their job. Perhaps they recently lost their home to foreclosure. Why they are on the streets matters less than why we have left them on their own.

When coming into office, President Obama set a goal of ending homelessness among veterans within 5 years. This is a goal that I strongly support. VA Secretary Shinseki, himself a decorated veteran, has aggressively taken on this challenge, focusing efforts and funding toward eradicating homelessness.

Last Friday, I rose on this floor to increase funding for the homelessness and grant per diem program to the fully authorized amount of \$150 million. This vital program has produced real results, offering transitional housing to veterans and their families and allowing organizations to construct and renovate facilities that can provide a multitude of services. I am hopeful that we will see this amendment pass and this level of funding included in the final bill.

However, if we are going to reach the President's goal of ending veterans' homelessness in five years, more will be needed. For that reason, I am joined today by Senator Bond in introducing S. 2760, legislation to increase the authorization of the grant and per diem program to \$200 million. This increased funding can provide hundreds, perhaps thousands, of new beds and facilities for veterans in all 50 States.

Congressman HARRY TEAGUE introduced similar legislation earlier this year in the House where it has been marked up in subcommittee and is awaiting further action. I am hopeful that we will see Congress stand up to this moral obligation and provide the full resources needed for the thousands

of veterans who have no home, who have no hope.

Last week, as I offered my amendment, I read a letter from a 15-year-old Boy Scout from Albuquerque. His father and grandfather are veterans and he is planning to follow in their footsteps and join the military himself when he is old enough. This young man wrote to say how angry he is that we are not doing enough to help our homeless veterans. "These men and women are doing what they were called to do by our government," he wrote, "but then they come back and are treated so poorly by everyone. We, as a Nation, need to do more to help our veterans."

To the smart young man who wrote me that letter and to all of America's veterans, this bill builds on efforts to meet our country's moral obligations to the men and women who so bravely served our country. I thank Senator BOND for his support and I urge fast action to move this legislation forward.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 2762. A bill to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing the San Juan Mountains Wilderness Act of 2009. This bill is the Senate companion to the bill introduced by Representative JOHN SALAZAR in the House of Representatives.

I want to thank Representative SALAZAR for all of his great work in bringing this bill forward. I am proud to sponsor this legislation in the Senate along with my Colorado colleague, Senator BENNET.

The San Juan Mountains Wilderness Act would designate about 33,383 acres in southwestern Colorado as wilderness, and about 21,697 acres as a special management area. It would also withdraw about 6,596 acres from mineral entry lands within the Naturita Canyon.

The bill is the result of the extensive work by many people to develop a collaborative approach to wilderness proposals and land protection designations. Representative SALAZAR and his staff worked with the affected Colorado county commissioners and interested stakeholders in developing this legislation. It is crafted to take into account the various ongoing uses of these lands, such as for water and recreation, while also providing strong managerial protection for these sensitive lands.

These lands are indeed worthy of this designation.

This region of Colorado is blessed with stunning beauty. Much of the land proposed for wilderness and other protections in this legislation are additions to existing wilderness. Those areas include the Mt. Sneffels Wilderness Area and the Lizard Head Wilderness—two areas that contain fourteen thousand foot peaks. They are defined

by their rugged beauty or rock and ice surrounded by forests that frame these peaks in summer's vibrant greens and brilliant fall colors.

The bill also establishes a new area called McKenna Peak. This peak presides over imposing sandstone cliffs which rise 2,000 feet above the plain that presents a remarkable opportunity to add a unique landform to the National Wilderness Preservation System. It also provides important winter wildlife habitat for large numbers of deer and elk. The Peak borders North Mountain, now considered to contain one of the largest deer and elk herds in all of Colorado. The Division of Wildlife places winter numbers of deer at 500 to 600, with up to 150 wintering elk. The favorable habitat for deer and elk naturally draws many hunters. Over 30,000 recreation user days are recorded annually during hunting season in the game management unit of which McKenna Peak is a part.

A wild horse herd numbering about 100 roams the western reaches of McKenna Peak within the designated Spring Creek Wild Horse Herd Management Area. Bald eagles winter in the lower reaches of the area, and peregrine falcons have been sighted as well. Mountain lions, bobcats, and black bear are also known to inhabit McKenna Peak. Other natural features of interest include rich fossil beds.

Moreover, the bill would establish the Sheep Mountain Special Management Area. This area is equally as striking as the surrounding mountains and valleys that are already protected or would be protected as wilderness in this legislation. However, since helicopter skiing currently exists in this area, the legislation designates this area in a way that protects its wilderness character, but still allows this use to continue. It is the sort of accommodation that is reflective of sound wilderness and land protection proposals, and I appreciate the compromises that are reflected in this approach.

As many of these lands are in high altitude areas, there should not be any issues related to water or other conflicts. As a result, the legislation does not exert a federally reserved water right, but allows access to existing water facilities and needs while also precluding any federal assistance for any new or expansion of existing water resource facility.

This bill has been carefully crafted and narrowly tailored to apply deserving protections to these lands. I look forward to working with my colleagues in seeing it passed.

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. 2762

*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 "San Juan Mountains Wilderness Act of 2009".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED LAND.—The term "covered land" means—

(A) lands designated as wilderness under section 3 or section 4; and

(B) lands designated as a special management area under section 4.

(2) NONCONFORMING USE.—The term "nonconforming use" means any commercial helicopter-assisted skiing or snowboarding activities within the lands designated as a special management area under section 4 that have been authorized by the Secretary as of the date of enactment of this Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

(4) STATE.—The term "State" means the State of Colorado.

#### SEC. 3. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 3,170 acres, as generally depicted on a map titled "Proposed Wilson, Sunshine, Black Face and San Bernardo Additions to the Lizard Head Wilderness", dated May 2009, and which are hereby incorporated into the Lizard Head Wilderness area.

(2) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 8,375 acres, as generally depicted on a map titled "Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness", dated May 2009, and which are hereby incorporated into the Mt. Sneffels Wilderness area.

(3) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 13,224 acres, as generally depicted on a map titled "Proposed Whitehouse Additions to the Mt. Sneffels Wilderness", dated May 2009, and which are hereby incorporated into the Mt. Sneffels Wilderness area.

(4)(A) Certain lands in the San Juan Resource Area of the Bureau of Land Management comprising approximately 8,614 acres, as generally depicted on a map titled "Proposed McKenna Peak Wilderness", dated May 2009, and which shall be known as the McKenna Peak Wilderness.

(B) The lands designated under subparagraph (A) shall be administered as a component of the National Landscape Conservation System.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this Act with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the Office of the Director of the Bureau of Land Management and in the Office of the Chief of the Forest Service, as appropriate.

#### SEC. 4. SHEEP MOUNTAIN SPECIAL MANAGEMENT AREA.

(a) DESIGNATION.—Certain lands in the Grand Mesa, Uncompahgre, and Gunnison and San Juan National Forests comprising approximately 21,697 acres as generally depicted on a map titled "Proposed Sheep Mountain Special Management Area" and dated May 2009, are hereby designated as the Sheep Mountain Special Management Area.

(b) MAPS AND DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Federal land described in subsection (a) with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the United States Forest Service.

(c) MANAGEMENT.—

(1) IN GENERAL.—Until Congress determines otherwise, activities within the area designated in subsection (a) shall be managed by the Secretary of Agriculture so as to maintain the area's presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(2) PROHIBITIONS.—The following shall be prohibited on the Federal land described in subsection (a):

(A) Permanent roads.

(B) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—

(i) the use of motorized or mechanized vehicles, except as described in paragraph (3); and

(ii) the establishment of temporary roads.

(3) ALLOWABLE ACTIVITIES.—The Secretary may allow activities, including helisking, that have been authorized as of the date of the enactment of this Act to continue within the area designated in subsection (a). The designation under subsection (a) shall not impact future permit processes relating to such activities.

(4) APPLICABLE LAW.—Any uses of the Federal land described in subsection (a), including activities described in paragraph (3), shall be in accordance with applicable law.

(d) WITHDRAWAL.—Subject to valid existing rights, the Federal land described in subsection (a) is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and energy leasing.

(e) DESIGNATION AS WILDERNESS.—Lands described in subsection (a) shall be designated as wilderness on the date on which the Secretary publishes in the Federal Register notice that the nonconforming use has terminated.

(f) ADMINISTRATION AS WILDERNESS.—Upon its designation as wilderness under subsection (e), the Sheep Mountain Special Management Area shall be—

(1) known as the Sheep Mountain Wilderness; and

(2) administered in accordance with the Wilderness Act (16 U.S.C. 1133 et seq.) and section 3.

**SEC. 5. ADMINISTRATIVE PROVISIONS.****(a) IN GENERAL.—**

(1) Subject to valid rights in existence on the date of the enactment of this Act, land designated as wilderness under section 3 or section 4 shall be administered by the Secretary in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) this Act.

(2) The Secretary may continue to authorize the competitive running event permitted since 1992 in the vicinity of the boundaries of the Sheep Mountain Special Management Area designated by section 4(a) and the Liberty Bell addition to the Mt. Sneffels Wilderness designated by section 3(a)(2) in a manner compatible with the preservation of such areas as wilderness.

(b) **EFFECTIVE DATE OF THE WILDERNESS ACT.**—With respect to land designated as wilderness under section 3 or section 4, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act or the date of the Secretary designating the land as wilderness.

(c) **FISH AND WILDLIFE.**—Nothing in this Act shall affect the jurisdiction or responsibility of the State with respect to wildlife and fish.

**(d) NO BUFFER ZONES.—**

(1) **IN GENERAL.**—Nothing in this Act shall create a protective perimeter or buffer zone around covered land.

(2) **ACTIVITIES OUTSIDE WILDERNESS.**—The fact that a nonwilderness activity or use can be seen or heard from within covered land shall not preclude the conduct of the activity or use outside the boundary of the covered land.

(e) **WITHDRAWAL.**—Subject to valid rights in existence on the date of the enactment of this Act, covered land is withdrawn from all forms of—

(1) entry, appropriation, or disposal under public land laws;

(2) location, entry, and patent under mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(f) **ACQUIRED LAND.**—Any land or interest in land located inside the boundaries of covered land that is acquired by the United States after the date of the enactment of this Act shall become part of the relevant wilderness or special management area and shall be managed in accordance with this Act and other applicable law.

(g) **GRAZING.**—Grazing in covered land shall be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96-560, and the guidelines set forth in appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(h) **AMES HYDROELECTRIC PROJECT.**—The inclusion in the National Wilderness Preservation System or designation under section 4 of this Act as a Special Management Area as described in section 4 of this Act, shall not be construed to interfere with the operation and maintenance of the Ames Hydroelectric Project, as currently licensed by the Federal Energy Regulatory Commission, or as reauthorized in the future, including reasonable use of National Wilderness Preservation System lands or Special Management Area for any necessary repair or replacement of existing facilities, transport of water and aerial or land access. All means of access to the project that are currently permitted by the Secretary on the date of enactment of this Act shall be maintained.

**SEC. 6. WATER.****(a) FINDINGS, PURPOSE, AND DEFINITION.—****(1) FINDINGS.**—Congress finds that—

(A) the lands designated as wilderness or a Special Management Area by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness values of such lands;

(B) the lands designated as wilderness or Special Management Area by this Act are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities; and

(C) therefore, it is possible to provide for proper management and protection of the wilderness value of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness or Special Management Area by this Act.

(2) **PURPOSE.**—The purpose of this section is to protect the wilderness values of the lands designated as wilderness or Special Management Area by this Act by means other than those based on a Federal reserved water right.

(3) **DEFINITION.**—As used in this section, the term “water resource facility” means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

**(b) RESTRICTIONS ON RIGHTS AND DISCLAIMER OF EFFECT.—**

(1) **WATER RIGHTS CLAIMS.**—Neither the Secretary of Agriculture nor the Secretary of the Interior, nor any other officer, employee, representative, or agent of the United States, nor any other person, shall assert in any court or agency, nor shall any court or agency consider, any claim to or for water or water rights in the State of Colorado, which is based on any construction of any portion of this Act, or the designation of any lands as wilderness or Special Management Area by this Act, as constituting an express or implied reservation of water or water rights.

(2) **NO AFFECT ON WATER RIGHTS.**—Nothing in this Act shall be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in the State of Colorado existing before the date of enactment of this Act.

(3) **NO INTERPRETATION OR DESIGNATION.**—Except as provided in subsection (g), nothing in this Act shall be construed as constituting an interpretation of any other Act or any designation made by or pursuant thereto.

(4) **NO PRECEDENT.**—Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness designations.

(c) **NEW OR EXPANDED PROJECTS.**—Notwithstanding any other provision of law, on and after the date of enactment of this Act neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the areas described in sections 3 and 4 or the enlargement of any water resource facility within the areas described in sections 3 and 4.

**(d) ACCESS AND OPERATION.—**

(1) **ACCESS TO WATER RESOURCE FACILITIES.**—Subject to the provisions of this subsection, the Secretary shall allow reasonable access to water resource facilities in existence on the date of enactment of this Act

within the areas described in sections 3 and 4, including motorized access where necessary and customarily employed on routes existing as of the date of enactment of this Act.

(2) **ACCESS ROUTES.**—Existing access routes within such areas customarily employed as of the date of enactment of this Act may be used, maintained, repaired, and replaced to the extent necessary to maintain their present function, design, and serviceable operation, so long as such activities have no increased adverse impacts on the resources and values of the areas described in sections 3 and 4 than existed as of the date of enactment of this Act.

(3) **USE OF WATER RESOURCE FACILITIES.**—Subject to the provisions of subsections (c) and (d), the Secretary shall allow water resource facilities existing on the date of enactment of this Act within areas described in sections 3 and 4 to be used, operated, maintained, repaired, and replaced to the extent necessary for the continued exercise, in accordance with Colorado State law, of vested water rights adjudicated for use in connection with such facilities by a court of competent jurisdiction prior to the date of enactment of this Act. The impact of an existing facility on the water resources and values of the area shall not be increased as a result of changes in the adjudicated type of use of such facility as of the date of enactment of this Act.

(4) **REPAIR AND MAINTENANCE.**—Water resource facilities, and access routes serving such facilities, existing within the areas described in sections 3 and 4 on the date of enactment of this Act shall be maintained and repaired when and to the extent necessary to prevent increased adverse impacts on the resources and values of the areas described in sections 3 and 4.

(e) **EXISTING PROJECTS.**—Except as provided in subsections (c) and (d), the provisions of this Act related to the areas described in sections 3 and 4, and the inclusion in the National Wilderness Preservation System of the areas described in section 3 and 4, shall not be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resources facilities in existence on the date of enactment of this Act within the boundaries of the areas described in sections 3 and 4.

(f) **MONITORING AND IMPLEMENTATION.**—The Secretaries of Agriculture and the Interior shall monitor the operation of and access to water resource facilities within the areas described in sections 3 and 4 and take all steps necessary to implement the provisions of this section.

(g) **INTERSTATE COMPACTS.**—Nothing in this Act, and nothing in any previous Act designating any lands as wilderness, shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States. Except as expressly provided in this section, nothing in this Act shall affect or limit the development or use by existing and future holders of vested water rights of Colorado's full apportionment of such waters.

**SEC. 7. NATURITA CANYON MANAGEMENT PROVISIONS.**

(a) **WITHDRAWAL.**—Subject to valid rights in existence on the date of the enactment of this Act, land described in subsection (b) is withdrawn from all forms of—

(1) entry, appropriation, or disposal under public land laws;

(2) location, entry, and patent under mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(b) LAND DESCRIBED.—The land to be protected under subsection (a) is the approximately 6,596 acres depicted on the map titled “Naturita Canyon Mineral Withdrawal Area” and dated May 2009.

By Mr. KERRY:

S. 2765. A bill to amend the Small Business Act to authorize loan guarantees for health information technology; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, as we move forward in modernizing our health care system, we must not forget the small businesses that simply cannot afford the upfront costs of installing new health information technology. That is why today I am introducing the Small Business Health Information Technology Financing Act. This bill will amend the Small Business Act to allow the administrator of the Small Business Administration to guarantee up to 90 percent of the amount of a loan to small business health professionals to be used for the purchase and installation of health information technology. The loans can be used for computer hardware, software and other technology that will assist in the use of electronic health records and prescriptions.

A modernized health system using electronic prescribing and electronic health records will help improve patient care while reducing costs. Electronic prescribing not only saves money through improved efficiency, but more importantly, it reduces medical errors and saves lives. According to the Institute of Medicine, 1/3 of written prescriptions require follow-up clarification, with medication mistakes causing 7,000 deaths and 1.5 million injuries per year. The Medicare Improvements for Patients and Providers Act that was enacted into law in July 2008 included provisions from my electronic prescribing bill, providing incentive payments for medical professionals using electronic prescribing. Now we must take an additional step to make health IT accessible to small providers so they can afford to implement new technology such as e-prescribing and electronic health records.

Small businesses employ more than half of all private sector employees and have generated 64 percent of net new jobs in the past 15 years. Access to capital for small health providers not only benefits patients but also boosts small businesses in the medical field. Helping small businesses grow and succeed is critical as we look to create jobs and strengthen the economy.

It is my hope that we can move forward with this bill in a bi-partisan manner. I ask all of my colleagues to support this legislation.

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

S. 2766. A bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance; to the Committee on Finance.

Mr. KERRY. Mr. President, each year an estimated 2,550 children in the U.S. are diagnosed with an inborn error of metabolism disorder. For the rest of their lives they will need modified foods that are void of the nutrients their body is incapable of processing. They may also require supplementation with pharmacological doses of vitamins and amino acids. The good news is that with treatment they can lead normal, productive lives. But without these foods and supplements, patients can become severely brain-damaged and hospitalized.

Newborn screening has made a tremendous difference in the early diagnosis of metabolic disorders, but affordable and accessible treatment options remain out of reach for too many Americans. Medical foods and supplements which are necessary for treatment may not be covered by insurance policies and can be prohibitively expensive for many families. For those with a metabolic disorder, medical foods are critical in treatment, just as other conditions are treated with pills or injections. The sporadic insurance coverage of treatment has already been recognized as a problem. Over 30 States have enacted laws to enforce coverage of medical foods, but too many loopholes Thmain and federal legislation is necessary to ensure that these individuals receive what they need to stay well.

The Medical Foods Equity Act follows the April 2009 recommendations of the U.S. Health and Human Services Secretary’s Advisory Committee on Heritable Disorders in Newborns and Children. It will ensure coverage of medical foods and necessary supplements for individuals with disorders as recommended by the Advisory Committee and, most importantly, peace of mind for those families affected by inborn errors of metabolism.

The lack of medical food coverage available to families has a significant impact on their lives. With the current situation of varying regulations between States and insurance providers, even families with coverage find themselves living in fear that a change in insurance provider will lead to reduced or nonexistent coverage. Too many Americans across the country are struggling to access the treatment they need for this type of disorder.

Take the story of Donna from Wilmington, MA. Donna has two daughters with phenylketonuria and she speaks eloquently about the frustration she experienced after her employer switched insurance plans. Because medical foods are not listed along with other necessary medicines, Donna was forced to navigate a long list mostly made up of durable medical equipment providers unequipped to help her. Even when she finally found a pharmacy that could order the formula, she was told that they required an upfront payment because they were wary of not being reimbursed by insurance companies. In Donna’s own words, she was dismayed at “having that feeling like

you’re being held hostage every time a change may occur in your insurance or carrier.”

Donna’s story sharply illustrates the potential pitfalls even for those with insurance that offers some coverage. Too many families face a lack of coverage altogether. Take the case of Gwen of Waltham, Massachusetts. Her son Austen was 36 hours old when his heart stopped for over 20 minutes. Thankfully, he was stabilized but one doctor gave him only 6 months to live. A second opinion brought hope for Austen’s family and a diagnosis of Glutaric Acidemia Type Two. Glutaric Acidemia Type Two is an inborn error of metabolism managed almost exclusively through diet. Because of the disorder, Austen cannot metabolize much fat or protein. He relies on supplements and specialty foods. MassHealth, Medicaid, covers most of the supplements but not the foods. Gwen pays for his food out of pocket, a significant strain on the family budget at a time when many families can least afford it. That strain is coupled with fears of job security and thoughts of what would happen if she could not pay for Austen’s medical foods. No parent should have to see their child recover from a life-threatening trauma only to spend every day worrying about payment for their medical treatment—a treatment just as necessary as insulin for a diabetic or chemotherapy for a cancer patient.

As newborn screening and medical advances continue to improve the ability of those born with an inborn error of metabolism to lead full, healthy lives, we must make sure that the necessary treatments are available. The Medical Foods Equity Act will close existing loopholes in coverage and provide the parity in coverage these families deserve. It is my hope that we can move forward with this bill in a bi-partisan manner. I ask all of my colleagues to support this legislation.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 349—SUPPORTING AND ENCOURAGING GREATER SUPPORT FOR VETERANS DAY

Mr. BURR (for himself, Mr. AKAKA, Mr. ISAKSON, and Mr. JOHANNIS) submitted the following resolution; which has considered and agreed to:

S. RES. 349

Whereas veterans of service in the United States Armed Forces have served the Nation with honor and at great personal sacrifice;

Whereas the people of the United States owe the security of the Nation to those who have defended it;

Whereas on Veterans Day each year, the Nation honors those who have defended democracy by serving in the Armed Forces;

Whereas veterans continue to provide a valuable service in their communities across the Nation and are important members of society;

Whereas we must honor and express our sincere gratitude to all our veterans for their