

at such time, in such manner, and accompanied by such information as the Secretary may require.

(d) **CRITERIA.**—

(1) **FEASIBILITY STUDY GRANTS.**—

(A) **IN GENERAL.**—An eligible group may submit an application under subsection (c) for a grant to conduct a feasibility study concerning the establishment of a health insurance purchasing cooperative. The Secretary shall approve applications submitted under the preceding sentence if the study will consider the criteria described in paragraph (2).

(B) **REPORT.**—After the completion of a feasibility study under a grant under this section, an eligible group shall submit to the Secretary a report describing the results of such study.

(2) **GRANT CRITERIA.**—The criteria described in this paragraph include the following with respect to the eligible group involved:

(A) The ability of the group to effectively pool the health care purchasing power of employers.

(B) The ability of the group to provide data to employers to enable such employers to make data-based decisions regarding their health plans.

(C) The ability of the group to drive quality improvement in the health care community.

(D) The ability of the group to promote health care consumerism through employee education, self-care, and comparative provider performance information.

(E) The ability of the group to meet any other criteria determined appropriate by the Secretary.

(e) **COOPERATIVE GRANTS.**—After the submission of a report by an eligible group under subsection (d)(1)(B), the Secretary shall determine whether to award the group a grant for the establishment of a cooperative under subsection (a). In making a determination under the preceding sentence, the Secretary shall consider the criteria described in subsection (d)(2) with respect to the group.

(f) **COOPERATIVES.**—

(1) **IN GENERAL.**—An eligible group awarded a grant under subsection (a) shall establish or expand a health insurance purchasing cooperative that shall—

(A) be a nonprofit organization;

(B) be wholly owned, and democratically governed by its member-employers;

(C) exist solely to serve the membership base;

(D) be governed by a board of directors that is democratically elected by the cooperative membership using a 1-member, 1-vote standard; and

(E) accept any new member in accordance with specific criteria, including a limitation on the number of members, determined by the Secretary.

(2) **AUTHORIZED COOPERATIVE ACTIVITIES.**—A cooperative established under paragraph (1) shall—

(A) assist the members of the cooperative in pooling their health care insurance purchasing power;

(B) provide data to improve the ability of the members of the cooperative to make data-based decisions regarding their health plans;

(C) conduct activities to enhance quality improvement in the health care community;

(D) work to promote health care consumerism through employee education, self-care, and comparative provider performance information; and

(E) conduct any other activities determined appropriate by the Secretary.

(g) **REVIEW.**—

(1) **IN GENERAL.**—Not later than 1 year after the date on which grants are awarded under this section, and every 2 years thereafter,

the Secretary shall study the programs funded under the grants and submit to the appropriate committees of Congress a report on the progress of such programs in improving the access of employees to quality, affordable health insurance.

(2) **SLIDING SCALE FUNDING.**—The Secretary shall use the information included in the report submitted under paragraph (1) to establish a schedule for scaling back payments under this section with the goal of ensuring that programs funded with grants under this section are self sufficient within 10 years.

**SEC. 4. GRANTS TO SMALL BUSINESSES TO FORM HEALTH CARE COOPERATIVES.**

The Secretary shall carry out a grant program that is identical to the grant program provided for in section 3, except that an eligible group for purposes of a grant under this section shall be a consortium of 2 or more employers, including agricultural producers, each of which—

(1) have 99 employees or less; and

(2) are purchasers of health insurance (are not self-insured) for their employees.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

From the administrative funds provided to the Secretary for each fiscal year, the Secretary may use not to exceed a total of \$60,000,000 for fiscal years 2009 through 2018 to carry out this Act.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 164—AMENDING SENATE RESOLUTION 400, 94TH CONGRESS, AND SENATE RESOLUTION 445, 108TH CONGRESS, TO IMPROVE CONGRESSIONAL OVERSIGHT OF THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES, TO PROVIDE A STRONG, STABLE, AND CAPABLE CONGRESSIONAL COMMITTEE STRUCTURE TO PROVIDE THE INTELLIGENCE COMMUNITY APPROPRIATE OVERSIGHT, SUPPORT, AND LEADERSHIP, AND TO IMPLEMENT A KEY RECOMMENDATION OF THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES**

Mr. FEINGOLD (for himself, Mr. BURR, Mr. BAYH, Ms. SNOWE, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 164

Whereas the National Commission on Terrorist Attacks Upon the United States (hereinafter referred to as the “9/11 Commission”) conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation;

Whereas in its final report, the 9/11 Commission found that congressional oversight of the intelligence activities of the United States is dysfunctional;

Whereas in its final report, the 9/11 Commission further found that under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

Whereas in its final report, the 9/11 Commission further found that as long as such

oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

Whereas in its final report, the 9/11 Commission further found that a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership;

Whereas in its final report, the 9/11 Commission further found that the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed;

Whereas in its final report, the 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities;

Whereas in its final report, the 9/11 Commission further recommended that the authorizing authorities and appropriating authorities with respect to intelligence activities in each house of Congress be combined into a single committee in each house of Congress;

Whereas Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission; and

Whereas the Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding intelligence oversight have not been implemented: Now, therefore, be it

*Resolved,*

**SECTION 1. PURPOSES.**

The purposes of this resolution are—

(1) to improve congressional oversight of the intelligence activities of the United States;

(2) to provide a strong, stable, and capable congressional committee structure to provide the intelligence community appropriate oversight, support, and leadership;

(3) to implement a key recommendation of the National Commission on Terrorist Attacks Upon the United States (the “9/11 Commission”) that structural changes be made to Congress to improve the oversight of intelligence activities; and

(4) to provide vigilant legislative oversight over the intelligence activities of the United States to ensure that such activities are in conformity with the Constitution and laws of the United States.

**SEC. 2. INTELLIGENCE OVERSIGHT.**

(a) **AUTHORITY OF THE SELECT COMMITTEE ON INTELLIGENCE.**—Paragraph (5) of section 3(a) of Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended in that matter preceding subparagraph (A) by striking the comma following “authorizations for appropriations” and inserting “and appropriations,”.

(b) **ABOLISHMENT OF THE SUBCOMMITTEE ON INTELLIGENCE.**—Senate Resolution 445, agreed to October 9, 2004, (108th Congress), is amended by striking section 402.

Mr. FEINGOLD. Mr. President, I am introducing today, along with Senators BURR, BAYH, SNOWE and MCCAIN, a resolution that will implement a key recommendation of the 9/11 Commission—

the granting of appropriations authority to the Senate Intelligence Committee. This effort to reform and improve congressional oversight has a long bipartisan history. It began as an amendment offered by Senator MCCAIN to the 2004 reorganizing resolution that accompanied the intelligence reform bill. And, in the last Congress, this resolution was introduced by Senator BURR. It should also be noted that it has the same bipartisan set of cosponsors as it did last year, despite the change of administration. This underscores the principle that effective congressional oversight is neither a partisan nor political issue and that it has nothing to do with who the President is. It is about ensuring that the Intelligence Community is keeping America safe, complying with the Constitution and laws of our country, and using taxpayer dollars in an appropriate manner.

Next month will mark the 5th anniversary of the release of the 9/11 Commission's report. The country is by now familiar with the many recommendations of the Commission that have been implemented, including the establishment of the DNI and the National Counterterrorism Center. Yet, the Commission stressed that, "Of all our recommendations, strengthening congressional oversight may be among the most difficult and important."

In November 2007, Lee Hamilton, the former Vice Chairman of the Commission testified to the Senate Intelligence Committee on behalf of himself and former Chairman Tom Kean and again emphasized what needs to be done. He testified that:

The single most important step to strengthen the power of the intelligence committees is to give them the power of the purse. Without it, they will be marginalized. The intelligence community will not ignore you, but they will work around you. In a crunch, they will go to the Appropriations Committee. Within the Congress, the two bodies with the jurisdiction, time and expertise to carry out a careful review of the budget and activities of the Intelligence Community are the Senate and House intelligence committees. Yet all of us have to live by the Gold Rule: That is, he who controls the Gold makes the Rules.

The testimony of the former Chairman and Vice Chairman highlighted three practical examples of why this particular reform is so critical. First, if and when the U.S. goes to war, the decision will ride largely on intelligence—and oversight is critical to ensuring that the intelligence community gets it right. Second, oversight is necessary to safeguard the privacy and civil liberties of Americans in an age of enhanced collection capabilities and data mining. Third, the success of intelligence reform requires sustained congressional oversight.

Vigorous, effective, independent congressional oversight is fundamental to the checks and balances of our constitutional system. In recent years, we have seen outright contempt for this oversight, particularly as the previous

administration sought to hide the CIA's detention and interrogation and the NSA's warrantless wiretapping programs from Congress. But the inauguration of a new president has not removed all impediments to effective oversight, nor is it a guarantee that serious abuses won't occur in the future. That is why the implementation of this reform is just as important as ever and why this resolution has bipartisan support.

In the end, this reform is not just about our constitutional system, as important as that is. It is about how best to protect the American people. As Lee Hamilton testified, "the strong point simply is that the Senate of the U.S. and the House of the U.S. is not doing its job. And because you are not doing the job, the country is not as safe as it ought to be, because one of my premises is that robust oversight is necessary for a stronger intelligence community."

The implementation of this reform is long overdue. It has been more than seven and a half years since the attacks of 9/11, almost 5 years since the 9/11 Commission made this recommendation, and a year and a half since the Senate Intelligence Committee heard directly from former Chairman Hamilton and former Vice Chairman Kean. There should be no more excuses, or delays.

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SENATE RESOLUTION 165—TO ENCOURAGE RECOGNITION OF 2009 AS THE "YEAR OF THE MILITARY FAMILY"

Mr. LEVIN (for himself, Mr. MCCAIN, Mr. NELSON of Nebraska, and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to:

S. RES. 165

Whereas there are more than 1.8 million family members of regular component members of the Armed Forces and an additional 1.1 million family members of reserve component members;

Whereas slightly more than half of all members of the regular and reserve components are married, and just over 40 percent of military spouses are 30 years or younger and 60 percent of military spouses are under 36 years of age;

Whereas there are nearly 1.2 million children between the ages of birth and 23 years who are dependents of regular component members, and there are over 713,000 children between such ages who are dependents of reserve component members;

Whereas the largest group of minor children of regular component members consist of children between the ages of birth and 5 years, while the largest group of minor children of reserve component members consist of children between the ages of 6 and 14 years;

Whereas the needs, resources, and challenges confronting a military family, particularly when a member of the family has been deployed, vastly differ between younger age children and children who are older;

Whereas the United States recognizes that military families are also serving their country, and the United States must ensure that all the needs of military dependent children

are being met, for children of members of both the regular and reserve components;

Whereas military families often face unique challenges and difficulties that are inherent to military life, including long separations from loved ones, the repetitive demands of frequent deployments, and frequent uprooting of community ties resulting from moves to bases across the country and overseas;

Whereas thousands of military family members have taken on volunteer responsibilities to assist units and members of the Armed Forces who have been deployed by supporting family readiness groups, helping military spouses meet the demands of a single parent during a deployment, or providing a shoulder to cry on or the comfort of understanding;

Whereas military families provide members of the Armed Forces with the strength and emotional support that is needed from the home front for members preparing to deploy, who are deployed, or who are returning from deployment;

Whereas some military families have given the ultimate sacrifice in the loss of a principal family member in defense of the United States; and

Whereas 2009 would be an appropriate year to designate as the "Year of the Military Family": Now, therefore be it

*Resolved by the Senate*, That the Senate—  
(1) expresses its deepest appreciation to the families of members of the Armed Forces who serve, or have served, in defense of the United States;

(2) recognizes the contributions that military families make, and encourages the people of the United States to share their appreciation for the sacrifices military families give on behalf of the United States; and

(3) encourages the people of the United States and the Department of Defense to observe the "Year of Military Family" with appropriate ceremonies and activities.

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SENATE RESOLUTION 166—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

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

S. RES. 166

*Resolved*, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 300 additional copies of such document for the use of the Committee on Rules and Administration.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1225. Mr. COBURN submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table.

SA 1226. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1227. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.