

(Mr. ALEXANDER) was added as a cosponsor of S. 1803, a bill to amend title 31, United States Code, to authorize reviews by the Comptroller General of the United States of emergency credit facilities established by the Board of Governors of the Federal Reserve System or any Federal Reserve bank, and for other purposes.

S. 1939

At the request of Mrs. GILLIBRAND, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2097

At the request of Mr. WEBB, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2097, a bill to authorize the rededication of the District of Columbia War Memorial as a National and District of Columbia World War I Memorial to honor the sacrifices made by American veterans of World War I.

S. 2129

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2129, a bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum.

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2757

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2757, a bill to authorize the adjustment of status for immediate family members of persons who served honorably in the Armed Forces of the United States during the Afghanistan and Iraq conflicts and for other purposes.

S. 2785

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2785, a bill to provide grants to improve after-school interdisciplinary education programs, and for other purposes.

S. 2793

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2793, a bill to amend the Homeland Security Act of 2002 to pro-

vide for clarification on the use of funds relating to certain homeland security grants, and for other purposes.

S. RES. 341

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 341, a resolution supporting peace, security, and innocent civilians affected by conflict in Yemen.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MERKLEY:

S. 2811. A bill to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes; to the Committee on Environment and Public Works.

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. 2811

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 "Migratory Bird Treaty Act Penalty and Enforcement Act of 2009".

SEC. 2. AMENDMENT OF MIGRATORY BIRD TREATY ACT.

Section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following:

"(c)(1) Except in the case of hunting and other activity allowed under section 3, whoever, in violation of this Act, intentionally and maliciously takes by any manner any migratory bird shall be guilty of a felony and, upon conviction, shall be fined not more than \$50,000 or imprisoned for not more than two years, or both, for each violation.

"(2) Any person who intentionally and maliciously commits any other act or omission in violation of this Act or any regulations issued under this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$50,000 or imprisoned for not more than two years, or both, for each violation.

"(3) The Secretary or the Secretary of the Treasury shall pay, from sums received as fines under this subsection and subject to the availability of appropriations, a reward to any person who furnishes information that leads to an arrest or a criminal conviction for any violation of this Act. The amount of the reward, if any, shall be designated by the Secretary or the Secretary of the Treasury, as appropriate. Any officer or employee of the United States or any State or local government who furnishes information or renders service in the performance of his or her official duties is ineligible for payment under this paragraph."

By Mr. BINGAMAN (for himself,
Ms. MURKOWSKI, and Mr. UDALL
of Colorado):

S. 2812. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, and

for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Nuclear Power 2021 Act, which is cosponsored by Senator MURKOWSKI and Senator UDALL from Colorado.

This bill, along with Senator UDALL's bill S. 2052 are designed to give the Department of Energy a set of specific programmatic authorities to help address ways to lower the up-front capital cost of nuclear reactors. The National Academies of Science in their recent America's Energy Future study determined that by 2030 we will need essentially to double the existing base load power provided by nuclear energy or about another 100 gigawatts.

But before we can make such a large and dramatic increase in nuclear energy, I believe we must demonstrate the ability to construct "first-mover" reactors in the U.S. that are on cost and schedule. The National Academies likewise confirmed this as one of two principal demonstrations that must be carried out during the next decade to more fully understand the range of available options for controlling carbon emissions from energy production. The other challenge of commensurate importance that they identified is the demonstration of carbon capture and sequestration on a large scale for fossil-fuel based energy production.

In that regard, the bill I am introducing today addresses the topic of small modular reactors, which are typically rated with a capacity of less than 300 electrical megawatts; and that can be constructed and operated in combination with similar reactors at a single site. These reactors can be less capital intensive than the larger 1,000 megawatt reactors currently being licensed at the Nuclear Regulatory Commission; they have the potential to be built in a modular fashion much like our current fleet of nuclear submarines.

This bill is similar to the Department of Energy's Nuclear Power 2010 program; it concentrates not so much on the research and development of these reactors but demonstrating the ability to license them. Senator UDALL's bill authorizes the Department to conduct research on these reactors with the goal of reducing cost while operating them in a safe and secure fashion.

More specifically, this bill authorizes the Secretary of Energy to work in a public private partnership to develop a standard design for two modular reactors, one of which will not be more than 50 megawatts; obtain a design certification from the Nuclear Regulatory Commission for each design by 2018; and obtain a combined operating license from the Commission by 2021.

All of this effort would be cost shared by non-federal funds and selected under competitive merit review process while emphasizing efficiency, cost, safety and proliferation resistance.

The climate change issue we face today is too large to exclude any one

technology that can produce energy without emitting carbon dioxide. The National Academies report acknowledges the important role nuclear energy has and must play in a carbon constrained energy world; this bill I hope is another step to address some of the recommendations of this report. I hope my colleagues join me as cosponsors of this legislation.

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. 2812

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 "Nuclear Power 2021 Act".

SEC. 2. NUCLEAR POWER 2021 INITIATIVE.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is amended by adding at the end the following:

“(f) NUCLEAR POWER 2021 INITIATIVE.—

“(1) DEFINITIONS.—In this subsection:

“(A) COMBINED LICENSE.—The term ‘combined license’ has the meaning given the term in section 52.1 of title 10, Code of Federal Regulations (or a successor regulation).

“(B) DESIGN CERTIFICATION.—The term ‘design certification’ has the meaning given the term in section 52.1 of title 10, Code of Federal Regulations (or a successor regulation).

“(C) SMALL MODULAR REACTOR.—The term ‘small modular reactor’ means a nuclear reactor—

“(i) with a rated capacity of less than 300 electrical megawatts; and

“(ii) that can be constructed and operated in combination with similar reactors at a single site.

“(2) DUTY OF SECRETARY.—The Secretary shall carry out, through cooperative agreements with private sector partners—

“(A) a program—

“(i) to develop a standard design for each of 2 small modular reactors, at least 1 of which has a rated capacity of not more than 50 electrical megawatts; and

“(ii) to obtain a design certification from the Nuclear Regulatory Commission for each of the 2 standard designs by January 1, 2018; and

“(B) a program to demonstrate the licensing of small modular reactors by—

“(i) developing applications for a combined license for each of the designs certified pursuant to subparagraph (A); and

“(ii) obtaining a combined license from the Nuclear Regulatory Commission for each of the designs by January 1, 2021.

“(3) MERIT REVIEW OF PROPOSALS.—The Secretary shall select proposals for cooperative agreements under this subsection—

“(A) on the basis of an impartial review of the scientific and technical merit of the proposals; and

“(B) through the use of competitive procedures.

“(4) TECHNICAL CONSIDERATIONS.—In evaluating proposals, the Secretary shall take into account the efficiency, cost, safety, and proliferation resistance of competing reactor designs.

“(5) COST-SHARE REQUIREMENTS.—

“(A) DESIGN DEVELOPMENT.—Notwithstanding section 988, the Secretary shall require that not less than 50 percent of the cost of the development of each small modular reactor design under paragraph (2)(A) be provided by a non-Federal source.

“(B) LICENSING DEMONSTRATION.—Notwithstanding section 988, the Secretary shall require that not less than 75 percent of the cost of the licensing demonstration of each small modular reactor design under paragraph (2)(B) be provided by a non-Federal source.

“(C) CALCULATION OF AMOUNT.—Non-Federal contributions under this subsection shall be calculated in accordance with section 988(d).”.

By Ms. COLLINS (for herself and Mr. CONRAD):

S. 2814. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today on behalf of myself and Senator CONRAD to introduce legislation to ensure that our seniors and disabled citizens have timely access to home health services under the Medicare program.

Nurse practitioners, physician assistants, certified nurse midwives and clinical nurse specialists are all playing increasingly important roles in the delivery of health care services, particularly in rural and medically underserved areas of our country where physicians may be in scarce supply. In recognition of their growing role, Congress, in 1997, authorized Medicare to begin paying for physician services provided by these health professionals as long as those services are within their scope of practice under state law.

Despite their expanded role, these advanced practice registered nurses and physician assistants are currently unable to order home health services for their Medicare patients. Under current law, only physicians are allowed to certify or initiate home health care for Medicare patients, even though they may not be as familiar with the patient's case as the non-physician provider. In fact, in many cases, the certifying physician may not even have a relationship with the patient and must rely upon the input of the nurse practitioner, physician assistant, clinical nurse specialist or certified nurse midwife to order the medically necessary home health care. At best, this requirement adds more paperwork and a number of unnecessary steps to the process before home health care can be provided. At worst, it can lead to needless delays in getting Medicare patients the home health care they need simply because a physician is not readily available to sign the form.

The inability of advanced practice registered nurses and physician assistants to order home health care is particularly burdensome for Medicare beneficiaries in medically underserved areas, where these providers may be the only health care professionals available. For example, needed home health care was delayed by more than a week for a Medicare patient in Nevada because the physician assistant was the only health care professional serving the patient's small town, and

the supervising physician was located 60 miles away.

A nurse practitioner told me about another case in which her collaborating physician had just lost her father and was not available. As a consequence, the patient experienced a two-day delay in getting needed care while they waited to get the paperwork signed by another physician. Another nurse practitioner pointed out that it is ridiculous that she can order physical and occupational therapy in a subacute facility but cannot order home health care. One of her patients had to wait 11 days after being discharged before his physical and occupational therapy could continue simply because the home health agency had difficulty finding a physician to certify the continuation of the same therapy that the nurse practitioner had been able to authorize when the patient was in the facility.

The Home Health Care Planning Improvement Act will help to ensure that our Medicare beneficiaries get the home health care that they need when they need it by allowing physician assistants, nurse practitioners, clinical nurse specialists and certified nurse midwives to order home health services. Our legislation is supported by the National Association for Home Care and Hospice, the American Nurses Association, the American Academy of Physician Assistants, the American College of Nurse Practitioners, the American College of Nurse Midwives, the American Academy of Nurse Practitioners, and the Visiting Nurse Associations of America. I urge all of my colleagues to join us as cosponsors of this important legislation.

By Mr. GRASSLEY:

S. 2815. A bill to extend certain housing-related deadlines in the Heartland Disaster Tax Relief Act of 2008; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today I have introduced a bill to extend deadlines by one year for three provisions in the Heartland Disaster Tax Relief Act of 2008.

The Heartland Disaster Tax Relief Act has been critical in rebuilding the lives and communities of those affected by the terrible floods and tornadoes from last year.

Because of delays in Federal funding and tighter credit conditions, many homeowners affected by the 2008 floods and storms will be unable to meet the deadline for the tax relief intended to help with recovery.

It is only fair to extend the deadline and give these homeowners the chance to recover and rebuild. A lot of people are still trying to fix their ruined homes or move on to new housing. A house is ruined in a few minutes, but banks and governments take what seems like an eternity.

The first provision is a one-year extension of the provision allowing disaster victims with damage to their primary residence to use their own assets

to buy a new home or repair an existing home by withdrawing money from their retirement plans without tax penalties.

The second provision is a one-year extension of a provision allowing disaster victims that have borrowed from their retirement account for disaster recovery to repay their own account without penalty.

The final provision is a 1-year extension of a provision allowing disaster victims whose banks cancel mortgage debt to not have the cancelled debt counted as taxable income. I urge my colleagues to help me in getting this important legislation enacted into law as soon as possible.

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. 2815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

Section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3916) is amended—

(1) by striking “January 1, 2010” both places it appears and inserting “January 1, 2011”, and

(2) by striking “December 31, 2009” both places it appears and inserting “December 31, 2010”.

SEC. 2. EXTENSION OF EXCLUSION OF CERTAIN CANCELLATION OF INDEBTEDNESS INCOME.

Section 702(e)(4)(C) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3918) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 358—DESIGNATING DECEMBER 12, 2009, AS “WREATHS ACROSS AMERICA DAY”

Ms. COLLINS (for herself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 358

Whereas 18 years ago, the Wreaths Across America project began an annual tradition, during the month of December, of donating, transporting, and placing Maine balsam fir holiday wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas since that tradition began, through the hard work and generosity of the individuals involved in the Wreaths Across America project, hundreds of thousands of wreaths have been sent to national cemeteries and veterans memorials in every state and to locations overseas;

Whereas in 2008, wreaths were sent to 372 locations across the United States, as well as 24 sites overseas;

Whereas in December 2009, the Patriot Guard Riders, a motorcycle and motor vehicle group that is dedicated to patriotic events and includes more than 177,000 mem-

bers nationwide, will continue their tradition of escorting a tractor-trailer filled with donated wreaths from Harrington, Maine to Arlington National Cemetery;

Whereas thousands of individuals volunteer each December to escort and lay the wreaths;

Whereas December 13, 2008, was previously designated by the Senate as “Wreaths Across America Day”; and

Whereas the Wreaths Across America project will continue its proud legacy on December 12, 2009, bringing 15,000 wreaths to Arlington National Cemetery on that day: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 12, 2009, as “Wreaths Across America Day”;

(2) honors the Wreaths Across America project, the Patriot Guard Riders, and all of the volunteers and donors involved in this worthy tradition; and

(3) recognizes the sacrifices our veterans, servicemembers, and their families have made, and continue to make, for our great Nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2787. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2786 submitted by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) and intended to be proposed 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.

TEXT OF AMENDMENTS

SA 2787. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2786 submitted by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) and intended to be proposed 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 1738, between lines 3 and 4, insert the following:

(3) **HEALTH CARE FRAUD PENALTIES.**—Section 1347 of title 18, United States Code, is amended—

(A) by striking “Whoever” and inserting the following:

“(a) **IN GENERAL.**—It shall be unlawful for any person, in connection with the delivery of or payment for health care benefits, items, or services, to”;

(B) by striking “executes, or attempts” and inserting “execute, or attempt”;

(C) in subsection (a)(2), as so designated, by striking “program,” and inserting “program.”; and

(D) in the matter following subsection (a)(2), as so designated, by striking “in connection with the delivery” and all that follows and inserting the following:

“(b) **PENALTIES.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), whoever violates subsection (a)—

“(A) shall be fined under this title, imprisoned for not more than 10 years, or both;

“(B) if the violation results in serious bodily injury (as defined in section 1365 of this

title), shall be fined under this title, imprisoned for not more than 20 years, or both; and

“(C) if the violation results in death, shall be fined under this title, imprisoned for any term of years or for life, or both.

“(2) **MANDATORY MINIMUM SENTENCING.**—In imposing a sentence under paragraph (1), if the violation of subsection (a) involves a loss of not less than \$100,000, the defendant shall be imprisoned for not less than 6 months.”.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks.

The hearing will be held on Thursday, December 3, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 760, to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the “National World War I Memorial”;

S. 1838, to establish a commission to commemorate the sesquicentennial of the American Civil War;

S. 2097, to authorize the rededication of the District of Columbia War Memorial as a National and District of Columbia World War I Memorial to honor the sacrifices made by American veterans of World War I;

S. 2722, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center, in the State of Wyoming, as a unit of the National Park System;

S. 2726, to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes;

S. 2738, to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution;

H.R. 1849, to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the National World War I Memorial, to establish the World War I centennial commission to ensure a suitable observance of the centennial of World War I, and for other purposes; and

H.R. 3689, to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate,