Smithsonian Institution, as the only museum in the United States dedicated exclusively to exploring and preserving the American Jewish experience.

S. RES. 552

At the request of Mr. BENNET, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. Res. 552, a resolution designating June 23, 2010, as ''Olympic Day''.

AMENDMENT NO. 4342

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 4342 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 3517. A bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, as Chairman of the Senate Committee on Veterans' Affairs, I introduce the proposed Claims Processing Improvement Act of 2010, to focus on enhancements that can be made to adjudicate veterans' disability compensation claims in a more timely and accurate manner.

VA has seen a dramatic rise in the number of claims, driven by a number of factors, including the aging of the general veteran population and our prolonged involvement in two overseas conflicts. Further complicating matters, many claims are increasing in complexity, as veterans seek service-connection for multiple disabilities and for disabilities that are difficult to diagnose, such as traumatic brain injury and post traumatic stress disorder.

Claims adjudication is an intricate process that has seen many piecemeal changes in recent years. Unfortunately, these changes have yet to produce the results that veterans deserve. My goal, a goal that I am sure is widely shared, is to ensure that veterans are provided accurate and timely resolution to their claims.

This legislation I am introducing today would make several improvements in the claims adjudication process. Provisions in title I of the bill would establish a pilot program that would utilize ICD codes to identify disabilities of the musculoskeletal system. Over fifty percent of Operations Iraqi and Enduring Freedom veterans that the Department of Veterans Affairs has had some health care contact with have a possible musculoskeletal diagnosis. ICD codes are standard medical condition identification codes used in electronic records that have been adapted by the Secretary of Health and Human Services for electronic transmission of medical data.

This proposed pilot program would take place in six to ten regional offices and require VA to develop a new method of rating claims, which would consider the frequency, severity, and duration of symptoms of the disability in rating the claim, rather than the current rating schedule published in the Code of Federal Regulations. The current rating schedule adds to the complexity of claims adjudication, because many disabilities claimed are not exactly as described in the regulation and several rating codes may need to be considered. The new rating schedule would focus on the impact of the disability, for example, an inability to walk normally, rather than a particular VA rating code classification. All limitations resulting from all disabilities of the musculoskeletal system would be combined to provide one rating, rather than separate ratings for each individual disability. This information would be placed into an organized and searchable electronic record. A veteran could elect to not participate in the pilot program. I believe that such an approach will result in fairer, comprehensive ratings for the entire musculoskeletal system.

Title II of the bill includes a number of provisions that are intended to yield some near-term changes to the claims processing system and should help reduce the overall time a claim is under consideration by VA. During the last several years, the Committee has held oversight hearings on the claims processing system. Many of the provisions in this legislation were first suggested by veterans service organizations and other interested parties in connection with those hearings. Others have been recommended by the administration. The legislation I am introducing today serves as a starting point to move forward in our effort to improve VA's claims adjudication process.

Provisions in title II would allow for VA to issue partial ratings of claims that include multiple issues for those issues that can adjudicated expeditiously; give equal deference to private medical opinions during the rating process; and clarify that the Secretary is required to provide notice to claimants of additional information and evidence required only when additional evidence is actually required. It would also modify filing periods for notices of disagreement from one year to 180 days and require a claimant to file a substantive appeal within 60 days of the Department issuing a post-Notice of Disagreement decision both of these modifications would contain good cause exceptions to the filing deadlines.

Other provisions in title II would automatically waive the review of new evidence by the agency of original jurisdiction, usually a Regional Office, so that any evidence submitted after the initial decision would be subject to initial review at the Board of Veterans' Appeals unless the claimant or the claimant's representative requests in writing that the agency of original jurisdiction initially review such evidence. This legislation would also replace the Secretary's obligation to provide a Statement of the Case with an obligation to provide a post-Notice of Disagreement decision. The post-Notice of Disagreement decision would be in plain language and contain a description of the specific facts in the case that support the decision including, if applicable, an assessment as to the credibility of any lay evidence pertinent to the issue or issues with which disagreement has been expressed; a citation to pertinent laws and regulations that support the decision; the decision on each issue and a summary of the reasons why the evidence relied upon supports such decision under the specific laws and regulations applied; and the date by which a substantive appeal must be filed in order to obtain further review of the decision. The Secretary would also be required to send, with a rating decision, a form that if completed and returned, would suffice as a notice of disagreement.

This is not a comprehensive recitation of all of the provisions within this important veterans' legislation but does, I hope, provide an overview of the changes encompassed in this bill.

Everyone involved realizes that there is no quick fix to solving the myriad issues associated with disability claims processing, but the Committee intends to do everything within its power to improve this situation. To bring optimal change to a system this complicated and critical, we must be deliberative, focused, and open to input from all who are involved in this process.

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. 3517

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Claims Processing Improvement Act of 2010''.

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

Sec. 1. Short title; table of contents.

TITLE I—RATING OF SERVICE-CONNECTED DISABILITIES MATTERS

Sec. 101. Pilot program on evaluation and rating of service-connected disabilities of the musculoskeletal system.

TITLE II—ADJUDICATION AND APPEAL MATTERS

Sec. 201. Partial adjudication of claims for disability compensation consisting of multiple issues one or more of which can be quickly adjudicated.

Sec. 202. Clarification that requirement of Secretary of Veterans Affairs to provide notice to claimants of additional information and evidence required only applies when additional information or evidence is actually required.
Sec. 203. Equal deference to private medical opinions in assessing claims for disability compensation.
Sec. 204. Improvements to disability compensation claim review process.
Sec. 205. Provision by Secretary of Veterans Affairs of notice of disagreement forms to initiate appellate review with notices of decisions of Department of Veterans Affairs.
Sec. 206. Modification of filing period for notice of disagreement to initiate appellate review of decisions of Department of Veterans Affairs.
Sec. 207. Modification of substantive appeal process.
Sec. 208. Provision of post-notice of disagreement decisions to claimants who file notice of disagreements.
Sec. 209. Automatic waiver of agency of original jurisdiction review of new evidence.
Sec. 210. Authority for Board of Veterans' Appeals to determine location and manner of appearance for hearings.
Sec. 211. Decision by Court of Appeals for Veterans Claims on all issues raised by appellants.
Sec. 212. Good cause extension of period for filing notice of appeal with United States Court of Appeals for Veterans Claims.
Sec. 213. Pilot program on participation of local and tribal governments in improving quality of claims for disability compensation submitted to Department of Veterans Affairs.

TITLE I—RATING OF SERVICE-CONNECTED DISABILITIES MATTERS

SEC. 101. PILOT PROGRAM ON EVALUATION AND RATING OF SERVICE-CONNECTED DISABILITIES OF THE MUSCULOSKELETAL SYSTEM.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of applying an alternative schedule for rating service-connected disabilities of the musculoskeletal system.

(b) SCHEDULE FOR RATING SERVICE-CONNECTED DISABILITIES.—

(1) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Secretary shall establish an alternative schedule for rating service-connected disabilities of the musculoskeletal system.

(2) PUBLICATION IN FEDERAL REGISTER.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall publish the alternative schedule established under paragraph (1) in the Federal Register.

(3) COLLABORATION.—The Secretary shall establish the alternative schedule required by paragraph (1) collaboratively through the Under Secretary for Benefits, the Under Secretary for Health, and the General Counsel.

(4) ELEMENTS.—The alternative schedule for rating disabilities under paragraph (1) shall include the following:

(A) The use of the International Classification of Diseases, as adopted by the Secretary of Health and Human Services under section 1173(c) of the Social Security Act (42 U.S.C. 1320d–2(c)) and any successor revisions to such classification so adopted, for purposes of identifying disabilities of the musculoskeletal system.

(B) A residual functional capacity assessment instrument to describe the functional musculoskeletal loss resulting from any disability of the musculoskeletal system.

(C) Mechanisms for the assignment of one residual functional capacity rating for all musculoskeletal disabilities determined to be service-connected, which mechanisms shall take into account the following:

(i) Frequency of symptoms affecting residual functional capacity of the musculoskeletal system, set forth as a range of—

(I) infrequent (once a year or less);

(II) several (two to six) times a year;

(III) occasional (seven to twelve times a year);

(IV) weekly; and

(V) daily or continuous.

(ii) Severity of symptoms affecting residual functional capacity of the musculoskeletal system resulting in loss of functional capacity of the musculoskeletal system, set forth as a range of—

(I) minimal (symptoms present but requiring no treatment);

(II) slight (such as requiring minor alteration of activity or treatment with over-the-counter medication);

(III) mild (such as requiring rest of relevant body part and use of over-the-counter medication, prescription medication, or therapy, such as ice or heat to an affected part);

(IV) moderate (such as requiring medical evaluation and treatment or prescription medication for pain or symptom control with side effects which can be expected to interfere with full performance of work-related activities); and

(V) moderately severe to severe (such as requiring the need to use assistive devices for ambulation, use of opioid or similar prescription medication to control pain which precludes driving or being around machinery, in-patient hospitalization or rehabilitation or frequent out-patient treatment physical therapy, or loss or loss of use of functional capacity in both arms or feet, or one arm and one foot, or requiring a wheelchair for mobility).

(iii) Duration of symptoms affecting residual functional capacity of the musculoskeletal system resulting in reduced functional capacity of the musculoskeletal system, set forth as a range of—

(I) one day or less to one week;

(II) more than one week but less than four weeks;

(III) four weeks or more but less than six months;

(IV) six months or more but less than one year; and

(V) one year or more.

(D) Mechanisms for the assignment of ratings of disability in certain cases as follows:

(i) If the veteran has an active musculoskeletal cancer or other active musculoskeletal disability likely to result in death, a rating of 100 percent.

(ii) If the veteran would qualify for a temporary disability rating under section 1156 of title 38, United States Code, the rating provided under that section.

(iii) If the veteran would qualify for a temporary disability rating under any regulations prescribed by the Secretary not provided for under this section, the rating assigned under such regulations.

(E) Such other mechanisms as the Secretary considers appropriate for the pilot program.

(5) FORMS FOR RECORDING RESIDUAL FUNCTIONAL CAPACITY ASSESSMENTS.—

(A) IN GENERAL.—The Secretary shall establish one or more functional capacity assessment forms to be used in performing assessments with the instrument required by paragraph (4)(B).

(B) AVAILABILITY.—The Secretary shall make the forms established under subparagraph (A) available to the public in an electronic format for use by any physician or other medical provider in assessing the residual functional capacity related to disabilities of the musculoskeletal system.

(6) EXEMPTION FROM APA.—The establishment of the alternative schedule required by paragraph (1) shall not be subject to the requirements of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(c) APPLICATION OF ALTERNATIVE SCHEDULE.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall apply the alternative schedule for rating disabilities established under subsection (b) to veterans described in paragraph (3) who have a condition of the musculoskeletal system that has been determined to be a disability incurred or aggravated during military service to determine the rating to be assigned for such disability.

(2) APPLICATION THROUGH REGIONAL OFFICES.—

(A) IN GENERAL.—The Secretary shall apply the alternative schedule for rating service-connected disabilities under this subsection through not fewer than six and not more than ten regional offices of the Department of Veterans Affairs selected by the Secretary for purposes of the pilot program.

(B) DIVERSITY OF SELECTION.—In selecting regional offices under subparagraph (A), the Secretary shall select—

(i) at least one regional office considered by the Secretary to be a small office;

(ii) at least one regional office considered by the Secretary to be a large office; and

(iii) regional offices representing a variety of geographic settings.

(3) COVERED VETERANS.—Veterans described in this paragraph are veterans who—

(A) submit to the Secretary more than one year after their date of discharge or release from the active military, naval, or air service an original claim for benefits under the laws administered by the Secretary;

(B) allege in the claim described in subparagraph (A) the existence of a condition of the musculoskeletal system that was incurred or aggravated in such military, naval, or air service;

(C) file such claim with a regional office of the Department with original jurisdiction of the claim that is participating in the pilot program; and

(D) have not expressly declined participation in the pilot program.

(4) RELATION TO COMBINED RATINGS TABLE.—A rating assigned for a musculoskeletal service-connected disability under the pilot program shall be determined without regard to the Combined Ratings Table in title 38, Code of Federal Regulations, except that in determining the final rating of all service-connected disabilities, the rating for musculoskeletal disabilities as determined under the pilot program shall be combined with any other disabilities using such table.

(5) TREATMENT OF DISABILITY RATINGS FOR LOSS OF BODILY INTEGRITY.—Compensation under laws administered by the Secretary for a disability receiving a disability rating under the schedule established under subsection (b)(1) shall be, as applicable, in addition to or consistent with any compensation otherwise provided under subsections (k) through (s) of section 1114 of title 38, United States Code.

(d) LIMITATIONS ON DENIAL OF SERVICE CONNECTION.—During the pilot program, the Secretary may not determine a musculoskeletal

condition of a veteran to be not service-connected for purposes of the veteran's participation in the pilot program unless the Secretary—

(1) obtains, or receives a report of, a medical examination of the veteran which—

(A) includes a brief history of the veteran's military service relevant to the condition;

(B) identifies the diagnosed musculoskeletal disabilities in accordance with the classification required by subsection (b)(4)(A); and

(C) describes the functional limitations of such conditions, and if applicable, any secondary conditions related to such alleged conditions or any non-service connected disability aggravated by the alleged conditions; and

(2) obtains or receives a medical opinion on—

(A) the nexus between any diagnosed musculoskeletal condition alleged to be service-connected and the active military, naval, or air service of the veteran; and

(B) if applicable, the relationship between any service-connected disabilities of the veteran and any secondary disabilities related to such disabilities or any non-service connected disability aggravated by the alleged conditions.

(e) RECORDS.—

(1) IN GENERAL.—The Secretary shall maintain for purposes of the pilot program a separate searchable electronic file on each veteran covered by the pilot program.

(2) ELEMENTS.—The electronic file maintained with respect to a veteran under paragraph (1) shall include for the following:

(A) An index of the documents contained in the electronic file.

(B) The claim of the veteran for benefits under the laws administered by the Secretary, including any reapplication with respect to such claim.

(C) The service treatment records of the veteran from medical care received while serving in the active military, naval, or air service and any other medical treatment records of the veteran from service during periods of active or inactive duty for training.

(D) The personnel records of service of the veteran—

(i) in the active military, naval, or air service; and

(ii) in the reserve components of the Armed Forces.

(E) Such other private or public medical records of the veteran as the Secretary considers appropriate.

(F) Records of any medical examinations and medical opinions on the residual functional capacity of the musculoskeletal system of the veteran, including any examinations and opinions obtained under subsection (d).

(G) Records of any medical examinations and medical opinions concerning any non-musculoskeletal disabilities claimed by the veteran as service-connected.

(H) Any non-medical evidence applicable to the claim.

(I) Current information and evidence on any dependents of the veteran for purposes of the laws administered by the Secretary.

(J) Ratings and decisions of the Secretary with respect to the claims of the veteran.

(K) Information concerning the amount of compensation paid to the veteran under laws administered by the Secretary.

(L) Any notices or correspondence sent by the Secretary to the veteran or any correspondence submitted by the veteran to the Secretary in connection with the claim that does not contain evidence or information applicable to the claims of the veteran.

(3) ORGANIZATION.—Each file required by paragraph (1) shall be stored or displayed with separate sections for each element required under paragraph (2).

(f) TERMINATION OF APPLICATION.—The Secretary shall cease the application to veterans under subsection (c) of the alternative schedule for rating service-connected disabilities under subsection (b) for purposes of the pilot program on the date that is 4 years after the date of the enactment of this Act.

(g) PRESERVATION OF RATINGS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a disability rating assigned under the alternative schedule established under subsection (b) shall not be reduced during or after termination of the pilot program absent evidence of clear and unmistakable error in the original assignment of the rating or evidence of an improvement in the musculoskeletal disability manifested by less frequent, less severe, or shorter duration of symptoms measured over a period of at least six months in the year prior to any reevaluation.

(2) EXCEPTION.—Paragraph (1) shall not apply to ratings assigned for temporary periods as provided in subsection (b)(4)(D).

(h) RELATIONSHIP TO OTHER PROVISIONS OF LAW ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.—Except as otherwise specifically provided in this section, all applicable provisions of law administered by the Secretary shall apply to decisions of the Secretary made under the pilot program.

(i) INTERIM REPORT.—

(1) IN GENERAL.—Not later than 300 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives an interim report on the pilot program.

(2) ELEMENTS.—The interim report required by paragraph (1) shall include the following:

(A) A description of the alternative schedule for rating service-connected disabilities established under subsection (b).

(B) The rationale for the alternative schedule as described under subparagraph (A).

(C) A description of the policies and procedures established under the pilot program.

(j) REPORT.—

(1) IN GENERAL.—Not later than 3 years and 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A copy of the alternative schedule for rating service-connected disabilities established under subsection (b) and any changes made to such schedule during the pilot program.

(B) A description and assessment of the application of the alternative schedule for rating service-connected disabilities of veterans, including—

(i) the total number of veterans to which the alternative schedule was applied;

(ii) the total number of veterans determined to have a service-connected disability consisting of a condition of the musculoskeletal system; and

(iii) the ratings of disability assigned to veterans described in clause (ii), set forth by percentage of disability assigned.

(C) An assessment of the feasibility and advisability of applying the alternative schedule for rating service-connected disabilities to additional claimants.

(D) A comparison of a representative sample of decisions rendered by different regional offices for similar disabilities participating in the pilot program.

(E) The number of appeals filed for claims adjudicated under the pilot program.

(F) An assessment of the effectiveness of the electronic file maintained under subsection (e) in—

(i) the adjudication of claims under the pilot program; and

(ii) improving the efficiency of decision making by the Department.

(G) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(k) DEFINITIONS.—In this section:

(1) The term ''active military, naval, or air service'' has the meaning given that term in section 101(24) of title 38, United States Code.

(2) The term ''non-service-connected'', with respect to a disability, has the meaning given that term in section 101(17) of title 38, United States Code.

(3) The term ''service-connected'', with respect to a disability, has the meaning given that term in section 101(16) of title 38, United States Code.

TITLE II—ADJUDICATION AND APPEAL MATTERS

SEC. 201. PARTIAL ADJUDICATION OF CLAIMS FOR DISABILITY COMPENSATION CONSISTING OF MULTIPLE ISSUES ONE OR MORE OF WHICH CAN BE QUICKLY ADJUDICATED.

(a) IN GENERAL.—Section 1157 of title 38, United States Code, is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary''; and

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

''(b) ASSIGNMENT OF PARTIAL RATINGS.—(1) In the case of a veteran who submits to the Secretary a claim for compensation under this chapter for more than one condition and the Secretary determines that a disability rating can be assigned without further development for one or more conditions but not all conditions in the claim, the Secretary shall—

''(A) expeditiously assign a disability rating for the condition or conditions that the Secretary determined could be assigned without further development; and

''(B) continue development of the remaining conditions.

''(2) If the Secretary is able to assign a disability rating for a condition described in paragraph (1)(B) with respect to a claim, the Secretary shall assign such rating and combine such rating with the rating or ratings previously assigned under paragraph (1)(A) with respect to that claim.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to claims filed on or after the date that is 60 days after the date of the enactment of this Act.

SEC. 202. CLARIFICATION THAT REQUIREMENT OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE NOTICE TO CLAIMANTS OF ADDITIONAL INFORMATION AND EVIDENCE REQUIRED ONLY APPLIES WHEN ADDITIONAL INFORMATION OR EVIDENCE IS ACTUALLY REQUIRED.

(a) IN GENERAL.—Section 5103(a)(1) of title 38, United States Code, is amended by striking the first sentence and inserting the following: ''If the Secretary receives a complete or substantially complete application that does not include information or medical or lay evidence not previously provided to the Secretary that is necessary to substantiate the claim, the Secretary shall, upon receipt of such application, notify the claimant and the claimant's representative, if any, that such information or evidence is necessary to substantiate the claim.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to claims filed on or after the date that is 60 days after the date of the enactment of this Act.

SEC. 203. EQUAL DEFERENCE TO PRIVATE MEDICAL OPINIONS IN ASSESSING CLAIMS FOR DISABILITY COMPENSATION.

(a) PROVISION OF DEFERENCE.—

(1) IN GENERAL.—Subchapter I of chapter 51 of title 38, United States Code, is amended by inserting after section 5103A the following new section:

"§ 5103B. Treatment of private medical opinions

''(a) IN GENERAL.—If a claimant submits a private medical opinion in support of a claim for disability compensation in accordance with standards established by the Secretary, such opinion shall be treated by the Secretary with the same deference as a medical opinion provided by a Department health care provider.

''(b) SUPPLEMENTAL INFORMATION.—(1) If a private medical opinion submitted as described in subsection (a) is found by the Secretary to be competent, credible, and probative, but otherwise not entirely adequate for purposes of assigning a disability rating and the Secretary determines a medical opinion from a Department health care provider is necessary for such purpose, the Secretary shall obtain from an appropriate Department health care provider (as determined pursuant to the standards described in subsection (a)) a medical opinion that is adequate for such purposes.

''(2) If the Secretary obtains a medical opinion from a Department health care provider under paragraph (1), the Secretary shall ensure that the medical opinion is obtained from a health care provider of the Department that has professional qualifications that are at least equal to the qualifications of the provider of the private medical opinion described in such paragraph.

''(c) DEPARTMENT HEALTH CARE PROVIDER DEFINED.—In this section, the term 'Department health care provider' includes a provider of health care who provides health care under contract with the Department.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title is amended by inserting after the item relating to section 5103A the following new item:

''5103B. Treatment of private medical opinions.''.

(3) EFFECTIVE DATE.—Section 5103B of such title, as added by paragraph (1), shall take effect on the date of the enactment of this Act, and shall apply with respect to claims pending or filed on or after the date that is 270 days after the date of the enactment of this Act.

(b) NOTICE.—

(1) IN GENERAL.—Section 5103(a) of such title is amended by adding at the end the following new paragraph:

''(3) A notice provided under this subsection shall inform a claimant, as the Secretary considers appropriate with respect to the claimant's claim—

''(A) of the rights of the claimant to assistance under section 5103A of this title; and

''(B) if the claimant submits a private medical opinion in support of a claim for disability compensation, how such medical opinion will be treated under section 5103B of this title.''.

(2) EFFECTIVE DATE.—Paragraph (3) of such section 5103(a), as added by paragraph (1), shall take effect on the date that is 270 days after the date of the enactment of this Act.

SEC. 204. IMPROVEMENTS TO DISABILITY COMPENSATION CLAIM REVIEW PROCESS.

(a) ESTABLISHMENT OF FAST TRACK CLAIM REVIEW PROCESS.—

(1) IN GENERAL.—Subchapter I of chapter 51 of title 38, United States Code, is amended by inserting after section 5103B, as added by section 203 of this Act, the following new section:

"§ 5103C. Expedited review of initial claims for disability compensation

''(a) PROCESS REQUIRED.—The Secretary shall establish a process for the rapid identification of initial claims for disability compensation that should, in the adjudication of such claims, receive priority in the order of review.

''(b) REVIEW OF INITIAL CLAIMS.—As part of the process required by subsection (a), the Secretary shall assign employees of the Department who are experienced in the processing of claims for disability compensation to carry out a preliminary review of all initial claims for disability compensation submitted to the Secretary in order to identify whether—

''(1) the claims have the potential of being adjudicated quickly;

''(2) the claims qualify for priority treatment under paragraph (2) of subsection (c); and

''(3) a temporary disability rating could be assigned with respect to the claims under section 1156 of this title.

''(c) PRIORITY IN ADJUDICATION OF INITIAL CLAIMS.—(1) As part of the process required by subsection (a) and except as provided in paragraph (2), the Secretary shall, in the adjudication of initial claims for disability compensation submitted to the Secretary, give priority in the order of review of such claims to claims identified under subsection (b)(1) as having the potential of being adjudicated quickly.

''(2) The Secretary may, under regulations the Secretary shall prescribe, provide priority in the order of review of initial claims for disability compensation for the adjudication of the following:

''(A) Initial claims for disability compensation submitted by homeless claimants.

''(B) Initial claims for disability compensation submitted by veterans who are terminally ill.

''(C) Initial claims for disability compensation submitted by claimants suffering severe financial hardship.

''(D) Partially adjudicated claims for disability compensation under section 1157(b) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title is amended by inserting after the item relating to section 5103B, as so added, the following new item:

''5103C. Expedited review of initial claims for disability compensation.''.

(3) EFFECTIVE DATE.—Section 5103C of such title, as added by paragraph (1), shall take effect on the date that is 90 days after the date of the enactment of this Act.

(b) AUTHORITY FOR CLAIMANTS TO END DEVELOPMENT OF CLAIMS.—

(1) IN GENERAL.—Such subchapter is further amended by inserting after section 5103C, as added by subsection (a), the following new section:

"§ 5103D. Procedures for fully developed claims

''Upon notification received from a claimant that the claimant has no additional information or evidence to submit, the Secretary may determine that the claim is a fully developed claim. The Secretary shall then undertake any development necessary for any Federal records, medical examinations, or opinions relevant to the claim and may decide the claim based on all the evidence of record.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title is amended by inserting after the item relating to section 5103C, as added by subsection (a), the following new item:

''5103D. Procedures for fully developed claims.''.

(3) EFFECTIVE DATE.—Section 5103D of such title, as added by paragraph (1), shall take effect on the date of the enactment of this Act.

SEC. 205. PROVISION BY SECRETARY OF VETERANS AFFAIRS OF NOTICE OF DISAGREEMENT FORMS TO INITIATE APPELLATE REVIEW WITH NOTICES OF DECISIONS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5104 of title 38, United States Code, is amended—

(1) in subsection (a), by striking the second sentence; and

(2) in subsection (b), by striking ''also include (1) a'' and all that follows and inserting the following: ''include the following:

''(1) A statement of the reasons for the decision.

''(2) A summary of the evidence relied upon by the Secretary in making the decision.

''(3) An explanation of the procedure for obtaining review of the decision.

''(4) A form that, once completed, can serve as a notice of disagreement under section 7105(a) of this title.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 206. MODIFICATION OF FILING PERIOD FOR NOTICE OF DISAGREEMENT TO INITIATE APPELLATE REVIEW OF DECISIONS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) FILING OF NOTICE OF DISAGREEMENT BY CLAIMANTS.—

(1) IN GENERAL.—Paragraph (1) of section 7105(b) of title 38, United States Code, is amended—

(A) by striking ''one year'' and inserting ''180 days'' in the first sentence; and

(B) by striking ''one-year'' and inserting ''180-day'' in the third sentence.

(2) ELECTRONIC FILING.—Such paragraph is further amended by inserting ''or transmitted by electronic means'' after ''postmarked''.

(3) GOOD CAUSE EXCEPTION FOR UNTIMELY FILING OF NOTICES OF DISAGREEMENT.—Such section 7105(b) is amended by adding at the end the following new paragraph:

''(3)(A) A notice of disagreement not filed within the time prescribed by paragraph (1) shall be treated by the Secretary as timely filed if—

''(i) the Secretary determines that the claimant, legal guardian, or other accredited representative, attorney, or authorized agent filing the notice had good cause for the lack of filing within such time; and

''(ii) the notice of disagreement is filed not later than 186 days after the period prescribed by paragraph (1).

''(B) For purposes of this paragraph, good cause shall include the following:

''(i) Circumstances relating to any physical, mental, educational, or linguistic limitation of the claimant, legal guardian, representative, attorney, or authorized agent concerned (including lack of facility with the English language).

''(ii) Circumstances relating to significant delay in the delivery of the initial decision or of the notice of disagreement caused by natural disaster or factors relating to geographic location.

''(iii) A change in financial circumstances, including the payment of medical expenses or other changes in income or net worth that are considered in determining eligibility for benefits and services on an annualized basis for purposes of needs-based benefits under chapters 15 and 17 of this title.''.

(b) APPLICATION BY DEPARTMENT FOR REVIEW ON APPEAL.—Section 7106 of such title is amended in the first sentence by striking ''one-year period described in section 7105'' and inserting ''period described in section 7105(b)(1)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to claims filed on or after the date of the enactment of this Act.

SEC. 207. MODIFICATION OF SUBSTANTIVE APPEAL PROCESS.

(a) IN GENERAL.—Section 7105 of title 38, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (3), by striking ''The claimant will be afforded'' and all that follows through the end of the paragraph; and

(B) by striking paragraphs (4) and (5); and

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

''(e)(1) A claimant shall be afforded a period of 60 days from the date the post-notice of disagreement decision is mailed under subsection (d) to file a substantive appeal.

''(2)(A) The period under paragraph (1) may be extended for an additional 60 days for good cause shown on a request for such extension submitted in writing within such period.

''(B) For purposes of this paragraph, good cause shall include the following:

''(i) Circumstances relating to any physical, mental, educational, or linguistic limitation of the claimant, legal guardian, or other accredited representative, attorney, or authorized agent filing the request (including lack of facility with the English language).

''(ii) Circumstances relating to significant delay in the delivery of the initial decision or of the notice of disagreement caused by natural disaster or factors relating to geographic location.

''(iii) A change in financial circumstances, including the payment of medical expenses or other changes in income or net worth that are considered in determining eligibility for benefits and services on an annualized basis for purposes of needs-based benefits under chapters 15 and 17 of this title.

''(3) A substantive appeal under this subsection shall identify the particular determination or determinations being appealed and allege specific errors of fact or law made by the agency of original jurisdiction in each determination being appealed.

''(4) A claimant in any case under this subsection may not be presumed to agree with any statement of fact contained in the post-notice of disagreement decision to which the claimant does not specifically express disagreement.

''(5) If the claimant does not file a substantive appeal in accordance with the provisions of this chapter within the period afforded under paragraphs (1) and (2), as the case may be, the agency of original jurisdiction shall dismiss the appeal and notify the claimant of the dismissal. The notice shall include an explanation of the procedure for obtaining review of the dismissal by the Board of Veterans' Appeals.

''(6) In order to obtain review by the Board of a dismissal of an appeal by the agency of original jurisdiction, a claimant shall file a request for such review with the Board within the 60-day period beginning on the date on which notice of the dismissal is mailed pursuant to paragraph (5).

''(7) If a claimant does not file a request for review by the Board in accordance with paragraph (6) within the prescribed period or if such a request is timely filed and the Board affirms the dismissal of the appeal, the determination of the agency of original jurisdiction regarding the claim for benefits under this title shall become final and the claim may not thereafter be reopened or allowed, except as may otherwise be provided by regulations not inconsistent with this title.

''(8) If an appeal is not dismissed by the agency of original jurisdiction, the Board may nonetheless dismiss any appeal which is—

''(A) untimely; or

''(B) fails to allege specific error of fact or law in the determination being appealed.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to claims filed on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 208. PROVISION OF POST-NOTICE OF DISAGREEMENT DECISIONS TO CLAIMANTS WHO FILE NOTICE OF DISAGREEMENTS.

(a) IN GENERAL.—Section 7105 of title 38, United States Code, is amended—

(1) by striking ''statement of the case'' each place it appears and inserting ''post-notice of disagreement decision''; and

(2) in subsection (d), as amended by section 207 of this Act—

(A) in paragraph (1), by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

''(A) A description of the specific facts in the case that support the agency's decision, including, if applicable, an assessment as to the credibility of any lay evidence pertinent to the issue or issues with which disagreement has been expressed.

''(B) A citation to pertinent laws and regulations that support the agency's decision.

''(C) A statement that addresses each issue and provides the reasons why the evidence relied upon supports the conclusions of the agency under the specific laws and regulations applied.

''(D) The date by which a substantive appeal must be filed in order to obtain further review of the decision.''; and

(B) by adding at the end the following new paragraph:

''(4) The post-notice of disagreement decision shall be written in plain language.''.

(b) CONFORMING AMENDMENT.—Section 7105A of such title is amended by striking ''statement of the case'' each place it appears and inserting ''post-notice of disagreement decision''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to notices of disagreements filed on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 209. AUTOMATIC WAIVER OF AGENCY OF ORIGINAL JURISDICTION REVIEW OF NEW EVIDENCE.

(a) IN GENERAL.—Section 7105 of title 38, United States Code, as amended by section 207 of this Act, is further amended by adding at the end the following new subsection:

''(f) If, either at the time or after the agency of original jurisdiction receives a substantive appeal, the claimant or the claimant's representative, if any, submits evidence to either the agency of original jurisdiction or the Board of Veterans' Appeals for consideration in connection with the issue or issues with which disagreement has been expressed, such evidence shall be subject to initial review by the Board unless the claimant or the claimant's representative, as the case may be, requests in writing that the agency of original jurisdiction initially review such evidence. Such request for review shall accompany the submittal of the evidence or be made within 30 days of the submittal.''.

(b) EFFECTIVE DATE.—Subsection (f) of such section, as added by subsection (a), shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to claims for which a substantive appeal is filed on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 210. AUTHORITY FOR BOARD OF VETERANS' APPEALS TO DETERMINE LOCATION AND MANNER OF APPEARANCE FOR HEARINGS.

(a) LOCATION.—Subsection (d) of section 7107 of title 38, United States Code, is amended—

(1) in paragraph (1), by striking ''An appellant'' and all that follows through the end and inserting the following: ''Upon request by an appellant for a hearing before the Board, the Board shall determine whether the hearing will be held at its principal location or at a facility of the Department, or other appropriate Federal facility, located within the area served by a regional office of the Department as the Secretary considers most appropriate to schedule the earliest possible date for the hearing.''; and

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

''(4) A determination by the Board under paragraph (1) with respect to the location of a hearing shall be final unless the appellant demonstrates, on motion, good cause or special circumstances warranting a different location.''.

(b) MANNER OF APPEARANCE.—Subsection (e) of such section is amended—

(1) in paragraph (2)—

(A) by striking ''afford the appellant an opportunity'' and inserting '', as the Chairman determines appropriate, require the appellant''; and

(B) by striking the last sentence; and

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

''(3) A determination by the Chairman under paragraph (2) with respect to the participation of an appellant in a hearing shall be final unless the appellant demonstrates, on motion, good cause or special circumstances warranting a different determination.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to requests for hearings filed on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 211. DECISION BY COURT OF APPEALS FOR VETERANS CLAIMS ON ALL ISSUES RAISED BY APPELLANTS.

Section 7261 of title 38, United States Code, is amended—

(1) in subsection (a), in the matter before paragraph (1), by striking '', to the extent necessary to its decision and when presented, shall'' and inserting ''shall, when presented'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

''(c) In carrying out a review of a decision of the Board of Veterans' Appeals, the Court shall render a decision on every issue raised by an appellant within the extent set forth in this section.''.

SEC. 212. GOOD CAUSE EXTENSION OF PERIOD FOR FILING NOTICE OF APPEAL WITH UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Section 7266 of title 38, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

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

''(b)(1) The Court may extend the initial period for the filing of a notice of appeal set forth in subsection (a) for an additional period not to exceed 120 days from the expiration of such initial period upon a motion—

''(A) filed with the Court not later than 120 days after the expiration of such initial period; and

''(B) showing good cause for such extension.

''(2) If a motion for extension under paragraph (1) is filed after expiration of the initial period for the filing of a notice of appeal set forth in subsection (a), the notice of appeal shall be filed concurrently with, or prior to, the filing of the motion.''; and

(3) in subsection (e), as redesignated by paragraph (1), by striking ''subsection (c)(2)'' and inserting ''subsection (d)(2)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to notices of appeal filed on or after the date of the enactment of this Act.

SEC. 213. PILOT PROGRAM ON PARTICIPATION OF LOCAL AND TRIBAL GOVERNMENTS IN IMPROVING QUALITY OF CLAIMS FOR DISABILITY COMPENSATION SUBMITTED TO DEPARTMENT OF VETERANS AFFAIRS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of entering into memorandums of understanding with local governments and tribal organizations—

(1) to improve the quality of claims submitted to the Secretary for compensation under chapter 11 of title 38, United States Code; and

(2) to provide assistance to veterans who may be eligible for such compensation in submitting such claims .

(b) MINIMUM NUMBER OF PARTICIPATING TRIBAL ORGANIZATIONS.—In carrying out the pilot program required by subsection (a), the Secretary shall enter into memorandums of understanding with at least two tribal organizations.

(c) TRIBAL ORGANIZATION DEFINED.—In this section, the term ''tribal organization'' has the meaning given that term in section 3765 of title 38, United States Code.

By Mr. LEAHY (for himself, Mr. SESSIONS, Mr. SPECTER, Mr. SCHUMER, and Mr. LIEBERMAN):

S. 3518. A bill to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments in United States Courts where those judgments undermine the first amendment to the Constitution of the United States, and to provide a cause of action for declaratory judgment relief against a party who has brought a successful foreign defamation action whose judgment undermines the first amendment; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, two years ago the United Nations' Human Rights Committee observed a problem that ''discourage[d] critical media reporting on matters of serious public interest, adversely affect[ed] the ability of scholars and journalists to publish their work,'' and ''affect[ed] freedom of expression worldwide on matters of valid public interest.'' That problem was ''libel tourism,'' a troubling trend of foreign lawsuits that have stifled Americans' First Amendment rights. Today, I am introducing legislation to put a stop to this harmful trend.

The First Amendment is a cornerstone of American democracy. Freedom of speech and the press enable vigorous debate over issues of national importance, and enable an exchange of ideas that shapes our political process. Authors, reporters and publishers are primary sources of this information, and their ability to disseminate their writings is critical to our democracy.

Over recent years, American authors, reporters and publishers have fallen victim to libel lawsuits in countries with significantly weaker free speech protections that what our First Amendment affords. In many cases, the foreign plaintiff sought out that country, where there is no regard for freedom of the press, so that they could easily prevail. These suits occur regardless of whether the plaintiff or the publication has significant connections to the foreign forum. On a broad scale, this results in a race to the bottom, and causes U.S. persons to defer to the country with the most chilling and restrictive free speech standard, to determine what they can or cannot write or publish. This is libel tourism. As the son of a printer, I consider this a matter of great national importance.

Today, I am introducing with Senators SESSIONS, SPECTER, SCHUMER and LIEBERMAN legislation that will ensure American authors, journalists and publishers are shielded from the chilling effects of libel tourism. This legislation guarantees that a foreign defamation judgment cannot be enforced in the United States if that country's libel standards are inconsistent with American law. Our legislation also provides American victims of unconstitutional libel suits the opportunity to clear their name by filing for a declaratory judgment in an American court.

Over the past several years, the problem of libel tourism has grown. Today, countries whose weak libel laws impact American authors are no longer confined to a small number. England, Brazil, Australia, Indonesia, and Singapore are just a few of the countries whose weak libel protections have attracted libel lawsuits against American journalists and authors. This threat to American free speech must end, and the time to act is now.

New accounts of libel tourism lawsuits emerge every day. This is because the dissemination of materials through the Internet, as well as the increased number of worldwide newspapers and periodicals, has compounded their threat. The likelihood that a book or story will have some contact with a foreign country is simply that much higher, as is the probability that a foreign court will determine that it has a basis for asserting jurisdiction over an American author or publisher. As we heard at a recent Judiciary Committee hearing, this has a dramatic chilling effect on Americans' free speech.

The impact and extreme nature of these foreign libel lawsuits is best understood through examples. The most well known is the case of American journalist Rachel Ehrenfeld, who wrote a book about the financiers of the 9/11 attacks. She did not market her book in England yet was sued for libel there by a Saudi businessman she linked to terrorism. The content of her publication would have been protected under our laws, but a British court applying its laws issued a multimillion dollar default judgment against her. Today, Ms. Ehrenfeld continues to experience reluctance from American publishers who fear that plaintiffs will target her and bring another libel action against anything she writes on the subject of terrorism financing.

The scientific community has also been affected by libel tourism. An article last year in New Scientist magazine notes that now ''Challenging the scientific validity of a product or claim can be fraught with danger. . . [because] such challenges are leaving scientists and science writers [to] fac[e] an expensive libel action before the English high court. Many individuals and publications have been threatened with libel actions, and some have had proceedings launched against them. Many more writers have had their work edited before publication to avoid any risk of such legal action.'' Publications exposing financial improprieties, consumer protection issues, medical malpractice, and sexual abuse have all fallen victim to libel tourism lawsuits around the world.

Even Roman Polanski sued Vanity Fair for libel in England. Mr. Polanski, a fugitive from justice who fled America after being convicted of sexually abusing a young girl, filed the suit in 2004. He has fought extradition while living in Europe. The Vanity Fair article recounted a story of his alleged aggressive sexual advances made just after his wife was murdered, and portrayed him as being insensitive to her death. The article was written in the U.S., edited in the U.S., and primarily sold in the U.S., but the British court claimed jurisdiction, and ruled in favor of Mr. Polanski.

Foreign libel judgments impact American authors' livelihood, credibility and employment potential. They also have the potential to limit the types of books and articles that talented and reputable authors can get published in the future. But most importantly, their suppression limits the information that Americans have a constitutional right to access. Journalists writing about issues of national security and safety should not be chilled. These lawsuits are designed to stifle the dissemination of that information in both the United States and the world. Journalists willing to investigate and write about such important issues deserve protection.

I am encouraged that some countries have taken steps to strengthen their

libel protections and jurisdictional requirements in the wake of these lawsuits, but that is not enough. As one country tightens its libel protections, another may just emerge as the next-best-available forum of choice for libel plaintiffs willing to travel to file suit.

I want to thank the ranking member of the Judiciary Committee, Senator SESSIONS, for working with me on this legislation. I also want to thank Senators SCHUMER and SPECTER, for their support in moving toward a legislative compromise on this important issue. Their bills provided a valuable basis from which the bipartisan compromise that we are introducing today emerged.

We cannot legislate changes to foreign law that are chilling protected speech in our country. What we can do, however, is ensure that our courts do not become a tool to uphold foreign libel judgments that undermine our First Amendment or due process rights. We can also provide American authors and reporters the ability to clear their name in our courts.

I hope all Senators will support our bipartisan effort to pass this important legislation this summer to protect the free speech rights of all Americans.

By Ms. SNOWE (for herself, Mr. KOHL, and Mr. LIEBERMAN):

S. 3519. A bill to stabilize the matching requirement for participants in the Hollings Manufacturing Partnership Program; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, today I am introducing legislation, along with Senators KOHL and LIEBERMAN, to reduce the cost share amount that Manufacturing Extension Partnership, or MEP, centers face in obtaining their annual funding. The MEP is a nationwide public-private network of counseling and assistance centers that offer our nation's nearly 350,000 small and medium manufacturers services and access to resources that enhance growth, improve productivity, and expand capacity. In Fiscal Year 2009 alone, MEP clients created or retained roughly 53,000 jobs; provided cost savings in excess of $1.41 billion; and generated over $9.1 billion in sales. Similarly, clients of the Maine MEP reported saving or retaining 550 jobs, experiencing $8.3 million in cost savings, and generating over $78.3 million in sales in 2009. As such, the MEP's contribution to the health of American manufacturing is indisputable.

At present, individual MEP centers must raise a full 2/3 of their funding after their fourth year of operation, placing a heavy burden on these centers. The National Institute of Standards and Technology, NIST, at the Department of Commerce, in turn, provides one-third of the centers' funding. MEP centers can meet their portion of the cost share requirement through funds from universities, State and local governments, and other institutions.

In today's tumultuous economy, these centers are experiencing increased difficulties finding adequate funding from both private and public sources. As economic concerns weigh down on all of us, states, organizations, and groups that traditionally assist MEP centers in meeting this cost share are reluctant to expend the money—or do not have the resources to do so.

Our bill, which is a modified version of S. 695 that I and several of my colleagues introduced last March, is simple and straightforward. It would reduce the statutory cost share that MEP centers face to 50 percent for fiscal years 2011 through 2013 as a temporary stimulative measure. Frankly, the Nation's MEP centers are subject to an unnecessarily restrictive cost share requirement. And it is inequitable, as the MEP is the only initiative out of the 80 programs funded by the Department of Commerce that is subject to a statutory cost share of greater than 50 percent. There is no reason for this to persist, particularly not during this trying economy when so many manufacturers are trying to remain afloat.

Clearly, Congress must act swiftly to bolster our country's manufacturing industry rather than sitting on the sidelines as other countries surpass our nation's economic leadership in a variety of areas. Indeed, last Sunday's Financial Times included an article titled ''US manufacturing crown slips'' highlighting that, ''The U.S. remained the world's biggest manufacturing nation by output last year, but is poised to relinquish this slot in 2011 to China—thus ending a 110-year run as the number one country in factory production.'' This news should be a clarion call that investing in the manufacturing sector is critical given the detrimental ramifications that losing our leadership would have to our overall economy.

The MEP is an essential resource for the small and medium manufacturers that will help reinvigorate our Nation's economy. With centers in all 50 states, as well as Puerto Rico, its reach is unmatched and its experience in counseling manufacturers is unrivaled. It is my hope that my colleagues will support this legislation as a direct way to bolster an industry that is indispensible to our nation's economy health.

By Ms. MURKOWSKI:

S. 3521. A bill to provide for the reestablishment of a domestic rare earths materials production and supply industry in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation in the Senate to help the United States minerals industry resume production of rare earths in this country. These metals are increasingly important to our military, strategic, and economic priorities due to their use in clean energy technologies and many other high-tech applications.

For many years the United States was a leader in the mining and processing of rare earths—a group of 17 elements that, while widespread in nature, are difficult to find in concentration, extract from the earth, and process for commercial use. Rare earths are increasingly vital to a host of modern defense technologies, from radar and sonar systems to weapons systems and advanced lasers. They are essential to the production of clean energy technologies, including advanced batteries, electric motors, high-efficiency light bulbs, solar panels, and wind turbines.

The U.S. is estimated to contain 15 percent of the world's rare earth reserves, but with the closure of the nation's only operating rare earth mine at Mountain Pass, CA, America has become dependent upon China for imports of nearly all rare earths, oxides, and alloys. In fact, China now produces 97 percent of the world's rare earth supply.

More importantly, China recently moved to implement rules announced in March that will cut production and exportation of rare earths in an effort to raise world prices for the minerals. While the world demand for rare earths tripled to 120,000 tons per year over the past decade, China announced on June 2nd that it will stop issuing new domestic licenses for rare earth production and cap production at 89,200 tons for this year. As a result, only 35,000 tons of rare earths will be exported annually over the next five years, on average.

These actions may work out well for China, but they will harm the United States. Fortunately, we can do something about it. Rather than sit on our hands while China corners the market on these strategic minerals, we can and should pursue timely production of the rare earth supplies that exist within our own borders.

Efforts are currently underway to reopen Molycorp Minerals' California mine and Ucore Uranium is continuing exploration of a large rare earth deposit found near Bokan Mountain in Alaska, about 37 miles from Ketchikan. Ucore's new Alaska subsidiary, Rare Earth One LLC, has been working to study the deposit on Dotson Ridge at Bokan Mountain since 2007. The U.S. Bureau of Mines more than 20 years ago estimated the site contains at least 374 million pounds of recoverable rare earths, which is more than enough to break China's stranglehold on the market and protect America's access to the rare earths that are vital to the production of cutting-edge technologies in this country.

So what should we be doing to reestablish domestic rare earth? My answer is a companion measure to legislation introduced earlier this spring in the House by Rep. MIKE COFFMAN, a fellow Republican from Colorado. My bill would establish it as the policy of the

United States to take appropriate actions to increase investment in, exploration for, and development of domestic rare earths. To do that it would require—under the leadership of the Secretary of the Interior—the Secretaries of Energy, Agriculture, Defense, Commerce, and State along with the Director of OMB and the Chairman of CEQ to expedite permitting, review supply chains, and consider strategic stockpiling of rare earths. The bill would also provide the rare earth industry with access to federal loan guarantee programs meant to advance clean energy technologies.

There is a great deal of emphasis on the need for expansion of clean energy manufacturing in the United States. Promises of ''green jobs'' abound, but they will only be realized if American industries have access to the raw materials needed to produce these new technologies. This legislation represents an important first step in our efforts to grow domestic manufacturing of clean energy technologies. The bill will also help to create more jobs in America's minerals industry, where firms provide good, high-wage jobs and pay taxes that will help to reduce our deficit. Furthermore, decreasing our reliance on foreign minerals will reduce our balance of payments deficit and strengthen national security.

I hope this bill advances quickly, and I encourage my colleagues to join as cosponsors of the measure. We have an ambitious agenda given the small amount of time that remains in the current Congress, but there is too much at stake for our military strength and our clean energy goals to ignore the problems we have in accessing affordable and secure supplies of rare earths.

By Mr. FRANKEN (for himself, Mr. KOHL, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. FEINGOLD, Mr. DURBIN, and Mrs. FEINSTEIN):

S. 3522. A bill to protect children affected by immigration enforcement actions, and for other purposes; to the Committee on the Judiciary.

Mr. FRANKEN. Mr. President, on December 12, 2006, Immigration and Customs Enforcement staged raids on Swift & Company meatpacking plants in six states—Colorado, Iowa, Nebraska, Texas, Utah, and my home State of Minnesota.

Over 1,500 unauthorized immigrants were arrested in these raids. They also left countless children—most of them citizens and legal residents—without their parents and with no way of finding them. One second-grader in Worthington, MN—a U.S. citizen—came home that Tuesday night to find his 2-year-old brother alone and his mother and father missing.

For the next week, this boy stayed at home caring for his 2-year-old brother while his grandmother traveled to Worthington to care for her grandchildren.

On June 22, 2007, ICE agents staged another raid, this one in the Jackson Heights Manufactured Home Park in Shakopee, MN. Early that Friday morning, around 6 a.m., Federal agents seized a husband and his wife for suspected immigration violations. Somehow, they didn't even notice their daughter, who was sleeping. So later that morning, that 7-year-old girl was found wandering the park, looking for her parents.

Stories like these happen every day. They are happening to innocent children, most of them United States citizens. Children who have committed no crime, who have hurt no one, but who have had their lives torn apart because of the sins of their parents.

According to the U.S. Customs and Immigration Service, over 100,000 parents of U.S. citizen children were deported in the past 10 years. Four million U.S. citizen children in our country have at least one undocumented immigrant parent. Forty thousand of those children live in Minnesota.

Our country is not doing enough to protect these innocent kids. That is why Senator KOHL and I have crafted a bill to fix that.

So I am proud to stand today with Senators KOHL, MENENDEZ, KLOBUCHAR, FEINGOLD, DURBIN and FEINSTEIN to introduce the Humane Enforcement and Legal Protections for Separated Children Act, or the HELP Separated Children Act. This is a simple but strong bill to protect our Nation's kids from unnecessary harm from immigration enforcement actions.

I want to take a few moments to talk about what this bill does—the problems it solves, and how it solves them.

But before I do that, I want to take a second to talk about what this bill does not do. This bill is strictly about protecting children. It doesn't change our laws on immigrant admission, exclusion, or removal. No one is going to get in or stay in this country because of this bill. It has nothing to do with so-called amnesty or any decisions about deportation.

So what does this bill actually do?

This bill fixes four problems in our immigration enforcement system.

The first problem is notice to State authorities. Invariably, in almost all immigration enforcement actions, it is our local communities that have to clean up after the government's dirty work.

It's state and child welfare services that take in kids who have lost their mom or dad in a raid. It's local shelters and churches that feed those kids—again, most of whom are citizens—when their family breadwinner is taken away. And it's local schools that have to take care of kids when no one picks them up after soccer practice.

After the Swift raids, the Bush administration finally understood this. And so in 2007, it put in place humanitarian guidelines that call upon ICE to reach out to state authorities and child welfare services before major enforcement actions. Again, that is the Bush administration. President Obama expanded these guidelines in 2009 so that they would cover more worksite actions.

But it still isn't enough. Local authorities still don't find out about actions until way too late—and when they are notified, they aren't given enough time to help. In 2008, after these guidelines were put into place, the New Mexico Children, Youth, and Families Department testified before the House of Representatives that they still did not receive notice of enforcement actions before they happened.

State authorities in Massachusetts were notified months ahead of a raid in New Bedford. But almost immediately after it happened, the detainees were transferred to Texas, leaving state agencies unable to help. Governor Deval Patrick called it a ''race to the airport.''

Our bill makes sure that whenever possible, the Governor, local and state law enforcement, and child welfare agencies find out about raids ahead of time. It also makes sure that schools and community centers are notified after these actions so that they too can help.

That brings me to the second problem. If they want to help, state child welfare agencies and community organizations must be allowed to help identify detainees who have children at home. Mothers and fathers detained in enforcement actions often don't tell ICE agents that they have children at home—because they are afraid that ICE will detain them, too.

As Troy Tucker, the sheriff of Clark County, Arkansas said after an action there, ICE is ''not doing their job by simply questioning [people] and asking them whether they have children and not contacting anyone locally.''

Even though the Bush administration guidelines allow state authorities and local non-profits to help screen detainees, this is not happening often enough. So our bill requires ICE and State agencies enforcing immigration laws to allow these groups to confidentially screen detainees and identify those who have kids at home.

Our bill makes another critical fix in our immigration enforcement system. The Bush and ICE detention guidelines require authorities to give detainees free emergency phone calls. But again, it isn't being done enough, and it isn't being done right.

In the Swift raid in Worthington, one mother told ICE agents that she had kids at home, but still wasn't allowed to call them or let anyone know what had happened until later the next day. In Iowa, after a raid in Postville, some children went 72 hours without seeing their parents or knowing what happened to them.

Any parent knows how scared kids get just when you come home late. Can you imagine how scared they would get if you went missing for a whole day? For 3 days? Can you imagine what would happen if they didn't know who to call? Can you imagine what would

happen if they didn't have anything to eat?

Our bill requires Federal and State authorities to allow parents, legal guardians, or primary caregivers to make free phone calls to their family, to lawyers, and to child welfare agencies to make sure that their kids aren't abandoned.

Finally, our bill averts one other major problem.

When a parent is detained, even if their kids know where they are, it is still extremely difficult for kids and parents to stay in contact. And it is extremely difficult for parents to participate in legal proceedings that affect their kids.

This means that parents can't tell a family court judge about a brother or sister or neighbor that could take care of their child. Children have actually been adopted by well-meaning families or put into foster care because their parents were unable to participate in custody proceedings.

Our bill makes sure that after they're detained, parents can continue to have access to phones to call their kids, their lawyers, and family courts. Our bill also requires ICE to consider the best interests of children in decisions to transfer detainees between facilities, or put them into reliable and cost-effective supervised release programs.

Our immigration system isn't broken. It is in shambles. And while our bill doesn't fix 99.9 percent of those problems, it takes a small but important step to make sure our kids don't suffer any more than they have to already.

I am proud to say that because this is such a critical, albeit narrowly targeted measure, our bill has gained the support of the top faith, child welfare, and immigrant advocacy organizations in the country.

I'm also proud to say that it has won the support of faith leaders across Minnesota, the Minnesota Chamber of Commerce, Chief Tom Smith of the St. Paul Police Department, and countless immigrant advocacy groups in the State.

While immigration may be complicated, protecting our kids isn't. It's something we can all agree on.

Mr. President, I ask unanimous consent that the text of the bill and a list of supporters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3522

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 ''Humane Enforcement and Legal Protections for Separated Children Act'' or the ''HELP Separated Children Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPREHENSION.—The term ''apprehension'' means the detention, arrest, or custody by officials of the Department of Homeland Security or cooperating entities.

(2) CHILD.—The term ''child'' has the meaning given to the term in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(3) CHILD WELFARE AGENCY.—The term ''child welfare agency'' means the State or local agency responsible for child welfare services under subtitles B and E of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(4) COOPERATING ENTITY.—The term ''cooperating entity'' means a State or local entity acting under agreement with, or at the request of, the Department of Homeland Security.

(5) DETENTION FACILITY.—The term ''detention facility'' means a Federal, State, or local government facility, or a privately owned and operated facility, that is used to hold individuals suspected or found to be in violation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(6) IMMIGRATION ENFORCEMENT ACTION.—The term ''immigration enforcement action'' means the apprehension of, detention of, or request for or issuance of a detainer for, 1 or more individuals for suspected or confirmed violations of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) by the Department of Homeland Security or cooperating entities.

(7) LOCAL EDUCATION AGENCY.—The term ''local education agency'' has the meaning given to the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) NGO.—The term ''NGO'' means a nongovernmental organization that provides social services or humanitarian assistance to the immigrant community.

SEC. 3. APPREHENSION PROCEDURES FOR IMMIGRATION ENFORCEMENT-RELATED ACTIVITIES.

(a) NOTIFICATION.—

(1) ADVANCE NOTIFICATION.—Subject to paragraph (2), when conducting any immigration enforcement action, the Department of Homeland Security and cooperating entities shall notify the Governor of the State, the local child welfare agency, and relevant State and local law enforcement before commencing the action, or, if advance notification is not possible, immediately after commencing such action, of—

(A) the approximate number of individuals to be targeted in the immigration enforcement action; and

(B) the primary language or languages believed to be spoken by individuals at the targeted site.

(2) HOURS OF NOTIFICATION.—Whenever possible, advance notification should occur during business hours and allow the notified entities sufficient time to identify resources to conduct the interviews described in subsection (b)(1).

(3) OTHER NOTIFICATION.—When conducting any immigration action, the Department of Homeland Security and cooperating entities shall notify the relevant local education agency and local NGOs of the information described in paragraph (1) immediately after commencing the action.

(b) APPREHENSION PROCEDURES.—In any immigration enforcement action, the Department of Homeland Security and cooperating entities shall—

(1) as soon as possible and not later than 6 hours after an immigration enforcement action, provide licensed social workers or case managers employed or contracted by the child welfare agency or local NGOs with confidential access to screen and interview individuals apprehended in such immigration enforcement action to assist the Department of Homeland Security or cooperating entity in determining if such individuals are parents, legal guardians, or primary caregivers of a child in the United States;

(2) as soon as possible and not later than 8 hours after an immigration enforcement action, provide any apprehended individual believed to be a parent, legal guardian, or primary caregiver of a child in the United States with—

(A) free, confidential telephone calls, including calls to child welfare agencies, attorneys, and legal services providers, to arrange for the care of children or wards, unless the Department of Homeland Security has reasonable grounds to believe that providing confidential phone calls to the individual would endanger public safety or national security; and

(B) contact information for—

(i) child welfare agencies in all 50 States, the District of Columbia, all United States territories, counties, and local jurisdictions; and

(ii) attorneys and legal service providers capable of providing free legal advice or free legal representation regarding child welfare, child custody determinations, and immigration matters;

(3) ensure that personnel of the Department of Homeland Security and cooperating entities do not—

(A) interview individuals in the immediate presence of children; or

(B) compel or request children to translate for interviews of other individuals who are encountered as part of an immigration enforcement action; and

(4) ensure that any parent, legal guardian, or primary caregiver of a child in the United States—

(A) receives due consideration of the best interests of his or her children or wards in any decision or action relating to his or her detention, release, or transfer between detention facilities; and

(B) is not transferred from his or her initial detention facility or to the custody of the Department of Homeland Security until the individual—

(i) has made arrangements for the care of his or her children or wards; or

(ii) if such arrangements are impossible, is informed of the care arrangements made for the children and of a means to maintain communication with the children.

(c) NONDISCLOSURE AND RETENTION OF INFORMATION ABOUT APPREHENDED INDIVIDUALS AND THEIR CHILDREN.—

(1) IN GENERAL.—Information collected by child welfare agencies and NGOs in the course of the screenings and interviews described in subsection (b)(1) about an individual apprehended in an immigration enforcement action may not be disclosed to Federal, State, or local government entities or to any person, except pursuant to written authorization from the individual or his or her legal counsel.

(2) CHILD WELFARE AGENCY OR NGO RECOMMENDATION.—Notwithstanding paragraph (1), a child welfare agency or NGO may—

(A) submit a recommendation to the Department of Homeland Security or cooperating entities regarding whether an apprehended individual is a parent, legal guardian, or primary caregiver who is eligible for the protections provided under this Act; and

(B) disclose information that is necessary to protect the safety of the child, to allow for the application of subsection (b)(4)(A), or to prevent reasonably certain death or substantial bodily harm.

SEC. 4. ACCESS TO CHILDREN, LOCAL AND STATE COURTS, CHILD WELFARE AGENCIES, AND CONSULAR OFFICIALS.

(a) IN GENERAL.—The Secretary of Homeland Security shall ensure that all detention facilities operated by or under agreement with the Department of Homeland Security

implement procedures to ensure that the best interest of the child, including the best outcome for the family of the child, can be considered in any decision and action relating to the custody of children whose parent, legal guardian, or primary caregiver is detained as the result of an immigration enforcement action.

(b) ACCESS TO CHILDREN, STATE AND LOCAL COURTS, CHILD WELFARE AGENCIES, AND CONSULAR OFFICIALS.—At all detention facilities operated by, or under agreement with, the Department of Homeland Security, the Secretary of Homeland Security shall—

(1) ensure that individuals who are detained by reason of their immigration status may receive the screenings and interviews described in section 3(b)(1) not later than 6 hours after their arrival at the detention facility;

(2) ensure that individuals who are detained by reason of their immigration status and are believed to be parents, legal guardians, or primary caregivers of children in the United States are—

(A) permitted daily phone calls and regular contact visits with their children or wards;

(B) able to participate fully, and to the extent possible in-person, in all family court proceedings and any other proceeding impacting upon custody of their children or wards;

(C) able to fully comply with all family court or child welfare agency orders impacting upon custody of their children or wards;

(D) provided with contact information for family courts in all 50 States, the District of Columbia, all United States territories, counties, and local jurisdictions;

(E) granted free and confidential telephone calls to child welfare agencies and family courts;

(F) granted free and confidential telephone calls and confidential in-person visits with attorneys, legal representatives, and consular officials;

(G) provided United States passport applications for the purpose of obtaining travel documents for their children or wards;

(H) granted adequate time before removal to obtain passports and other necessary travel documents on behalf of their children or wards if such children or wards will accompany them on their return to their country of origin or join them in their country of origin; and

(I) provided with the access necessary to obtain birth records or other documents required to obtain passports for their children or wards; and

(3) facilitate the ability of detained parents, legal guardians, and primary caregivers to share information regarding travel arrangements with their children or wards, child welfare agencies, or other caregivers well in advance of the detained individual's departure from the United States.

SEC. 5. MEMORANDA OF UNDERSTANDING.

The Secretary of Homeland Security shall develop and implement memoranda of understanding or protocols with child welfare agencies and NGOs regarding the best ways to cooperate and facilitate ongoing communication between all relevant entities in cases involving a child whose parent, legal guardian, or primary caregiver has been apprehended or detained in an immigration enforcement action to protect the best interests of the child and the best outcome for the family of the child.

SEC. 6. MANDATORY TRAINING.

The Secretary of Homeland Security , in consultation with the Secretary of Health and Human Services and independent child welfare experts, shall require and provide in-person training on the protections required under sections 3 and 4 to all personnel of the Department of Homeland Security and of States and local entities acting under agreement with the Department of Homeland Security who regularly come into contact with children or parents in the course of conducting immigration enforcement actions.

SEC. 7. RULEMAKING.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to implement this Act.

SEC. 8. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

NATIONAL ORGANIZATIONS SUPPORTING THE HELP SEPARATED CHILDREN ACT

AFL–CIO; America's Promise Alliance; American Humane Association; American Immigration Lawyers Association; American Muslim Voice; American Nursery & Landscape Association; Amnesty International USA; Arizona Council of Human Service Providers; Asian & Pacific Islander American Health Forum; Asian American Justice Center; Asian Pacific American Labor Alliance; Bridging Group; Catholic Charities USA; Center for Asian Pacific Islander; Center for Farmworker Families; Child Welfare League of America; Church World Service, Immigration and Refugee Program; The Episcopal Church; Every Child Matters Education Fund; Family Violence Prevention Fund; First Focus Campaign for Children; Foster Care Alumni of America; Foster Family-based Treatment Association; Friends Committee on National Legislation; Hebrew Immigrant Aid Society (HIAS); Human Rights Watch; Immigrant Legal Resource Center; Immigration Equality; Juvenile Law Center; Kids in Need of Defense (KIND); Latino Commission on AIDS; Legal Momentum; Lutheran Immigrant and Refugee Service (LIRS); Lutheran Immigration and Refugee Service (LIRS); Mennonite Central Committee U.S.—Washington Office; Midwest Coalition for Human Rights; Moms Rising; National Association for the Education of Homeless Children and Youth; National Association of Social Workers; National Consumers League; National Council of Jewish Women; National Council of La Raza; National Federation of Filipino American Associations; National Foster Care Coalition; National Immigrant Justice Center; National Immigration Forum; National Immigration Law Center; National Korean American Service & Education Consortium; National Latino AIDS Action Network; National Policy Partnership; OCA; Physicians for Human Rights; Saavedra Law Firm; Sargent Shriver National Center on Poverty Law; Sisters of Mercy of the Americas, South Central Community; Sojourners; South Asian Americans Leading Together (SAALT); Southeast Asia Resource Action Center; U.S. Committee for Refugees and Immigrants; Union for Reform Judaism; Unitarian Universalist Association of Congregations; United Methodist Church, General Board of Church and Society; Voices for America's Children; Women's Refugee Commission; Youth Build USA; Zero to Three.

STATE AND LOCAL ORGANIZATIONS SUPPORTING THE HELP SEPARATED CHILDREN ACT

ARIZONA

Arizona Council of Human Service Providers; Children's Action Alliance; Florence Project; Global Family Legal Services; MEChA Arizona Student Union; Tumbleweed, Center for Youth Development.

ARKANSAS

Arkansas Voices.

CALIFORNIA

Asian Law Alliance; California Immigrant Policy Center; Children Now; Coalition for Humane Immigrant Rights of Los Angeles; East Bay Community Law Center; International Institute of the Bay Area; Public Counsel.

COLORADO

Lutheran Advocacy Ministries; Rocky Mountain Immigrant Advocacy Network.

CONNECTICUT

Connecticut Voices for Children.

DISTRICT OF COLUMBIA

Ayuda; The Episcopal Church.

FLORIDA

Florida Immigrant Advocacy Center; Florida Legal Services, Inc.; Gulfcoast Legal Services, Inc.; Legal Aid Society of the Orange County Bar Association, Inc.; Legal Ministry H.E.L.P., Inc.

GEORGIA

Asian American Legal Advocacy Center, Inc. (AALAC) of Georgia; Georgia Rural Urban Summit; Latinos for Education & Justice Organization.

ILLINOIS

Instituto del Progreso Latino; Maria Baldini-Potermin & Associates.

IOWA

Child and Family Policy Center; Lutheran Services in Iowa; National Association of Social Workers, Iowa Chapter.

KENTUCKY

Kentucky Youth Advocates.

LOUISIANA

New Orleans Workers' Center for Racial Justice.

MAINE

Immigrant Legal Advocacy Project; Maine Children's Alliance.

MARYLAND

CASA de Maryland; Lutheran Office on Public Policy.

MICHIGAN

Bethany Children's Services; Immigrant Legal Advocacy Project; Michigan's Children.

MINNESOTA

Advocates for Human Rights; American Immigration Lawyers Association, Minnesota/Dakotas Chapter; Ascension Church; Benedictine-Franciscan Immigrant Justice Commission (St. Joseph & Little Falls, MN); Casa Guadalupana; Catholic Charities of St. Paul & Minneapolis; Center for Asian Pacific Islanders; Center for Mission, Archdiocese of St. Paul and Minneapolis; Children's Defense Fund Minnesota; Children's Law Center of Minnesota; Chinese Social Service Center; Church World Service; Congregational Council, the Miracle Lutheran Church; Department of Social Concerns, Catholic Charities of the Diocese of St. Cloud; Family & Children's Service; Franciscan Sisters of Little Falls; Great River Interfaith Partnership; Hmong American Partnership; Hospitality Minnesota; Immigrant Law Center of Minnesota; Immigration Task Force, Minnesota Conference United Church of Christ; Interfaith Coalition on Immigration; ISAIAH; Jewish Community Action; Justice Commission of the Sisters of St. Joseph of Carondelet and Consociates; Latin America

& Haiti Focus Group, St. Luke's Presbyterian Church; Legal Rights Center; Lutheran Coalition for Public Policy in Minnesota; Lutheran Social Service of Minnesota; Metropolitan Consortium of Community Developers; Mid-Minnesota Legal Assistance; Midwest Food Processors Association; Minnesota Advocates for Human Rights; Minnesota AFL-CIO; Minnesota Agri-Growth Council; Minnesota Alliance With Youth; Minnesota Business Immigration Coalition; Minnesota Catholic Conference; Minnesota Chamber of Commerce; Minnesota Fathers & Families Network; Minnesota Hispanic Bar Association; Minnesota Hispanic Chamber of Commerce; Minnesota Lodging Association; Minnesota Milk Producers Association; Minnesota Nursery & Landscape Association; Minnesota Restaurant Association; Minnesota School Social Workers Association; Minnesota Strengthening Our Lives (SOL); No More Children Left Behind; Office of Justice, Peace & Integrity of Creation, School Sisters of Notre Dame, Mankato; Project for Pride in Living; Service Employees International Union (SEIU), Local 26—Minneapolis; Service Employees International Union (SEIU), Minnesota State Council; Sisters Online; Social Concerns & Family Office, Diocese of New Ulm; Sowers Leadership Team, Guardian Angels Catholic Church; St. John Neumann Catholic Church; The Minneapolis Foundation; UFCW Local 1161—Worthington; UFCW Local 789—South St. Paul; UNITE Here, Minnesota State Council; United Cambodian Association of Minnesota; United Food and Commercial Workers (UFCW), Local 1161—Worthington; United Food and Commercial Workers (UFCW), Local 789—South St. Paul; Willmar Area Comprehensive Immigration Reform; YWCA of Minneapolis.

MINNESOTA FAITH LEADERS, ELECTED OFFICIALS & COMMUNITY ADVOCATES SUPPORTING THE HELP SEPARATED CHILDREN ACT

Rabbi Morris J. Allen, Beth Jacob Congregation; Rabbi Renee Bauer, Mayim Rabim Congregation; Rev. Ralph Baumgartner, Galilee Lutheran Church, Roseville, MN; Rev. Chris Becker, Peace Lutheran Church, Inver Grove Heights, MN; Pastor Chris Berthelsen, First Lutheran Church, St. Paul, MN; Rev. Mariann Budde, St. John's Episcopal Church, Minneapolis, MN; Pastor Sarah Campbell, Mayflower Community Congregational Church, Minnapolis, MN; Mayor Chris Coleman, City of St. Paul; Rev. Doug Donley, University Baptist Church, Minneapolis, MN; Rabbi Amy Eilberg, Jay Phillips Center for Jewish-Christian Learning; Pastor Paul Erickson, Evangelical Lutheran Church of America, St. Paul, MN; Rev. James Erlandson, Lutheran Church of the Redeemer, St. Paul, MN; Rev. G. Allen Foster, Citadel of Hope Church, Brooklyn Park, MN; Pastor Pam Fickenscher, Edina Community Lutheran Church, Edina, MN; Luz María Frías, Human Rights & Equal Economic Opportunity Dept., City of St. Paul; Pastor Dan Garnaas, Grace University Lutheran Church, Minneapolis, MN; Rev. Chad Gilbertson, Willmar, MN; Revs. Patrick & Luisa Cabello Hansel, Minneapolis Area Synod, Evangelical Lutheran Church in America, Minneapolis, MN; Rev. Richard Headen, Presbyterian Church USA, Plymouth, MN; Allan D. Henden, Lay Leader, United Church of Christ, Minneapolis, MN; Rev. Karen Hering, Unity Unitarian Church, St. Paul, MN; Rev. Anita C. Hill, St. Paul, MN; Loan T. Huynh, Attorney at Law; Bishop Craig E. Johnson, Minneapolis Area Synod, Evangelical Lutheran Church in America, Minneapolis, MN; Elder Karen Larson, St. Luke Presbyterian Church, Minnetonka, MN; Rabbi Michael Latz, Shir Tikvah Congregation; Charles & Hertha Lutz, Peace and Justice Advocates, Evangelical Lutheran Church in America, Minneapolis, MN; Miguel Lucas Lindgren, DFL Latino Caucus Treasurer, Roseville, MN; Brianna MacPhee, Executive Board, Minnesota Latino Caucus, Minneapolis, MN; Pastor Rod Maeker, Faculty (ret.), Luther Seminary, St. Paul, MN; Rev. Naomi Mahler, Paz y Esperanza Lutheran Church, Willmar, MN; Pastor Susan Maetzold Moss, Episcopal Diocese of Minnesota; Sen. Mee Moua (Dist. 67), Chair, Minnesota Senate Judiciary Committee, St. Paul, MN; Lauren Morse-Wendt, Mission and Ministry Developer, Edina, MN; Pastor Richard Mork, Evangelical Lutheran Church in America, St. Paul, MN; Rev. Jen Nagel, Salem English Lutheran, Minneapolis, MN; Rev. Karsten Nelson, Our Redeemer Lutheran Church, St. Paul, MN; Rev. Keith H. Olstad, St. Paul-Reformation Lutheran Church, St. Paul, MN; Rafael Ortega, Ramsey County Commissioner; Pastor Paul Slack, New Creation Community Church, Brooklyn Park, MN; Rev. Dr. Karen Smith Sellers, Minnesota Conference United Church of Christ; Roxanne Smith, Social Justice Dir., St. Joseph the Worker Church, Maple Grove, MN; Chief Tom Smith, St. Paul Police Department; Pastor Grant Stevensen, St. Matthew's Lutheran Church, St. Paul, MN; Rabbi Adam Stock Spilke, Mount Zion Temple; Pastor Eric Strand, Edina Community Church, Edina, MN; Rev. Dale Stuepfert, Director of Chaplaincy (ret.), Hennepin County Medical Center, Minneapolis, MN; Pastor Steve Sylvester, Our Savior's Lutheran Church, Circle Pines, MN; Linda Thompson, Lay Leader, St. Luke Presbyterian Church, Plymouth, MN; Sen. Patricia Torres Ray (District 62); Rev. Jill Tollefson, La Mision San Jose Obrero de Episcopal, Montgomery, MN; Rev. Susan Tjornehoj, Minneapolis Area Synod, Evangelical Lutheran Church in America, Minneapolis, MN; Pastor Jason Van Hunnik, Westwood Lutheran Church, St. Louis Park, MN; Pastor Mark Vinge, House of Hope Lutheran Church, New Hope, MN; Rev. David Wangaard, Minneapolis Area Synod, Evangelical Lutheran Church in America, Minneapolis, MN; Pastor Mark Wegener, Woodlake Lutheran Church, Richfield, MN; Rev. Bruce M. Westphal, Westwood Lutheran Church, St. Louis Park, MN; Rev. Jonathan Zielske, Hope Lutheran Church..

NEW JERSEY

Association for Children of New Jersey; Casa Esperanza; IRATE & First Friends; Statewide Parent Advocacy Network.

NEW MEXICO

For Families, LLC.; Lutheran Advocacy Ministry; New Mexico Children, Youth and Families Protective Services Division; New Mexico Women's Justice Project; PBJ Family Services, Inc.

NEW YORK

Coalition for Asian American Children and Families; Make the Road New York; The Osborne Association; Schuyler Center for Analysis and Advocacy.

NORTH CAROLINA

Action for Children North Carolina; The Exceptional Children's Assistance Center.

OKLAHOMA

Oklahoma Institute for Child Advocacy.

OREGON

Immigration Counseling Services (Portland, OR).

SOUTH CAROLINA

South Carolina Appleseed.

TEXAS

Catholic Charities of Dallas, Inc., Immigration & Legal Services; Center for Public Policy Priorities; Daya Inc.; Wilco Justice Alliance.

VIRGINIA

Voices for Virginia's Children.

WASHINGTON

Children's Home Society of Washington; Northwest Immigrant and Refugee Rights Project.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to add two bills for the previously announced hearing scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, June 24, 2010, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to hear testimony on the following bills: S. 3497, a bill to amend the Outer Continental Shelf Lands Act to require leases entered into under that Act to include a plan that describes the means and timeline for containment and termination of an ongoing discharge of oil, and for other purposes; and, S. 3431, a bill to improve the administration of the Minerals Management Service, and for other purposes.

Adding bills: S. 3509, a bill to amend the Energy Policy Act of 2005 to promote the research and development of technologies and best practices for the safe development and extraction of natural gas and other petroleum resources, and for other purposes; and, S. 3516, a bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, 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 may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Abigail_Campbell@energy.senate.gov.

For further information, please contact Linda Lance at (202) 224–7556 or Abigail Campbell at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 22, 2010, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. 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