

programs to furnish quality care to beneficiaries under this title.

“(II) REPORT.—Not later than 1 year after the completion of the demonstration program, the Secretary shall submit to Congress a report containing the results of the evaluation conducted under subclause (I), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

“(iii) BUDGET NEUTRALITY.—With respect to the 2-year period of the demonstration program under this subparagraph, the Secretary shall ensure that the estimated amount of aggregate payments under this title to each hospice program participating in the demonstration program for such period shall not be more than 5 percent higher or 5 percent lower than the estimated amount of aggregate payments that would have been made under this title to each such hospice program during such period had they not participated in the demonstration program under this subparagraph.”

(C) in subparagraph (E), as redesignated by subparagraph (B)—

(i) in clause (i)—

(I) in the first sentence, by striking “October 1, 2013, the Secretary shall, by regulation” and inserting “subject to clause (iii), the later of 2 years after the demonstration program under subparagraph (D) is completed or October 1, 2017, the Secretary shall, by regulation, preceded by notice of the proposed regulation in the Federal Register and a period for public comment in accordance with section 1871(b)(1),”; and

(II) in the second sentence, by inserting “, and shall take into account the results of the evaluation conducted under subparagraph (D)(ii)” before the period; and

(ii) by adding at the end the following new clause:

“(iii) In no case may the Secretary implement any revisions in payment pursuant to clause (i) unless the Secretary determines that the demonstration program under subparagraph (D) demonstrated that such revisions would not adversely affect access to quality hospice care by beneficiaries under this title.”

(D) in subparagraph (F), as redesignated by subparagraph (B), by striking “subparagraph (D)” and inserting “subparagraph (E)”.

SEC. 4. HOSPICE SURVEY REQUIREMENT.

(a) IN GENERAL.—Section 1861(dd)(4) of the Social Security Act (42 U.S.C. 1395x(dd)(4)) is amended by adding at the end the following new subparagraph:

“(C) Any entity seeking certification as a hospice program shall be subject to an initial survey by an appropriate State or local survey agency, or an approved accreditation agency, as determined by the Secretary, not later than 6 months after beginning operations, and any entity which is certified as a hospice program shall be subject to a standard survey not less frequently than every 36 months.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date that is 180 days after the date of enactment of this Act and applies to hospice programs on or after such date.

Mr. ROBERTS. Mr. President, I rise today in support of the legislation introduced by Senator WYDEN, of which I am an original cosponsor, the ‘Hospice Evaluation and Legitimate Payment Act.’ The HELP Act.

The HELP Act does what the title says it does and takes initial steps in helping our hospices in Kansas and across the Nation continue to give the valuable care that patients and families need.

It is impossible to describe the value of hospice services to the patients and families for whom they provide selfless and compassionate care. Over the next 10 years hospice is facing drastic reductions in their reimbursements, negatively impacting at least 1.3 million patients and families, which is the number served by hospice programs in recent years.

The HELP Act sets realistic requirements for a face-to-face encounter. The Accountable Care Act included a requirement that a hospice physician or nurse practitioner should have a face-to-face encounter with hospice patients before their 180-day recertification and for each 60-day recertification period after that date, has caused a significant burden on our hospice communities, especially those in rural areas. The limits on who can conduct the face-to-face encounter and the timeline for compliance do not reflect the operational realities of hospice programs, especially for small and rural hospices. The HELP Act would allow Nurse Practitioners, Clinical Nurse Specialists and Physician’s Assistants to conduct the face-to-face encounter, and that hospice programs be afforded 7 days after the election of services to fulfill the requirement.

The HELP Act would require the Secretary to establish a payment reform demonstration program to test any prospective payment revisions to hospice, and would include an evaluation period for data analysis; increase the frequency of hospice surveys to every 3 years; and would amend the new face-to-face encounter statutory framework to reflect operational realities for hospice programs, and the needs of the patients and families they serve.

Under this legislation the new payment methodologies for hospice must first be piloted through a 2-year, 15-site demonstration program to allow for any recommended payment reform schemes to be tested across a representative sample of the hospice community and to assess their impact on beneficiary access to hospice services.

The HELP Act also requires more frequent hospice surveys. A recent Office of the Inspector General’s, OIG, report noted that CMS was remiss in its supervisory responsibilities by not regularly reviewing the operational and clinical delivery processes of the hospice community. OIG has recommended on numerous occasions that “CMS should conduct more frequent certification surveys of hospices as a way to enforce the requirements.” Accrediting organizations, such as the Joint Commission for the Accreditation of Healthcare Organizations, JCAHO, have set an industry standard of certification every 3 years for hospices. The HELP Act requires an initial survey for those seeking certification to be followed by a standard survey every 3 years.

While there is more work that needs to be done to address payment reductions for hospice providers, the HELP

Act takes some initial steps to addressing these problems. I am grateful to my colleague Senator WYDEN for introducing this legislation and I am happy to lend my support. I encourage all of my colleagues on both sides of the aisle to review and consider supporting this very important piece of legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 127—DESIGNATING APRIL 2011 AS “NATIONAL CHILD ABUSE PREVENTION MONTH”

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

S. RES. 127

Whereas in 2009, approximately 702,000 children were determined to be victims of abuse or neglect;

Whereas in 2009, an estimated 1,770 children died as a result of abuse or neglect;

Whereas in 2009, an estimated 80.8 percent of the children who died due to abuse or neglect were under the age of 4;

Whereas in 2009, of the children under the age of 4 who died due to abuse or neglect, 46.2 percent were under the age of 1;

Whereas abused or neglected children have a higher risk for developing health problems in adulthood, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases;

Whereas a National Institute of Justice study indicated that abused or neglected children—

(1) are 11 times more likely to be arrested for criminal behavior as juveniles; and

(2) are 2.7 times more likely to be arrested for violent and criminal behavior as adults;

Whereas an estimated 1/3 of abused or neglected children grow up to abuse or neglect their own children;

Whereas providing community-based services to families impacted by child abuse or neglect may be far less costly than—

(1) the emotional and physical damage inflicted on children who have been abused or neglected;

(2) providing other services to abused or neglected children, including child protective, law enforcement, court, foster care, or health care services; or

(3) providing treatment to adults recovering from child abuse; and

Whereas child abuse and neglect have long-term economic and societal costs: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2011 as “National Child Abuse Prevention Month”;

(2) recognizes and applauds the national and community organizations that work to promote awareness about child abuse and neglect, including by identifying risk factors and developing prevention strategies;

(3) supports the proclamation issued by President Obama declaring April 2011 to be “National Child Abuse Prevention Month”; and

(4) should increase public awareness of prevention programs relating to child abuse and neglect, and continue to work with States to reduce the incidence of child abuse and neglect in the United States.

Ms. COLLINS. Mr. President, it is with a heavy heart that I rise today to submit a resolution recognizing National Child Abuse Prevention Month. I

am honored to be joined by an advocate for children, Senator KERRY, in turning a spotlight on the issue of child abuse and neglect in this country. Senator KERRY and I share a common belief that children should be valued and nurtured by both their families and all of us.

The effort to address child abuse transcends ideological and partisan lines. This is not a Democratic or Republican issue—this is an American issue—one that we can't wish away, but that we must face head on and work to eradicate.

Abuse of children occurs in all segments of our society, in rural, suburban, and urban areas and among all racial, ethnic, and income groups. According to the 2009 Child Maltreatment Study compiled by the U.S. Department of Health and Human Services, during 2009, an estimated 702,000 children were determined to be victims of abuse or neglect, and an estimated 1,770 children died as a result.

Last year I became aware of yet another tragic case of child abuse. Maine was mourning the death of 15-month old Damien Lynn. Autopsy reports show that little Damien had broken bones and ribs, head and abdominal injuries, and a human bite mark on his right arm. This year the former boyfriend of Damien's mother will face the consequences of his actions, and I am proud to introduce this resolution again in Damien's memory.

The time has come for Americans to unite in an all-out effort to eradicate child abuse. National Child Abuse Prevention Month is an opportunity for communities across the country to keep children safe, provide the support families need to stay together, and raise children and youth to be happy, secure, and stable adults.

To paraphrase Mahatma Gandhi, "You can judge a society by how they treat their weakest members." This resolution is sad commentary that we have to do more to protect those who are in the dawn of life, the most vulnerable among us, our children.

SENATE RESOLUTION 128—EX-PRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK, MAY 1 THROUGH 7, 2011

Mr. AKAKA (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. LEVIN, Mr. CARPER, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 128

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

- (1) defend our freedom and advance United States interests around the world;
- (2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;
- (3) fight crime and fires;
- (4) ensure equal access to secure, efficient, and affordable mail service;
- (5) deliver social security and medicare benefits;
- (6) fight disease and promote better health;
- (7) protect the environment and the Nation's parks;
- (8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;
- (9) defend and secure critical infrastructure;
- (10) help the Nation recover from natural disasters and terrorist attacks;
- (11) teach and work in our schools and libraries;
- (12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;
- (13) improve and secure our transportation systems;
- (14) promote economic growth; and
- (15) assist our Nation's veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 1 through 7, 2011, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 27th anniversary: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President, today I rise to honor America's public servants, who provide so many essential services that Americans rely on every day. I am pleased to once again introduce a resolution recognizing these employees during Public Service Recognition Week.

Public Service Recognition Week provides us with the opportunity to honor and celebrate the works of federal, state and local public employees—and also gives American's across the country a chance to learn about the many possible careers in public service. As a former teacher and a life-long public servant, I have worked alongside so many hard-working, talented people who have dedicated their lives to serving others. Public employees across the country use the week to educate their fellow citizens on how government serves them and makes life better for all of us. It is my hope that this week's events will encourage many people, especially students and young professionals, to consider a career in public service.

As the Chairman of the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am proud to take this moment to highlight the importance of our public servants. This country is facing so many challenges both here at home and abroad, and our public servants play an integral role in moving our country forward. It is essential that we do not lose sight of their importance and all that they do to keep our country strong.

Our public servants are honorable men and women who provide vital services to the American people, including teaching our children, keeping our Nation safe, caring for our wounded warriors, guarding our prisons, and responding to natural disasters. Our way of life would not exist without the work of public employees.

This is the 27th year we have honored our public servants with Public Service Recognition Week during the first week of May. Although we have designated a week to pay tribute to government employees, it is also important that we honor the invaluable service of public servants throughout the year. America's public servants deserve our gratitude and respect and I thank them for their dedication. I encourage my colleagues to join me in this annual