STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. PORTMAN, Mr. NELSON of Nebraska, and Mr. BURR):

S. 1718. A bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today to advocate for increasing Medicare efficiency and effectiveness by introducing the Strengthening Medicare and Repaying Taxpayers, SMART, Act of 2011 with my colleagues, Senators PORTMAN, BEN NELSON, and BURR.

The SMART Act initiates common sense changes to the Medicare Secondary Payer, MSP, system, as a means of achieving that efficiency and effectiveness. This system kicks in whenever a Medicare beneficiary is injured and another party accepts responsibility to pay for the costs associated with that injury, making Medicare the ''secondary payer.'' For example, if a Medicare beneficiary is injured when she slips in a store the store reimburses her for the costs of the injury. In this scenario the store becomes the party responsible for paying the costs associated with the injury, and if Medicare pays any of the costs associated with the injury, it has to be reimbursed. The purpose of this system is to ensure that Medicare does not pay claims that a third party is liable for. Although seemingly obvious, the system currently on the books is set up in manner that is unnecessarily burdensome to all parties involved in these claims.

At the heart of the problem is the lack of financial disclosure by the Center for Medicare and Medicaid Services, CMS. Under the current MSP system, CMS does not calculate the MSP amount owed to the Trust Fund until after a claim has settled, making it impossible for the parties to factor that amount into the settlement process. Even after the claim has been settled and reported to Medicare, it can take months for the parties to find out how much money is actually owed in reimbursement.

Does this make any sense at all? Of course not. The beneficiary has no idea what portion of the settlement will be left after the payment is made to Medicare, the third party responsible for the bill has no way of knowing whether or not the amount settled upon will be sufficient to fully reimburse Medicare, and the Medicare Trust Fund is denied much needed funds because of the uncertain settlement process.

It is clear that the repercussions of our inefficient MSP system are widespread. Individual beneficiaries and businesses large and small are left in the dark. On top of that, State and local governments that settle personal injury and worker compensation claims also fall victim to these long, drawn out settlements which costs a significant amount of money at a time when budgets are especially tight.

The legislation my colleagues and I are introducing today provides a straightforward and commonsense solution. The SMART Act would create a more effective and efficient MSP process for all parties involved, while speeding the return of Medicare Trust Fund dollars. This legislation will improve the flow of information so that beneficiaries and companies may determine how much money is owed to the Trust Fund before they settle a claim. This change will enable parties to calculate the MSP amount they owe and reimburse Medicare directly, and it will provide CMS with tools to ensure that Medicare is fully reimbursed.

Medicare beneficiaries and businesses will no longer be forced to play this real life version of ''Price is Right,'' where Medicare plays the Bob Barker/Drew Carey role and the other parties are forced to guess at how much is owed.

The SMART Act will also preserve taxpayer resources by ensuring that Medicare does not spend more money pursuing these cases than the claim is actually worth. There have been reports of MSP demands as low as $2—CMS should not be spending more money on postage than the Medicare Trust Fund will receive in reimbursement. Surely we can create a sensible threshold that will protect Medicare's interest and prevent parties from gaming the system without wasting government money chasing down elderly beneficiaries to collect a handful of quarters.

In addition to streamlining the MSP system the SMART Act will protect consumers by eliminating the requirement for businesses to collect Social Security Numbers or Medicare numbers during the claims process. This is in line with a recently launched Medicare campaign which encourages beneficiaries not to give out these numbers as an important tool in fighting health care fraud and identity theft. We should not be sending seniors mixed messages or punishing businesses that are unable to obtain this information, despite their best efforts, from understandably reticent seniors.

The SMART Act will provide much needed clarity to the MSP system and will relieve the burden that is currently placed on all parties involved in the process.

I urge my colleagues to join us in cosponsoring this important legislation.

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

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

S. 1718

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 ''Strengthening Medicare And Repaying Taxpayers Act of 2011''.

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

SEC. 2. EXPEDITING SECRETARIAL DETERMINATION OF REIMBURSEMENT AMOUNT TO IMPROVE PROGRAM EFFICIENCY.

Section 1862(b)(2)(B) of the Social Security Act (42 U.S.C. 1395y(b)(2)(B)) is amended by adding at the end the following new clause:

''(vii) TIMELY NOTICE OF CONDITIONAL PAYMENT REIMBURSEMENT.—

''(I) REQUEST FOR CONDITIONAL PAYMENT STATEMENT.—In the case of a payment made by the Secretary pursuant to clause (i) for items and services provided to the claimant, the claimant or applicable plan (as defined in paragraph (8)(F)) may at any time beginning 120 days before the reasonably expected date of a settlement, judgment, award, or other payment, notify the Secretary that a payment is reasonably expected, and request from the Secretary, in accordance with regulations, a statement of the conditional payment reimbursement amount (in this clause referred to as a 'statement of reimbursement amount') for any payments subject to reimbursement required under clause (ii). A claimant or applicable plan may request a statement under this subclause only once with respect to such settlement, judgment, award, or other payment.

''(II) SECRETARIAL RESPONSE.—

''(aa) IN GENERAL.—Not later than 65 days after the date of receipt of a request under subclause (I), the Secretary shall respond to such request with a statement of reimbursement amount, which shall constitute the conditional payment subject to recovery under clause (ii) related to such settlement, judgment, award or other payment.

''(bb) CASE OF SECRETARIAL FAILURE.—Subject to subclause (III), if the Secretary fails to provide such a statement of reimbursement amount for items or services subject to reimbursement required under clause (ii) in accordance with this subclause, the claimant, applicable plan, or an entity that receives payment from an applicable plan shall provide an additional notice to the Secretary of such failure. If the Secretary fails to provide a statement of reimbursement amount within 30 days of the date of such additional notice, the claimant, applicable plan, and an entity that receives payment from an applicable plan shall not be liable for and shall not be obligated to make payment subject to this section for any item or service related to the request unless the Secretary demonstrates (in accordance with regulations) that the failure was justified due to exceptional circumstances (as defined in such regulations). Such regulations shall define exceptional circumstances in a manner so that not more than 1 percent of the repayment obligations under this subclause would qualify as exceptional circumstances.

''(III) NOTICE TO SECRETARY.—In the event that a settlement, judgment, award, or other payment does not occur (or is no longer reasonably expected to occur) within 120 days of the date of an original request under subclause (I) with respect to a settlement, judgment, award, or other payment, the claimant or the applicable plan shall timely notify the Secretary, and the Secretary shall be exempt from any obligation under subclause (II) with respect to a statement of reimbursement amount relating to such settlement, judgment, award, or other payment related to the notice.

''(IV) EFFECTIVE DATE.—The Secretary shall promulgate final regulations to carry out this clause not later than 9 months after the date of the enactment of this clause. Such regulations shall require the disclosure from a claimant or applicable plan of no more than the minimum amount of information necessary for the Secretary to determine the amount of conditional payment subject to recovery under clause (ii) related to such settlement, judgment, award, or other payment, and may require partial disclosure (but may not require full disclosure) of social security numbers or health identification claim numbers.

''(viii) RIGHT OF APPEAL.—The Secretary shall promulgate regulations establishing a right of appeal and appeals process, with respect to any determination under this subsection for a payment made under this title for an item or service under a primary plan, under which the applicable plan involved, or an attorney, agent, or third party administrator on behalf of such applicable plan, may appeal such determination. Such right of appeal shall—

''(I) include review through an administrative law judge and administrative review board, and access to judicial review in the district court of the United States for the judicial district in which the appellant is located (or, in the case of an action brought jointly by more than one applicant, the judicial district in which the greatest number of applicants are located) or in the District Court for the District of Columbia; and

''(II) be carried out in a manner similar to the appeals procedure under regulations for hearing procedures respecting notices of determinations of nonconformance of group health plans under this subsection.''.

SEC. 3. FISCAL EFFICIENCY AND REVENUE NEUTRALITY.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended—

(1) in paragraph (2)(B)(ii), by striking ''A primary plan'' and inserting ''Subject to paragraph (9), a primary plan''; and

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

''(9) EXCEPTION.—

''(A) IN GENERAL.—Clause (ii) of paragraph (2)(B) and any reporting required by paragraph (8) shall not apply with respect to any settlement, judgment, award, or other payment by an applicable plan constituting a total payment obligation to a claimant of not more than the single threshold amount calculated by the Chief Actuary of the Centers for Medicare & Medicaid Services under subparagraph (B) for the year involved.

''(B) ANNUAL COMPUTATION OF THRESHOLDS.—Not later than November 15 before each year, the Chief Actuary of the Centers for Medicare & Medicaid Services shall calculate and publish a single threshold amount for settlements, judgments, awards or other payments for conditional payment obligations arising from each of liability insurance (including self-insurance), workers' compensation laws or plans, and no fault insurance subject to this section for that year. Each such annual single threshold amount for a year shall be set such that the expected average amount to be credited to the Medicare trust funds of collections of conditional payments from such settlements, judgments, awards, or other payments for each of liability insurance (including self-insurance), workers' compensation laws or plans, and no fault insurance subject to this section shall equal the expected average cost of collection incurred by the United States (including payments made to contractors) for a conditional payment from each of liability insurance (including self-insurance), workers' compensation laws or plans, and no fault insurance subject to this section for the year. The Chief Actuary shall include, as part of such publication for a year—

''(i) the expected average cost of collection incurred by the United States (including payments made to contractors) for a conditional payment arising from each of liability insurance (including self-insurance), no fault insurance, and workers' compensation laws or plans; and

''(ii) a summary of the methodology and data used by such Chief Actuary in computing the threshold amount and such average cost of collection.

''(C) TREATMENT OF ONGOING EXPENSES.—For purposes of this paragraph and with respect to a settlement, judgment, award, or other payment not otherwise addressed in clause (ii) of paragraph (2)(B) involving the ongoing responsibility for medical payments, such payment shall include only the cumulative value of the medical payments made and the purchase price of any annuity or similar instrument.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to years beginning more than 4½ months after the date of the enactment of this Act.

SEC. 4. REPORTING REQUIREMENT SAFE HARBORS.

Section 1862(b)(8) of the Social Security Act (42 U.S.C. 1395y(b)(8)) is amended—

(1) in the first sentence of subparagraph (E)(i), by striking ''shall be subject'' and all that follows through the end of the sentence and inserting the following: ''may be subject to a civil money penalty of up to $1,000 for each day of noncompliance. The severity of each such penalty shall be based on the knowing, willful, and repeated nature of the violation.''; and

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

''(I) ESTABLISHMENT OF SAFE HARBORS.—Not later than 60 days after the date of the enactment of this subparagraph, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for the specification of practices for which sanctions will not be imposed under subparagraph (E), including for good faith efforts to identify a beneficiary pursuant to this paragraph under an applicable entity responsible for reporting information, under which this paragraph will be deemed to have complied with the reporting requirements under this paragraph and will not be subject to such sanctions. After considering the proposals so submitted, the Secretary, in consultation with the Attorney General, shall publish in the Federal Register, including a 60-day period for comment, proposed specified practices for which such sanctions will not be imposed. After considering any public comments received during such period, the Secretary shall issue final rules specifying such practices.''.

SEC. 5. USE OF SOCIAL SECURITY NUMBERS AND OTHER IDENTIFYING INFORMATION IN REPORTING.

Section 1862(b)(8)(B) of the Social Security Act (42 U.S.C. 1395y(b)(8)(B)) is amended by adding at the end (after and below clause (ii)) the following: ''Not later than 1 year after the date of enactment of this sentence, the Secretary shall modify the reporting requirements under this paragraph so that an applicable plan in complying with such requirements is permitted but not required to access or report to the Secretary beneficiary social security account numbers or health identification claim numbers.''.

SEC. 6. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended—

(1) in paragraph (2)(B)(iii), by adding at the end the following new sentence: ''An action may not be brought by the United States under this clause with respect to payment owed unless the complaint is filed not later than 3 years after the date of the receipt of notice of a settlement, judgment, award, or other payment made pursuant to paragraph (8) relating to such payment owed.''; and

(2) in paragraph (8)(E)(i), by adding at the end the following new sentence: ''A civil money penalty may not be imposed under this clause with respect to failure to submit required information unless service of notice of intention to impose the penalty is provided not later than 3 years after the date by which the information was required to be submitted.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to actions brought and penalties sought on or after 6 months after the date of the enactment of this Act.

Mr. PORTMAN. Mr. President, I am pleased to introduce the Strengthening Medicare and Repaying Taxpayers, SMART, Act with Senators WYDEN, BURR and BEN NELSON. This bi-partisan effort will help strengthen and protect Medicare by ensuring greater reliability and efficiency of Medicare reimbursements. The SMART Act proposes common-sense solutions to problems in the current Medicare Secondary Payer, MSP, system, at no cost to the American taxpayer. With Washington's sky high debt and deficit, we need to do everything we can to ensure that vital entitlement programs, such as Medicare, are cost effective and working for the very people they were designed to help.

Under the MSP program, if a Medicare beneficiary is injured by a third party and a settlement is pursued as a result of that injury, the third party is responsible for paying for the individual's medical expenses. If Medicare, now the ''secondary payer,'' pays any of the costs associated with the injury, it is entitled to reimbursement.

Numerous problems exist with the current MSP system; each of these are addressed by the SMART Act.

Under current law, Medicare does not have a pathway to disclose their MSP amount until after a case has been settled or adjusted—which creates an uncertainty that impedes beneficiaries and third parties from reaching a legal settlement. This legislation creates a process that allows the Centers for Medicare and Medicaid Services, CMS, to disclose this information before settlement, so it can be factored into the settlement.

Second, Medicare often spends more money pursuing an MSP payment than they actually receive in payment. This bill requires that Medicare no longer pursue MSP claims that do not cover their own expenses.

Additionally, the MSP system requires complex and extensive reporting requirements from those who settle a claim involving Medicare. If all required information is not 100 percent accurate and on-time, the company is fined $1,000 per claim, per day. The SMART Act provides CMS with leeway to issue smaller fines and provides safe harbor to protect companies that make

good faith efforts to comply fully and on-time.

Furthermore, under these requirements, claim beneficiaries must submit their Social Security numbers or Health Insurance Claim Numbers, Medicare Numbers, to the settlement company so they can be reported to CMS, generating serious privacy concerns. This legislation directs Medicare to establish an alternative method of identifying individuals, to mitigate concerns about identity theft and Medicare fraud.

Finally, there is currently no clear statute of limitations on MSP claims. This bill sets a 3-year statute of limitations for most claims.

The SMART Act is a common-sense bi-partisan bill that will make the MSP system work more efficiently, reduce unnecessary burdens and waste, and speed the repayment of amounts owed to the Medicare Trust Fund.

By Mrs. FEINSTEIN:

S. 1719. A bill to clarify that schools and local educational agencies participating in the school lunch program under the Richard B. Russell National School Lunch Act are authorized to donate excess food to local food banks or charitable organizations; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President. I rise to introduce legislation which would provide clarification to schools and school districts that wish to donate excess food to food banks and charitable organizations.

In 1996, Congress passed the Bill Emerson Good Samaritan Food Donation Act to encourage the donation of food and grocery products to nonprofit organizations such as homeless shelters, soup kitchens and churches for distribution to needy individuals. The law limits the liability of donors to instances of gross negligence or intentional misconduct. However, because the law does not explicitly include schools as having limited liability, many schools and school districts have been hesitant to donate excess food.

This legislation would amend the Richard B. Russell National School Lunch Act to clarify that schools and local education agencies participating in the school lunch program under the act are authorized to donate excess food to local food banks or charitable organizations. It would clarify that schools and local education agencies making donations would be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Act.

Schools interested in donating excess food would be encouraged and better informed with the passage of this legislation. The Secretary of Education would provide schools with guidance to assist schools with food donations.

Given the current economy and high unemployment rate, more and more individuals are becoming dependent on food banks and charities. This legislation would help to address the needs of those living in poverty by increasing support for food donations.

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. 1719

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 ''School Food Recovery Act''.

SEC. 2. FOOD DONATION PROGRAM.

Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

''(l) FOOD DONATION PROGRAM.—

''(1) IN GENERAL.—Each school and local educational agency participating in the school lunch program under this Act may donate any food not consumed under such program to eligible local food banks or charitable organizations.

''(2) GUIDANCE.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall develop and publish guidance to schools and local educational agencies participating in the school lunch program under this Act to assist such schools and local educational agencies in donating food under this subsection.

''(B) UPDATES.—The Secretary shall update such guidance as necessary.

''(3) LIABILITY.—Any school or local educational agency making donations pursuant to this subsection shall be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

''(4) DEFINITION.—In this subsection, the term 'eligible local food banks or charitable organizations' means any food bank or charitable organization which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).''.

By Mrs. BOXER:

S. 1722. A bill to improve early education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I rise to introduce the Early Language Proficiency Act, legislation critical to preparing young children across our country to be successful in school.

Studies have shown that children who participate in pre-kindergarten programs are less likely to be held back a grade, show greater learning retention and initiative, have better social skills, are more enthusiastic about school, and are more likely to have good attendance records.

Experts agree that an early education experience is one of the most effective strategies for improving later school performance. The National Research Council reported that pre-kindergarten educational opportunities are critical in developing early language and literacy skills and preventing reading difficulties in young children.

This bill is a step forward in making a national commitment to giving all children access to high quality pre-kindergarten programs that have been proven to have a solid impact on a child's success later in school and in life.

The Early Language Proficiency Act, would authorize pre-kindergarten English language instruction as an allowable use of Federal funding. With over 5 million English language learning students nationwide, 1.5 million of who reside in my home State of in California, allowing school districts to use Federal funds to prepare young English learners for grade school is critical.

In addition, this legislation will help local school districts use federal funds to provide prekindergarten services to all young children they serve. Although school districts may already use Federal funds from Title I of the Elementary and Secondary Education Act for early education, many school districts are either unaware of or are uncertain of how to use this authority. The Early Language Proficiency Act would ensure that states provide proper guidance to local schools about how to use Title I funds to educate prekindergarteners.

The future of our Nation's economy depends on the next generation of workers, and high-quality early childhood education is key to preparing them for their careers. In the long run, pre-kindergarten programs pay for themselves. Decades of research have proven that early education programs yield between $7 to $16 for every dollar invested.

Ensuring that all students start school ready to learn is essential to ensuring that we meet our goal of having the best-educated workforce and the highest proportion of college graduates in the world by 2020. I urge my colleagues to support this legislation.

By Mr. MCCONNELL:

S. 1726. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; read the first time.

Mr. MCCONNELL. 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. 1726

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 ''Withholding Tax Relief Act of 2011''.

SEC. 2. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

SEC. 3. RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, $30,000,000,000 in appropriated

discretionary funds are hereby permanently rescinded.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) EXCEPTION.—This section shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 294—COMMEMORATING THE 182ND ANNIVERSARY OF THE OPENING OF THE CHESAPEAKE AND DELAWARE CANAL

Mr. COONS (for himself, Mr. CARPER, Ms. MIKULSKI, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 294

Whereas on October 17, 1829, the Chesapeake and Delaware Canal became operational with the joint support of the Federal Government and the States of Delaware, Maryland, and Pennsylvania;

Whereas the Chesapeake and Delaware Canal has served the economy of the Chesapeake and Mid-Atlantic regions for 182 years, first as a lock-system canal and in the 20th century, as a free-flowing waterway;

Whereas the Chesapeake and Delaware Canal Museum recognizes and celebrates the history of the Canal and the role of the Canal in the economic development of the United States from the early 19th century through the date of approval of this resolution;

Whereas the Chesapeake and Delaware Canal is 1 of only 2 commercially viable sea level canals in the United States and is vital to the Ports of Wilmington, Baltimore, and Philadelphia, as well as the broader United States economy;

Whereas the Chesapeake and Delaware Canal is 1 of the busiest working waterways in the world, with more than 25,000 vessels passing though the Canal each year;

Whereas the Philadelphia District of the Corps of Engineers has responsibly managed the Chesapeake and Delaware Canal since 1933, including regularly dredging the Canal, maintaining existing bridges and roadways, and managing maritime traffic;

Whereas in 2005 and 2006, public workshops were held to solicit ideas and comments from local residents regarding potential recreational uses along the Chesapeake and Delaware Canal;

Whereas in March 2006, the Chesapeake and Delaware Canal trail concept plan was completed by the working group recommending the creation of a recreational trail along both banks of the Chesapeake and Delaware Canal to be used by walkers, joggers, cyclists, and equestrians;

Whereas the Federal Government and the State of Delaware have worked together to provide funding to build the first phase of the recreational trail along the banks of the Chesapeake and Delaware Canal, with construction set to begin in the spring of 2012;

Whereas the Chesapeake and Delaware Canal is surrounded by more than 7,500 acres of public land, creating a unique and safe environment for recreationists, families, students, anglers, hunters, nature enthusiasts, and others to participate in outdoor activities;

Whereas the recreational trail along the Chesapeake and Delaware Canal has the potential to provide a common link to communities across the States of Delaware and Maryland from Chesapeake City to Delaware City;

Whereas plans for Phase I of the recreational trail call for 9 miles of improved trail along the Chesapeake and Delaware Canal from Delaware City to Summit Marina, Delaware, including the construction of parking areas and comfort stations;

Whereas public participation has been an integral part of the development of the recreational trail along the Chesapeake and Delaware Canal and the plan enjoys broad support from local communities, stakeholder groups, and Federal and State officials; and

Whereas construction of the trail will create jobs and bring economic activity to communities along the Chesapeake and Delaware Canal while encouraging health and wellness through outdoor engagement: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 182nd anniversary of the opening of the Chesapeake and Delaware Canal;

(2) celebrates the history of the Chesapeake and Delaware Canal as a facilitator of trade and economic development in the Chesapeake and Mid-Atlantic regions;

(3) honors the ongoing role that the Chesapeake and Delaware Canal plays in supporting commerce by linking the Delaware River and Chesapeake Bay to ports around the world; and

(4) recognizes the potential for recreation on federally owned land along the banks of the Chesapeake and Delaware Canal to encourage job creation, outdoor engagement, wellness, and fitness.

SENATE RESOLUTION 295—DESIGNATING OCTOBER 26, 2011, AS ''DAY OF THE DEPLOYED''

Mr. HOEVEN (for himself, Mr. CONRAD, Mr. ROBERTS, Mr. SESSIONS, Mr. ISAKSON, Mr. BLUNT, and Mr. BOOZMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 295

Whereas more than 2,270,000 people serve as members of the United States Armed Forces;

Whereas several hundred thousand members of the Armed Forces rotate each year through deployments to 150 countries in every region of the world;

Whereas more than 2,300,000 members of the Armed Forces have deployed to the area of operations of the United States Central Command since the September 11, 2001, terrorist attacks;

Whereas the United States is kept strong and free by the loyal military personnel who protect our precious heritage through their positive declaration and actions;

Whereas members of the Armed Forces serving at home and abroad have courageously answered the call to duty to defend the ideals of the United States and to preserve peace and freedom around the world;

Whereas members of the Armed Forces personify the virtues of patriotism, service, duty, courage, and sacrifice;

Whereas the families of members of the Armed Forces make important and significant sacrifices for the United States;

Whereas North Dakota began honoring the members of the Armed Forces and their families by designating October 26 as ''Day of the Deployed'' in 2006 ; and

Whereas 40 States designated October 26, 2010, as ''Day of the Deployed'': Now, therefore, be it

Resolved, That the Senate—

(1) honors the members of the United States Armed Forces who are deployed;

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces, wherever they serve, past, present, and future;

(3) designates October 26, 2011, as ''Day of the Deployed''; and

(4) encourages the people of the United States to observe ''Day of the Deployed'' with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 739. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 740. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 741. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 742. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 743. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 744. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 745. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 746. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 747. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 748. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 749. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 750. Mr. REID (for Mr. WEBB) proposed an amendment to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra.

SA 751. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 752. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 753. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.