

By Mr. LEVIN for the Committee on Armed Services.

\*Army nomination of Lt. Gen. David M. Rodriguez, to be Lieutenant General.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

\*John R. Norris, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2012.

\*Jose Antonio Garcia, of Florida, to be Director of the Office of Minority Economic Impact, Department of Energy.

\*Joseph G. Pizarchik, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

By Mr. LEAHY for the Committee on the Judiciary.

Brendan V. Johnson, of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.

Karen Louise Loeffler, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

Steven Gerard O'Donnell, of Rhode Island, to be United States Marshal for the District of Rhode Island for the term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRANZEN (for himself, Mr. WHITEHOUSE, and Mr. BROWN):

S. 1763. A bill to amend the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for prescription pharmaceuticals; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1764. A bill to clarify the application of section 14501(d) of title 19, United States Code, to prevent the imposition of unreasonable transportation fees; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. BROWN, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. SCHUMER, and Mr. BURRIS):

S. 1765. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mrs. HAGAN):

S. 1766. A bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements; to the Committee on Finance.

By Mr. BURR (for himself and Mrs. HAGAN):

S. 1767. A bill to authorize a land exchange to acquire land for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURR (for himself and Mrs. HAGAN):

S. 1768. A bill to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VITTER:

S. 1769. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. CRAPO, and Mr. NELSON of Nebraska):

S. 1770. A bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public lands and ensure continued opportunities for these activities; to the Committee on Energy and Natural Resources.

By Mr. CASEY (for himself and Mr. SPECTER):

S. 1771. A bill to authorize the Secretary of Health and Human Services to establish a program of grants to newly accredited allopathic medical schools for the purpose of increasing the supply of physicians; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BUNNING:

S. 1772. A bill to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate; read the first time.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. ENSIGN):

S. Res. 309. A resolution recognizing and celebrating the 145th anniversary of the entry of Nevada into the Union as the 36th State; considered and agreed to.

By Mr. CASEY (for himself, Mr. ROBERTS, Mr. SANDERS, Mr. BROWN, Mr. FEINGOLD, and Mr. AKAKA):

S. Res. 310. A resolution expressing support for the designation of October 20, 2009, as the National Day on Writing; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 825

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 825, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 844

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 844, a bill to amend the Public Health Service Act to prevent and treat diabetes, to promote and improve the care of individuals with diabetes, and to reduce health disparities relating to diabetes within racial and ethnic minority groups, including African-American, Hispanic American, Asian American, Native Hawaiian and Other Pacific Islander, and American Indian and Alaskan Native communities.

S. 868

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. RISCHE) was added as a cosponsor of S. 868, a bill to repeal certain provisions of the Federal Lands Recreation Enhancement Act.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 883

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Utah (Mr. HATCH), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 907

At the request of Mr. CARPER, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 907, a bill to establish procedures for

the expedited consideration by Congress of certain proposals by the President to rescind amounts of budget authority.

S. 941

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1160

At the request of Mr. SCHUMER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1160, a bill to provide housing assistance for very low-income veterans.

S. 1232

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1232, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 1366

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes.

S. 1395

At the request of Mr. CRAPO, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1395, a bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date on which the polar bear was determined to be a threatened species under the Endangered Species Act of 1973.

S. 1547

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emis-

sions of formaldehyde from composite wood products, and for other purposes.

S. 1678

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes.

S. 1694

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1694, a bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

S. 1744

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 307

At the request of Mr. BUNNING, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 307, a resolution to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

AMENDMENT NO. 2393

At the request of Mr. JOHANNIS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 2393 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2627

At the request of Mr. LEVIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 2627 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2636

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 2636 intended to be proposed to H.R. 2847, a

bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2637

At the request of Mr. BROWN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 2637 intended to be proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2642

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2642 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2647

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2647 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2648

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2648 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2652

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 2652 intended to be proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2653

At the request of Mr. BUNNING, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 2653 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself, Mr. WHITEHOUSE, and Mr. BROWN):

S. 1763. A bill to amend the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for prescription pharmaceuticals; to the Committee on Finance.

Mr. FRANKEN. Mr. President, I am pleased today to introduce the Protecting Americans from Drug Marketing Act. Health care spending is out of control, and this bill represents a small but significant step toward reigning in unnecessary health care costs.

Right now, the Federal Government gives pharmaceutical companies a tax break every time you see a drug advertisement on TV—and for every free mug your doctor receives that has a pharmaceutical company logo on it. These tax breaks add up to billions of dollars of lost revenue for the Federal Government.

Pharmaceutical companies are getting a huge boost at a time when thousands of Americans are going bankrupt because of health care bills, and millions more are struggling to pay for health insurance coverage. This legislation will remove these unfair tax benefits so pharmaceutical companies can focus their dollars on developing new drugs, not excessive marketing schemes.

Nationwide, prescription drug spending rose 500 percent between 2000 and 2005, from \$40 billion to \$200.7 billion per year. But while costs to patients are growing exponentially, the pharmaceutical industry is spending an astonishing \$30 billion annually on marketing. Of course, these companies have the right to advertise. But taxpayers shouldn't be subsidizing these expenses.

Research has shown that glossy advertisements and logo-laden pens don't add any value to our health care system. Instead, drug companies are trying to use both consumers and doctors as pawns in order to maximize profits. The Federal Government should not subsidize these activities.

It is challenging enough to navigate our health care system; the recent explosion of prescription drug ads on television, on the Internet, and in magazines just confuses things further. Many ads encourage consumers to use expensive drugs over cheaper alternatives that may work just as well. Other ads provide a skewed view of what the drug does, minimizing the risks while overemphasizing the benefits. Health care already costs enough—taxpayers shouldn't be paying to subsidize these unhelpful and confusing messages.

Drug companies are capitalizing on this confusion. Studies have shown that every dollar spent on advertising to consumers yields an additional \$4.20 in sales for drug manufacturers. This is

a very high return on investment, and so not unsurprisingly companies have increased spending on ads to consumers by 536 percent from 1996 to 2007. That is 536 percent. In 2007 alone, pharmaceutical companies spent nearly \$4.8 billion on these excessive marketing campaigns. This spending is passed on to consumers, resulting in higher prescription drug costs for Americans. This bill will simply take away tax breaks that encourage drug companies to do this.

The Protecting Americans from Drug Marketing Act is also needed to make sure doctors and other providers are making decisions based on the best scientific evidence. Today, doctors frequently receive information about prescription drugs from the drug companies themselves. The Protecting Americans from Drug Marketing Act also takes away the tax break that drug companies receive for sending representatives to hospitals and doctors' offices to encourage them to use their drugs. These representatives are the ones who leave behind the pens and coffee mugs—or even nicer gifts—that you see at the clinic, logoed with the names of specific drugs.

We have created a culture in which doctors receive far too much biased information about drugs—and how they can be used in unapproved ways—from pharmaceutical reps who aren't doctors, often have no scientific training, and most certainly have a vested interest in selling the newest, most expensive products. This bill won't end that practice, but it will end the lucrative tax breaks that encourage it. For this reason, it will help providers make medical decisions based on objective, peer-reviewed research—not on biased materials from companies standing to profit from doctors' prescription pads and patients' wallets.

The Federal Government could save up to \$3.5 billion every year by eliminating these tax breaks used every day by drug companies. In this small way, we can help stem the tide of confusing and misleading drug ads that you and your family see every day on TV and in magazines. Just as importantly, we can bring down the cost of health care, make prescription drugs more affordable for all Americans, and help pay for the cost of health reform that is so sorely needed.

Americans are struggling just to keep their health insurance and pay their bills. Let us end this counterproductive subsidy and spend our taxpayer dollars more wisely. I thank Senators WHITEHOUSE and BROWN for joining me in introducing this important legislation, and I urge my colleagues to work with us to include it in health reform legislation.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. BROWN, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. SCHUMER, and Mr. BURRIS):

S. 1765. A bill to amend the Hate Crime Statistics Act to include crimes

against the homeless; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, I rise today to introduce the Hate Crimes Against the Homeless Statistics Act of 2009. I am joined in this effort by Senator COLLINS. I am also joined by the Presiding Officer, Senator BROWN, Senator MIKULSKI, Senator WHITEHOUSE, and Senator SCHUMER.

This week marks the 1-year anniversary of the tragic murder of John Robert McGraham. Mr. McGraham was a well-known member of the Wilshire neighborhood of Los Angeles, CA, for more than 20 years. On October 9, 2008, he was doused with gasoline and set ablaze as he slept. By the time neighbors and residents ran to his rescue, his clothes had been burned off and his face blackened. The attacker apparently had a dislike toward homeless individuals. Known for rarely asking for money and not bothering anyone in the community, Mr. McGraham lost his life because of his homeless status. Days after his murder, hundreds of people gathered at the spot of his death and created a memorial for him.

Mr. McGraham is just one of many homeless individuals who have suffered hate crimes because they were homeless. In a popular men's magazine, under the blurb titled "Hunt for the Homeless," the following was displayed: "Kill one for fun. We're 87 percent sure it's legal." We have heard the horrific stories: A woman sleeping was pushed into a river; a man was beaten, soaked in beer and urine and covered with trash; a woman was beaten in the face with a tire iron; and many more unfortunate stories. This behavior should not and cannot be tolerated in our society. What kind of society would we be if we allowed these types of attacks to continue without standing up against them?

The Hate Crimes Statistics Act of 1990 requires the Department of Justice to collect data from law enforcement agencies about "crimes that manifest evidence of prejudice based upon race, religion, sexual orientation or ethnicity." In 1994, Congress expanded coverage to require reporting on crimes based on disability. Data collection provides the needed information to policymakers, law enforcement, and communities so they can make informed decisions as to how best to proceed with the problem presented to us. The Hate Crimes Against the Homeless Statistics Act will again expand coverage by adding "homeless status" to the list of categories required to be reported on by the Department of Justice.

In order to measure the level of bias-motivated crimes, data is needed. Currently, there is a significant problem in establishing a baseline for meaningful comparison. The best way to prove or disprove an issue's validity is data collection. According to the National Coalition for the Homeless, which has tracked these types of attacks since 1999, they have reported an increase in the number of hate crimes targeted at