

named second team All-Americans, with Melanie Brill named to the third team;

Whereas 31 North Carolina players have earned first-team All-America honors on 43 occasions;

Whereas Coach Karen Shelton was named as the South Region Coach of the Year by the National Field Hockey Coaches Association; and,

Whereas the University of North Carolina made its 26th NCAA Tournament appearance and won the school's sixth NCAA field hockey championship; Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of North Carolina on winning the 2009 National Collegiate Athletic Association Field Hockey National Championship;

(2) recognizes the achievement of the players, coaches, and students, as well as their dedication to excellence that helped propel the field hockey team to win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the chancellor of the University of North Carolina, H. Holden Thorp;

(B) the athletic director of the University of North Carolina, Dick Baddour; and

(C) the head coach of the University of North Carolina field hockey team, Karen Shelton.

**SENATE RESOLUTION 378—CONGRATULATING THE UNIVERSITY OF NORTH CAROLINA TAR HEELS FOR WINNING THE 2009 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION WOMEN'S SOCCER NATIONAL CHAMPIONSHIP**

Mrs. HAGAN (for herself and Mr. BURR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 378

Whereas on December 6, 2009, the University of North Carolina defeated Stanford University by a score of 1-0 to win the 2009 National Collegiate Athletic Association (NCAA) Women's Soccer National Championship;

Whereas the Tar Heels finished the regular season third in the Atlantic Coast Conference (ACC) with a conference record of 7-3-0 and an overall record of 14-3-1;

Whereas the University of North Carolina's Whitney Engen was named ACC Defensive Player of the Year;

Whereas the University of North Carolina's Whitney Engen, Ashlyn Harris, and Tobin Heath were named to the 2009 All-ACC first team;

Whereas the University of North Carolina's Ali Hawkins and Jessica McDonald were named to the 2009 All-ACC second team;

Whereas the third-seeded Tar Heels won the 2009 ACC Women's Soccer Championship with a 3-0 victory over Florida State University, winning the 20th ACC Tournament Championship in the school's history;

Whereas the University of North Carolina's Casey Nogueira was named the Most Valuable Player of the 2009 ACC Championship;

Whereas the University of North Carolina's Casey Nogueira, Ashlyn Harris, Kristi Eveland, Whitney Engen, and Tobin Heath were each named to the 2009 ACC Women's Soccer All-Tournament Team;

Whereas Stanford University entered the National Championship game with an undefeated 25-0 record;

Whereas the University of North Carolina's Jessica McDonald scored the decisive goal in

the third minute of the National Championship game on an assist from Casey Nogueira and Tobin Heath;

Whereas the Tar Heels withstood a furious second-half Stanford rally, with the University of North Carolina's goalkeeper Ashlyn Harris providing a key save to preserve the Tar Heels' victory;

Whereas Casey Nogueira was named the Most Valuable Player on Offense in the NCAA Women's College Cup for the second successive year;

Whereas Whitney Engen was named the Most Valuable Player on Defense in the NCAA Women's College Cup;

Whereas the University of North Carolina's Tobin Heath and Whitney Engen were named to the National Soccer Coaches Association of America All-America first team;

Whereas the University of North Carolina's 9 seniors completed their collegiate careers as the winningest senior class in the country, having won 3 National Championships and 4 ACC Tournament Championships with a combined overall record of 94-9-4;

Whereas the University of North Carolina's NCAA Tournament record stands at 106-7-1, and the University has won 93.4 percent of its NCAA Tournament competitions;

Whereas the University of North Carolina has participated in 23 of 28 NCAA Tournament Championship games played to date; and

Whereas the University of North Carolina has won 20 of the 28 NCAA Women's Soccer National Championships; Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of North Carolina for winning the 2009 National Collegiate Athletic Association Women's Soccer National Championship;

(2) recognizes the achievement of the players, coaches, students, and staff of the University of North Carolina, whose perseverance and dedication to excellence helped propel the women's soccer team to win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the chancellor of the University of North Carolina, H. Holden Thorp;

(B) the athletic director of the University of North Carolina, Dick Baddour; and

(C) the head coach of the University of North Carolina women's soccer team, Anson Dorrance.

**SENATE RESOLUTION 379—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS FOR CLEAN ENERGY AND ENVIRONMENTAL TECHNOLOGY**

Mrs. GILLIBRAND submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 379

Whereas the development and deployment of innovative clean energy and environmental technology is critical to addressing global climate change;

Whereas intellectual property rights are a key driver of investment and research and development in, and facilitate global deployment of, clean energy and environmental technology;

Whereas efforts to weaken intellectual property rights for clean technology would undermine the environmental objectives of climate change negotiations by reducing in-

centives for investment, innovation, and clean energy and environmental technology deployment required to meet those objectives;

Whereas weakened intellectual property right protections relating to clean energy and environmental technology could pose a substantial competitive risk to United States businesses and United States workers and inhibit the creation of new green jobs and the transition to a green economy for the 21st century; and

Whereas climate action presents a significant opportunity for international cooperation on clean technology development and deployment, with substantial environmental and economic benefits for all countries.

Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the President of the United States should pursue opportunities for international cooperation in technology deployment, and should act to ensure that any treaty or other accord resulting from negotiations of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992 (or a successor agreement) does not weaken or undermine international legal rules and obligations in effect as of the date of enactment of this Act relating to the protection and enforcement of intellectual property rights for energy and environmental technology, including—

(1) wind, solar, biomass, geothermal, hydro, landfill gas, natural gas, marine, trash combustion, fuel cell, hydrogen, micro-turbine, nuclear, clean coal, electric battery, alternative fuel, alternative refueling infrastructure, advanced vehicle, electric grid, and energy efficiency-related technologies; and

(2) any other technologies covered by such an agreement.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 3259. Mr. UDALL, of Colorado submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table.

SA 3260. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3261. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3262. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3263. Mr. BAUCUS (for himself, Ms. SNOWE, Mr. CARPER, Mrs. LINCOLN, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3264. Mr. WYDEN (for himself, Mr. BROWN, Mr. SPENCER, Mr. KOHL, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2786 proposed

by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3259.** Mr. UDALL of Colorado submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 396, between lines 8 and 9, insert the following:

#### SEC. 1. STATE COURT INNOVATION PROJECT.

(a) GRANT.—

(1) IN GENERAL.—

(A) GRANT PROGRAM.—The Attorney General shall develop and implement a competitive grant program to improve the efficiency and lessen the costs and burdens of medical malpractice civil litigation for plaintiffs and defendants.

(B) ELEMENTS OF PROGRAM.—The grant program under subparagraph (A) shall be designed—

(i) to give State courts a mechanism for improving court rules and procedures, allowing parties to go to trial in more cost-effective ways and reducing the complexity and cost of litigation; and

(ii) to fund research and objective measurement, evaluation, and reporting of outcomes to identify innovative ways of promoting the resolution of medical malpractice cases in court or tried by jury in a more cost-effective and timely manner pursuant to clause (i).

(C) ELIGIBLE ENTITY.—To be eligible to receive a grant under subparagraph (A), an entity shall—

(i) be a nonprofit State court improvement organization that was incorporated or in existence before December 31, 2009, and which is experienced in developing State court improvement programs; and

(ii) submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may require.

(2) USE OF FUNDS.—A grant recipient under paragraph (1) shall use amounts awarded under the grant to conduct research and evaluations, develop rules and procedures designed to improve the efficiency and lessen the costs of medical malpractice litigation for plaintiffs and defendants, and to award subgrants to eligible entities to carry out activities—

(A) to conduct pilot projects;

(B) to increase the operating efficiency of State courts with respect to medical malpractice litigation;

(C) to conduct research to seek innovative ways to resolve medical malpractice litigation in State courts in a more cost-effective and timely manner; and

(D) to measure and report on outcomes with respect to activities funded under the subgrant.

(3) ELIGIBLE SUBGRANT ENTITY.—To be eligible to receive a subgrant under paragraph (2), an entity shall—

(A)(i) be a State or local governmental entity in a jurisdiction that permits jury trials for civil medical malpractice actions; or

(ii) be an academic institution; and

(B) submit an application at such time, in such manner, and containing such informa-

tion as required by the recipient of the grant under paragraph (1), in accordance with any rules established by the Attorney General.

(4) REPORTING.—Not later than 2 years after receiving grant funds under this subsection, each grant recipient under paragraph (1) shall submit to the Attorney General a report that describes the activities conducted by the recipient under this section, including the activities of any subgrantees of such grant recipient under paragraph (2).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 to carry out this section.

**SA 3260.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 522, between lines 2 and 3, insert the following:

#### SEC. 2603. PAYMENT FOR ILLEGAL UNAPPROVED DRUGS.

(a) FINDINGS.—Congress finds that each year, the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) pays millions of dollars in reimbursement for covered outpatient drugs that are not approved by the Food and Drug Administration under a new drug application under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) or an abbreviated new drug application under section 505(j) of such Act, or that such drug is not subject such section 505 or section 512 due to the application of section 201(p) of such Act (21 U.S.C. 321(p)).

(b) LISTING OF DRUGS AND DEVICES.—Section 510 of the Food, Drug and Cosmetic Act (21 U.S.C. 360) is amended—

(1) in subsection (j)(1)(B)—

(A) in clause (i), by inserting “in the case of a drug, the authority under this Act that does not require such drug to be subject to section 505 and section 512,” after “labeling for such drug or device,”; and

(B) in clause (ii), by inserting “, in the case of a drug, the authority under this Act that does not require such drug to be subject to section 505 and section 512,” after “for such drug or device”; and

(2) in subsection (f)—

(A) by striking “(f) The Secretary” and inserting the following:

“(f) INSPECTION BY PUBLIC OF REGISTRATION.—

“(1) IN GENERAL.—The Secretary”; and

(B) by adding at the end the following:

“(2) LIST OF DRUGS THAT ARE NOT APPROVED UNDER SECTION 505 OR 512.—Not later than January 1, 2011, the Secretary shall make available to the public on the Internet website of the Food and Drug Administration a list that includes, for each drug described in subsection (j)(1)(B)—

“(A) the drug;

“(B) the person who listed such drug; and

“(C) the authority under this Act that does not require such drug to be subject to section 505 and section 512, as provided by such person in such list.”

(c) PAYMENT FOR COVERED OUTPATIENT DRUGS.—Section 1927 of the Social Security Act (42 U.S.C. 1396r-8) is amended by inserting at the end the following:

“(1) CONDITION.—Beginning January 1, 2011, no State shall make any payment under this

section for any covered outpatient drug unless such State first verifies with the Food and Drug Administration that such covered outpatient drug has been approved by the Food and Drug Administration under a new drug application under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) or an abbreviated new drug application under section 505(j) of such Act, or that such drug is not subject such section 505 or section 512 due to the application of section 201(p) of such Act (21 U.S.C. 321(p)). The Secretary shall have the authority to prescribe regulations to create an information sharing protocol to allow States to verify that a covered outpatient drug has been approved by the Food and Drug Administration.”.

**SA 3261.** Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 722, after line 20, insert the following:

#### SEC. 3016. CULTURE OF SAFETY HOSPITAL ACCOUNTABILITY STUDY AND DEMONSTRATION PROGRAM.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study that—

(A) examines existing activities and programs in hospitals for quality assurance, patient safety, and performance improvement and provides an analysis regarding best practices with respect to such activities and programs; and

(B) identifies best practices that should be replicated in hospitals to improve patient safety and quality of care, consistent with the provisions included under the quality assessment and performance improvement program, as required under the conditions of participation for hospitals under Medicare.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prepare a report containing the results of the study conducted under paragraph (1). Such report shall be made available on the Internet website of the Centers for Medicare & Medicaid Services.

(b) DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish the Culture of Safety Hospital Accountability demonstration program to provide support for establishing partnerships and other cooperative approaches between hospitals, State health care agencies, and the Department of Health and Human Services to promote and implement the best practices identified under subsection (a), with the goal of improving the safety and quality of care provided to Medicare beneficiaries and enhance compliance with the conditions of participation for hospitals under Medicare.

(2) DURATION.—The demonstration program shall operate during a period of 3 years, beginning not later than 12 months after completion of the report described in subsection (a)(2).

(3) SCOPE.—

(A) STATES.—The Secretary shall select not less than 4 States, but not more than 6 States, to participate in the demonstration program.

(B) HOSPITALS.—The Secretary shall select not more than 24 hospitals, within the States