(Mr. WICKER) was added as a cosponsor of S. 3262, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 3296

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was withdrawn as a cosponsor of S. 3296, a bill to delay the implementation of certain final rules of the Environmental Protection Agency in States until accreditation classes are held in the States for a period of at least 1 year.

S. 3305

At the request of Mr. MENENDEZ, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Vermont (Mr. LEAHY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 3305, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 3306

At the request of Mr. MENENDEZ, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 3306, a bill to amend the Internal Revenue Code of 1986 to require polluters to pay the full cost of oil spills, and for other purposes.

S. 3326

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 3326, a bill to provide grants to States for low-income housing projects in lieu of low-income housing credits, and to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of the low-income housing credit, and for other purposes.

S. 3341

At the request of Mr. CARDIN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 3341, a bill to amend title 5, United States Code, to extend eligibility for coverage under the Federal Employees Health Benefits Program with respect to certain adult dependents of Federal employees and annuitants, in conformance with amendments made by the Patient Protection and Affordable Care Act.

S. 3393

At the request of Mr. BROWN of Ohio, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 3393, a bill to provide for extension of COBRA continuation coverage until coverage is available otherwise under either an employment-based health plan or through an American Health Benefit Exchange under the Patient Protection and Affordable Care Act.

S.J. RES. 29

At the request of Mr. MCCONNELL, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from North Carolina (Mr. BURR) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

AMENDMENT NO. 4174

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 4174 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4175

At the request of Mr. LAUTENBERG, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Nebraska (Mr. NELSON), the Senator from California (Mrs. BOXER), the Senator from Oregon (Mr. MERKLEY), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of amendment No. 4175 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4179

At the request of Mr. COCHRAN, his name was added as a cosponsor of amendment No. 4179 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4181

At the request of Ms. LANDRIEU, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 4181 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4183

At the request of Mr. WYDEN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 4183 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4190

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 4190 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3408. A bill to provide for the conveyance of certain public land in and around historic mining townsites located in the State of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, today I rise with my good friend Senator ENSIGN to introduce the Nevada Mining Townsite Conveyance Act of 2010. The residents of the towns Ione and Gold Point in Nevada have asked for our help in settling longstanding trespass issues that have seriously affected these communities for decades. This bill would convey 682 acres managed by the Bureau of Land Management's, BLM, Tonopah Field Office to clear up decades old confusion over property ownership in these two historic mining towns.

Ione and Gold Point were founded in central Nevada during the last half of the nineteenth century. Like other early towns in Nevada, they endured the boom and bust cycle so common to mining camps. A very long time ago both of these towns were surveyed and approved for townships, but through some misfortune the proof of patent was never recorded by the U.S. Government Land Office and title for the land was never transferred. Nevertheless, these towns have been continuously occupied for over 100 years.

Many residents in Ione and Gold Point live on the same land that their families settled on decades earlier. These citizens have paid their property taxes and made improvements to their properties. They have rehabilitated historic structures and built new ones. Regrettably, the historical documents by which these citizens claim possession do not satisfy modern requirements for demonstrating lawful ownership of their properties. Because these documents are legally insufficient and have been deemed invalid, the BLM retains legal ownership of the land. Thus, the BLM has determined that these residents of Ione and Gold Point and their homes are in trespass on Federal land.

This situation is untenable. Local residents, the counties, and the BLM recognize that many of these citizens have substantial rights to the lands in question; however, there is no readily available procedure by which the BLM can adjudicate their claims. This puts the BLM at odds with the local residents and the county governments. It also impedes efforts to improve basic community services such as fire protection, and water supply and treatment facilities.

In the simplest terms, our legislation will convey any unencumbered property rights in the contested townsites to the counties and in turn the counties will use the procedures outlined in the 2001 state mining townsite law to consider residents' property claims and pass these lands to the rightful owners.

In order to accomplish the transfer of the townsites, this bill establishes a process for the BLM to determine the validity of any existing mining claims in Ione and Gold Point and to convey to the counties all surface ownership rights and any subsurface rights not subject to valid mining claims. Valid mining claims will not be conveyed to the counties, but they will be subject to various restrictions designed to protect the home owners in Ione and Gold Point.

I would like to thank Nye and Esmeralda counties, the Nevada State Legislature, the Bureau of Land Management, and the residents of Ione and Gold Point for their cooperation and hard work in resolving this complex problem. We are pleased to bring this legislation to the committee and we look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished members to move this bill through the legislative process.

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

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

S. 3408

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 ''Nevada Mining Townsite Conveyance Act''.

SEC. 2. DISPOSAL OF PUBLIC LAND IN MINING TOWNSITES, ESMERALDA AND NYE COUNTIES, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government owns real property in and around historic mining townsites in the counties of Esmeralda and Nye in the State of Nevada;

(2) while the real property described in paragraph (1) is under the jurisdiction of the Secretary, some of the real property has been occupied for decades by individuals—

(A) who took possession by purchase or other documented and putatively legal transactions; and

(B) the continued occupation by whom constitutes a trespass on the title held by the Federal Government;

(3) as a result of the confused and conflicting ownership claims, the real property described in paragraph (1)—

(A) is difficult to manage under multiple use policies; and

(B) creates a continuing source of friction and unease between the Federal Government and local residents;

(4)(A) all of the real property described in paragraph (1) is appropriate for disposal for the purpose of promoting administrative efficiency and effectiveness; and

(B) as of the date of enactment of this Act, the Bureau of Land Management has identified the mining townsites for disposal; and

(5) to promote the responsible resource management of the real property described in paragraph (1), certain parcels should be conveyed to the county in which the property is situated in accordance with land use management plans of the Bureau of Land Management so that the county may, in addition to other actions, dispose of the property to individuals residing on or otherwise occupying the real property.

(b) DEFINITIONS.—In this Act:

(1) CONVEYANCE MAPS.—The term ''conveyance maps'' means—

(A) the map entitled ''Original Mining Townsite Ione Nevada'' and dated October 17, 2005; and

(B) the map entitled ''Original Mining Townsite Gold Point'' and dated October 17, 2005.

(2) MINING TOWNSITE.—The term ''mining townsite'' means real property—

(A) located in the Gold Point and Ione townsites within the counties of Esmeralda and Nye, Nevada, as depicted on the conveyance maps;

(B) that is owned by the Federal Government; and

(C) on which improvements were constructed based on the belief that—

(i) the property had been or would be acquired from the Federal Government by the entity that operated the mine; or

(ii) the individual or entity that made the improvement had a valid claim for acquiring the property from the Federal Government.

(D) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Land Management.

(c) MINING CLAIM VALIDITY REVIEW.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall carry out an expedited program to examine each unpatented mining claim (including each unpatented mining claim for which a patent application has been filed) within each mining townsite.

(2) DETERMINATION OF VALIDITY.—With respect to a mining claim, if the Secretary determines that the elements of a contest are present, the Secretary shall immediately determine the validity of the mining claim.

(3) DECLARATION BY SECRETARY.—If the Secretary determines a mining claim to be invalid, as soon as practicable after the date of the determination, the Secretary shall declare the mining claim to be null and void.

(4) TREATMENT OF VALID MINING CLAIMS.—

(A) IN GENERAL.—Each mining claim that the Secretary determines to be valid shall be maintained in compliance with the general mining laws and subsection (d)(2)(B).

(B) EFFECT ON HOLDERS.—A holder of a mining claim described in subparagraph (A) shall not be entitled to a patent.

(5) ABANDONMENT OF CLAIM.—The Secretary shall provide—

(A) public notice that each mining claim holder may affirmatively abandon the claim of the mining claim holder prior to the validity review; and

(B) to each mining claim holder an opportunity to abandon the claim of the mining claim holder before the date on which the land that is subject to the mining claim is conveyed.

(d) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—After completing a validity review under subsection (c) and notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the appropriate county, without consideration, all right, title, and interest of the United States in and to mining townsites (including improvements on the mining townsites)—

(A) identified for conveyance on the conveyance maps; and

(B) that are not subject to valid mining claims.

(2) VALID MINING CLAIMS.—

(A) IN GENERAL.—With respect to each parcel of land located in a mining townsite subject to a valid mining claim, the Secretary shall reserve the mineral rights and otherwise convey, without consideration, the remaining right, title, and interest of the United States in and to the mining townsite (including improvements on the mining townsite) that is identified for conveyance on a conveyance map.

(B) PROCEDURES AND REQUIREMENTS.—Each valid mining claim shall be subject to each procedure and requirement described in section 9 of the Act of December 29, 1916 (43 U.S.C. 299) (commonly known as the ''Stockraising Homestead Act of 1916'') (including regulations).

(3) AVAILABILITY OF CONVEYANCE MAPS.—The conveyance maps shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(e) RECIPIENTS.—

(1) ORIGINAL RECIPIENT.—Subject to paragraph (2), the conveyance of a mining townsite under subsection (d) shall be made to the county in which the mining townsite is situated.

(2) RECONVEYANCE TO OCCUPANTS.—

(A) IN GENERAL.—In the case of a mining townsite conveyed under subsection (d) for which a valid interest is proven by 1 or more individuals, under the provisions of Nevada Revised Statutes Chapter 244, the county that receives the mining townsite under paragraph (1) shall reconvey the property to the 1 or more individuals by appropriate deed or other legal conveyance as provided in that chapter.

(B) AUTHORITY OF COUNTY.—A county described in subparagraph (A) is not required to recognize a claim under this paragraph that is submitted on a date that is later than 5 years after the date of enactment of this Act.

(f) VALID EXISTING RIGHTS.—The conveyance of a mining townsite under subsection (d) shall be subject to valid existing rights, including any easement or other right-of-way or lease in existence as of the date of the conveyance.

(g) WITHDRAWALS.—Subject to valid rights in existence on the date of enactment of this Act, and except as otherwise provided in this Act, the mining townsites are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(h) SURVEY.—A mining townsite to be conveyed by the United States under subsection (d) shall be sufficiently surveyed as a whole to legally describe the land for patent conveyance.

(i) CONVEYANCE OF TERMINATED MINING CLAIMS.—If a mining claim determined by the Secretary to be valid under subsection (c) is abandoned, invalidated, or otherwise returned to the Bureau of Land Management, the mining claim shall be—

(1) withdrawn in accordance with subsection (g); and

(2) conveyed to the owner of the surface rights covered by the mining claim.

(j) RELEASE.—On completion of the conveyance of a mining townsite under subsection (d), the United States shall be relieved from liability for, and shall be held harmless from, any and all claims arising from the presence of improvements and materials on the conveyed property.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

By Mr. DODD (for himself, Mr. MENENDEZ, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN of Ohio, Mr. REED, and Mrs. GILLIBRAND):

S. 3412. A bill to provide emergency operating funds for public transportation; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, millions of Americans rely on transit to go about their daily lives.

Many of them are poor, elderly, or disabled.

For some, transit is more than a convenience—it is absolutely vital.

Unfortunately, in communities across the Nation, transit has become a casualty of the economic downturn.

Service cuts, fare increases, and layoffs—the result of tight budgets nationwide—have become an epidemic, disconnecting people from their jobs, placing huge burdens on already disadvantaged populations, and reducing quality of life for millions of American families.

The American Public Transportation Association recently found that 84 percent of transit systems either have enacted or are contemplating fare hikes or reductions in service.

The transit crisis is having an impact on the American people.

In 2008, transit ridership reached 10.7 billion riders, the highest level since 1956 and a 38 percent increase since 1995.

But last year, ridership fell by half a billion.

This has serious implications for national priorities like reducing traffic congestion, addressing climate change, enhancing our energy security, and restoring our economic competitiveness.

Of course, it has serious implications on the lives of ordinary Americans.

Young people are finding it harder to get to school.

Low-income families, forced to pay more for less service, are losing what is often their only option for getting to work.

The elderly and disabled, robbed of their mobility, can't access health care facilities.

Many who have long relied on transit are being forced to purchase cars, adding to congestion on our roads, pollution in our skies, and the economic burden already weighing heavy on working families.

We need more transit service, not less.

Now, my preference would be to pass a significant infrastructure and jobs bill, one that would invest billions in our infrastructure, our roadways, and our transit systems.

That approach would create hundreds of thousands of good construction jobs while simultaneously making critical long-term investments in our nation's future productivity and economic growth.

But even if we can't do that, we can't afford to turn our backs on the transit crisis.

Therefore, today I rise to introduce the Public Transportation Preservation Act of 2010.

This legislation will provide $2 billion in emergency funding to transit agencies across the nation so that we can minimize disruptions in service, fare increases, and layoffs.

It is not nearly enough money to give America the transit system it needs and deserves.

But I hope it will be enough to stop the bleeding and allow millions of Americans who rely on transit to maintain their ability to go to work, get to the doctor, and go about their daily lives without significant disruption.

Senators MENENDEZ, DURBIN, SCHUMER, LAUTENBERG, BROWN of Ohio, REED, and GILLIBRAND have joined this bill as original co-sponsors.

I thank them for their commitment to public transportation.

I urge my colleagues to join us on behalf of those who rely on transit.

By Mr. HARKIN (for himself and Mr. HATCH):

S. 3414. A bill to ensure that the Dietary Supplement Health and Education Act of 1994 and other requirements for dietary supplements under the jurisdiction of the Food and Drug Administration are fully implemented and enforced, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am joining with the distinguished senior Senator from Utah, Senator HATCH, to introduce the Dietary Supplement Full Implementation and Enforcement Act of 2010. Forty percent of Americans regularly take supplements—and I am one of them. We are taking charge of our own health. We are developing healthier habits. We are waking up to the fact that we don't live to eat, we eat to live—and we need to be mindful of what we put into our bodies.

Countless people have told me how they have been helped by dietary supplements. Consumers want alternatives. They want less invasive, less expensive options. They don't want to just cure disease, they want to prevent disease. They want to feel good—and to look good.

As you know, I have long championed the cause of health prevention, and I strongly believe that safe, properly labeled dietary supplements can be an important part of a healthy lifestyle. In 1994, I introduced the Dietary Supplement Health and Education Act—DSHEA—along with my good friend Senator HATCH, and we revolutionized the way that supplements are regulated and sold in the United States.

DSHEA struck an important balance. On the one hand, it recognized the importance of enhancing consumer access to vitamins, minerals, and other dietary supplements, and it recognized the virtues of scientific research and education on the benefits and risk of supplements. On the other hand, it recognized the need for important regulatory safeguards to protect consumer health, including new safety standards, penalties for mislabeling or adulterating dietary supplements, and rules to ensure the scientific substantiation of claims regarding dietary supplements. As a result, over the last 15 years, Americans have enjoyed unprecedented access to a range of safe products that help improve their health.

In 2006, Congress identified a need for additional regulatory safeguards, and we passed a law that requires manufacturers, packers, and distributors of dietary supplements to report to FDA serious adverse events associated with the use of supplements. Dietary supplement manufacturers are also now required to register their businesses with FDA under the BioTerrorism law we passed in 2002. S. 510, the food safety legislation approved by the Senate HELP Committee last year, which I hope will soon be considered on the Senate floor, contains additional provisions that apply to dietary supplements. The legislation gives FDA the authority to revoke the registration of a dietary supplement facility in certain instances, and it authorizes FDA to initiate a mandatory recall of any food, including a dietary supplement, that will cause serious adverse health consequences or death.

In short, Congress has been active in passing laws that promote access to dietary supplements, but also ensure those products are safe for their intended uses. I am proud of our record on this issue, and I believe we have established a regulatory framework that is in the best interest of the American people and their long term health.

I am concerned, however, that not enough is being done to fully implement and enforce these dietary supplement laws. I am very pleased that FDA recently issued final regulations on current Good Manufacturing Practice for dietary supplements, but it took them nearly 15 years to get those rules on the books. In the fall of 2004, FDA opened a docket and held a public meeting on new dietary ingredients, but it has still not produced guidance on that issue. Perhaps most alarming, there are still scores of illegal products being sold in this country that masquerade as dietary supplements. Some bad actors simply slap a dietary supplement label on illegal products in the hopes that the supplement label will help those products evade notice by FDA or the label will help promote sales. These products are clearly not dietary supplements and both consumers and the legitimate dietary supplement industry have a right to be upset about their sale. I am encouraged that President Obama's FDA has been sending Warning Letters on some of these illegal products, but more needs to be done. Part of the problem is that FDA's dietary supplement program has been under-resourced. But part of the problem is that enforcement of DSHEA has not been made a priority.

That is why I am proud to introduce the Dietary Supplement Full Implementation and Enforcement Act of 2010. This is an updated version of a bill that Senator HATCH and I introduced in

the 108th Congress. I am grateful that the Senator from Utah joins me again today in introducing this important legislation. Its basic goal is to give FDA the resources it needs to fully implement and enforce our dietary supplement laws, but also to hold FDA accountable for what it does with those resources.

According to FDA, full implementation of the laws governing the regulation of dietary supplement will require substantial additional resources. My bill authorizes FDA to receive the necessary sums to implement and enforce the law. It also authorizes the Office of Dietary Supplements at NIH to receive additional sums to expand research and development of consumer information on dietary supplements.

On the implementation front, the bill requires FDA to issue guidance that clarifies for consumers and industry FDA's expectations with regard to its new dietary ingredient premarket notification program.

On the enforcement front, the bill directs FDA to inspect facilities to ensure compliance with the new dietary supplement good manufacturing practice regulations; to use the authority under DSHEA to protect the public from unsafe dietary supplements; and to ensure that claims made for dietary supplements are truthful, non-misleading and substantiated. It also requires FDA to notify the Drug Enforcement Administration if FDA objects to a new dietary ingredient notification because the product may contain an anabolic steroid or an analogue of an anabolic steroid.

On the accountability front, the bill requires the Secretary of the Health and Human Services to submit an annual report to Congress that lists, among other things, how many people at FDA worked on supplement-related issues in the prior years; the number of times FDA inspected dietary supplement facilities; the number of times FDA issued a warning letter or initiated an enforcement action because a manufacturer was not in compliance; the number of times FDA objected to the marketing of a new dietary ingredient; and the number of dietary supplement claims the FDA determined to be false, misleading, or not substantiated.

The bottom line is that dietary supplements offer tremendous health benefits to Americans, but it is not fair to consumers, the FDA, or the people who make supplements if we don't take action to clarify our current regulatory requirements, to better inform everyone about the benefits and risk of these products, and to clear the market of the clearly illegal or spiked products that masquerade as supplements. The bill that Senator HATCH and I have developed is an important and measured response to these challenges. I am heartened that a number of organizations that are deeply concerned about these issues have endorsed our bill, including, among others, the United Natural Products Alliance, the Natural Products Association, the Council for Responsible Nutrition, the Consumer Healthcare Products Association, the American Herbal Products Association, the Major League Baseball Players Association, and the NFL Players Association. The bill recognizes the need to implement and enforce current law in this area rather than simply discard the important balance we struck in 1994. And it is grounded in the firm belief that safe, properly labeled dietary supplements remain a vital part of our collective effort to help all Americans improve their health.

Mr. HATCH. Mr. President, today Senator TOM HARKIN, Chairman of the Senate Health, Education, Labor and Pensions Committee and I are introducing the Dietary Supplement Full Implementation and Enforcement Act of 2010, which is similar to the legislation we introduced in the 108th Congress.

Our goal in introducing this commonsense bill is to ensure that the Food and Drug Administration properly implements and enforces existing dietary supplement laws—namely the 1994 Dietary Supplement Health Education Act, DSHEA, and the Dietary Supplement and Nonprescription Drug Consumer Protection Act of 2006. This is important to protect the 150,000,000 Americans who regularly take dietary supplements and to remove ''bad actor'' companies from the marketplace.

This issue is extremely important because the laws already on the books are sufficient if the FDA has the resources and the will to fully enforce them. Indeed, previous FDA commissioners—Dr. Jane Henney, Dr. Mark McClellan, Dr. Lester Crawford and Dr. Andy von Eschenbach—have all stated as much in Senate hearings and in my meetings with them. Moreover, current FDA Commissioner Dr. Margaret Hamburg has assured me that she will work with me to ensure these laws are enforced.

Bottom line: the FDA already has the regulatory authority it needs under current law.

That is why I will not support any changes to existing dietary supplement laws until the legislation we are introducing today has been approved by both the House and the Senate and signed into law by the President. We also need to ensure this legislation is fully funded by this Congress and enforced by the FDA with the full backing of this Administration. It is important to give FDA the resources it needs to accomplish both tasks. The legislation that we are introducing today will do just that.

Senator HARKIN and I have asked our colleagues on the Senate Appropriations Committee to provide the FDA with the funds it needs to fully implement DSHEA. We will continue to work diligently to help them succeed in that task.

As you know, DSHEA clarified the FDA's regulatory authority over dietary supplements while ensuring that Americans will continue to have access to safe dietary supplements and helpful information about these products. It passed the Senate twice by unanimous consent. The legislation we are introducing today includes a Sense of the Congress and outlines the methods the FDA should use to better implement and enforce laws related to dietary supplements. It further requires the dietary supplement industry to redouble its efforts to comply with the law and cooperate with the FDA.

To provide the FDA with the resources necessary to regulate compliance with dietary supplement laws, this bill directs the agency to use part of its 2010 Fiscal Year Budget for that purpose. It also authorizes the National Institutes of Health's Office of Dietary Supplements to expand research and develop more consumer information on dietary supplements.

Furthermore, the legislation requires the Secretary of Health and Human Services (HHS) to submit an annual report to Congress, starting no later than January 31, 2011, regarding HHS activities on dietary supplements. Finally, it directs the FDA to issue its New Dietary Ingredient (NDI) guidance, as recommended by the General Accountability Office, within 180 days and requires the FDA to share any information on tainted NDI with the Drug Enforcement Agency.

It is my sincere hope that all my colleagues will support this effort to ensure that dietary supplement consumers and manufacturers are protected and properly regulated. Our constituents deserve no less.

This legislation is supported by the Major League Baseball and NFL players associations, the Natural Products Association, the United Natural Products Alliance, Council for Responsible Nutrition, American Herbal Products Association and the Consumer Health Care Products Association.

I hope that each of you will see the wisdom in supporting this measure.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

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

NFL PLAYERS ASSOCIATION,
Washington, DC, May 24, 2010.

Hon. TOM HARKIN, *Chairman*,
Hon. ORRIN G. HATCH,
Committee on Health, Education, Labor & Pensions, Washington, DC.

DEAR CHAIRMAN HARKIN AND SENATOR HATCH: The issue of the public disclosure—and regulation—of dietary supplements remains a critically important concern to the NFLPA. As for all professional athletes, professional football players rely on supplement label information to educate themselves on the nature of the ingredients contained therein. Without complete and precise label disclosure of all ingredients contained in a particular supplement, players can face sanctions—and even career-ending sanctions—if unlisted ingredients would violate League-Player drug-testing regimes.

Thus, the Association welcomes the introduction of the Dietary Supplement full implementation and enforcement act of 2010,

which focuses on providing the FDA with sufficient resources to play its role in overseeing the supplement marketplace.

We endorse your legislation, salute your leadership, and will work with you to realize enactment of this important measure.

Sincerely,

DEMAURICE F. SMITH,
Executive Director.

MAJOR LEAGUE BASEBALL PLAYERS ASSOCIATION,
New York, NY, May 24, 2010.

Hon. TOM HARKIN, *Chairman*,
Hon. ORRIN HATCH,
Committee on Health, Education, Labor and Pensions, U.S. Senate, 428 Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN HARKIN AND SENATOR HATCH: Over the last several years, the Major League Baseball Players Association has shared with you our concerns about the federal government's regulation of dietary supplements. There are still far too many supplements available in the United States that contain pharmaceuticals, steroids and other dangerous ingredients. And, too often, what is actually inside the bottle is not listed on the label. This unfortunate reality is especially problematic for professional athletes. Players have been suspended, their careers jeopardized, for doing nothing more than taking a supplement purchased at a national nutrition store, only to learn later that the product contained an ingredient not listed on the label that violated drug testing protocols.

The Dietary Supplement Full Implementation and Enforcement Act of 2010 will address one of the biggest obstacles to improved safety—an overall lack of enforcement. We understand your concern that imposing new obligations and requirements on legitimate supplement companies alone will not rid the marketplace of adulterated products. By providing the FDA with both additional resources and increased accountability, your legislation should help make possible a goal we all share—a reliable supplement marketplace.

The Association endorses the bill, and we look forward to working with you throughout the legislative process on additional measures to improve enforcement and ensure product safety and label accuracy. Users of dietary supplements, be they professional athletes or not, deserve the same promise made to those who consume traditional food—the assurance that the products they take, that are sold without restriction to adults and children throughout the country, are safe and the products' labels can be trusted.

Sincerely,

MICHAEL S. WEINER.

NATURAL PRODUCTS ASSOCIATION™,
Washington, DC, May 25, 2010.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.
Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND HATCH: On behalf of the Natural Products Association (NPA), I commend your leadership and bipartisan efforts to craft sensible legislation that will strengthen the Food and Drug Administration's (FDA) ability to fully enforce the current laws governing the regulation of dietary supplements. Founded in 1936, NPA is the nation's largest and oldest trade association dedicated to the natural products industry, representing more than 10,000 retail, manufacturing, wholesaler, and distribution outlets of natural products, including dietary supplements, foods, and health/beauty aids.

NPA supports the Dietary Supplement Full Implementation and Enforcement Act of 2010 as it appropriately recognizes that the Dietary Supplement Health and Education Act (DSHEA) of 1994 grants the FDA more than adequate statutory authority to regulate supplements. While some have called for new regulations on supplements, you understand that the real need to fully enforce the statutes already on the books.

Historically, concurrent with the passage of DSHEA, the FDA experienced budget cuts, and lacked the resources to effectively regulate all the industries under its watch. To ensure that the FDA is able to carry out the law as Congress intended, this legislation authorizes an increase in funding for FDA to implement DSHEA. The Dietary Supplement Full Implementation and Enforcement Act of 2010 strengthens FDA's ability to enforce DSHEA, tightens product-specific enforcement, requires the release of the long-awaited New Dietary Ingredient (NDI) guidance, and holds the FDA accountable for filing annual reports to Congress about how they are regulating dietary supplements.

Additionally we are supportive of the doubling of funding given to the Office of Dietary Supplements (ODS) to expand research and consumer information about dietary supplements. An increase in funding for ODS is especially important because dietary supplements come from natural ingredients and cannot be patented. While this ensures that these products are readily and affordably available, it takes away the ability of manufacturers to recoup research costs.

Again, we applaud your introduction of the Dietary Supplement Full Implementation and Enforcement Act of 2010, and look forward to working with you in enacting this important piece of legislation.

Sincerely,

JOHN GAY,
Executive Director and
Chief Executive Officer.

UNITED NATURAL PRODUCTS ALLIANCE,
Salt Lake City, UT, May 24, 2010.

Hon. TOM HARKIN,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.
Hon. ORRIN G. HATCH,
Member, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HARKIN AND SENATOR HATCH: The United Natural Products Alliance (UNPA), an association of dietary supplement and functional food companies that share a commitment to providing consumers with natural health products of superior quality, benefit, and reliability, wishes to express its appreciation to you for your work to develop the Dietary Supplement Full Implementation and Enforcement Act of 2010. We are very supportive of this legislation and of your continued hard work to ensure that consumers have access to safe, high-quality dietary supplements and information about those products.

In 1994, you both led the effort to enact legislation that would establish in law a rational and transparent framework for the regulation of dietary supplements. As documented by the Committee on Labor and Human Resources in the report accompanying your bill, the Dietary Supplement Health and Education Act (DSHEA) (S. 784), the Food and Drug Administration had shown an animosity toward supplement products through a series of divergent regulatory actions and unpublished policies that consumers rightly concluded threatened their access to supplement products. The tremendous citizen reaction to those policies supported your conclusion that the Federal Food, Drug and Cosmetic Act needed to be amended.

DSHEA was passed, not once, but twice, by the Senate, and once by the House of Representatives, all by unanimous consent—testimony to the significance of this legislation. In fact, when President Clinton signed DSHEA into law in 1994, he noted that ''In an era of greater consciousness among people about the impact of what they eat on how they live, indeed, how long they live, it is appropriate that we have finally reformed the way government treats consumers and these supplements in a way that encourages good health.''

DSHEA had several important components, a few of which I will mention in the context of your new legislation. First, it established the simple principle that all dietary supplements on the market in the United States at the time of enactment would be presumed to be dietary supplements in the future, unless there were violations of other parts of the law. For new ingredients sold after that date, a manufacturer was required to submit a ''New Dietary Ingredient'' (NDI) notification to the FDA in advance of marketing. Second, as part of DSHEA's numerous provisions to ensure the safety of supplement products, the law authorized issuance of current Good Manufacturing Practice (cGMPs) regulations specific to supplements. The law established the requirements for labeling, product claims and supporting substantiation. And, it established at the National Institutes of Health an Office of Dietary Supplements (ODS) to conduct research, provide consumer information on supplements and act as an advisor to other federal agencies.

In the years following enactment of DSHEA, by any objective measure, FDA was slow to implement the law. Very few warning letters were issued. Very few enforcement actions were taken—despite the fact that for many years you worked together to provide FDA with additional resources to act against products that were clearly violations of the law. The cGMPs were not issued for 13 years—resulting in unwarranted criticism that dietary supplements are ''not regulated''. Likewise, uncertainty arose whether some products contained old or new ingredients under the law, and guidance on New Dietary Ingredients has not been forthcoming from FDA. This must change.

It has become clear that there has been a lack of enforcement against clear violations of the law and that this is largely due to two factors: a lack of focus by the agency; and a competition for resources that has drained funding into other areas. Your bill would rectify that situation and return needed attention to appropriate implementation of DSHEA and successor laws such as the 2006 Dietary Supplement and Non-Prescription Drug Consumer Protection Act. Specifically, we find beneficial the provisions that would provide Congress with a professional judgment estimate of the costs to implement the laws addressing dietary supplement regulation. This will allow Congress, and specifically the Appropriations Committees, the ability to evaluate the adequacy of the agency's funding and that of the Office of Dietary Supplements. We also highlight the need for provisions urging increased FDA efforts to conduct inspections under the new cGMPs, evaluate claims (prioritizing with those that are clear violations of the law), promptly issuing guidance on NDIs, and notifying the Drug Enforcement Administration if NDI notification suggests that the substance may contain anabolic steroids or their analogues which by definition are not dietary supplements. In addition, the Annual Accountability Report on the Regulation of Dietary

Supplements which your bill would require will yield valuable information showing the adequacy of dietary supplement regulatory efforts.

Finally, we recognize our responsibility as representatives of the regulated industry to comply fully with the laws regulating dietary supplements, and we pledge to continue our efforts to work cooperatively with the government to develop and implement rational policies that will assure American consumers the safe products upon which they have come to rely. As a central part of our mission, UNPA has made efforts to educate ingredient suppliers, manufacturers and retailers about key components of the dietary supplement laws and how they should be implemented. We always strive to partner with the government (including both the FDA and the Federal Trade Commission) in these activities. Good examples of these efforts are the numerous seminars we conduct, including five focused specifically on the new cGMP regulations. We invite you to review this in more detail at *www.UNPA.org*.

Thank you for your leadership role on behalf of the 150 million Americans who regularly use dietary supplement products.

Sincerely,

LOREN D. ISRAELSEN,
Executive Director.

COUNCIL FOR RESPONSIBLE NUTRITION,
Washington, DC, May 25, 2010.

Re S. 3414—Dietary Supplement Full Implementation and Enforcement Act

Hon. TOM HARKIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.
Hon. ORRIN HATCH,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS HARKIN AND HATCH: On behalf of the Council for Responsible Nutrition (CRN) and its members, I am writing to express our support for S. 3414, the Dietary Supplement Full Implementation and Enforcement Act of 2010 (DSFIEA). We want to thank you for your commitment to legislative and regulatory initiatives that would help to fully fund, implement and enforce the Dietary Supplement Health and Education Act (DSHEA) of 1994, and this legislation is an example of your commitment to consumers and the dietary supplement industry to assure access to safe and beneficial supplement products. The work that you and your colleagues have devoted to providing FDA with tools and resources to reinforce its authority in regulating the supplement industry under DSHEA is commendable and CRN stands in support of your efforts.

This legislation will help to ensure that the agency has sufficient focus and resources at its disposal to implement a law—DSHEA—which already provides FDA with ample authority to ensure consumer safety, while still providing consumers access to the products they seek. It will provide increased funding for FDA, and in particular to the dietary supplement programs within the Center for Food Safety & Applied Nutrition (CFSAN). The legislation also directs the agency to provide annual reports to Congress making itself accountable for enforcing key provisions of the law, just as the industry is responsible for complying with them. While some critics of the dietary supplement industry have called for new laws to change the way dietary supplements are regulated, this legislation acknowledges that DSHEA carefully balanced consumer access with consumer protection and seeks to make the existing law work through real efforts to implement it. Having more laws, without enforcement, only disadvantages the responsible members of industry who do comply with the law because it is the law and because it's the right thing to do for their consumers, and gives rogue companies more laws to violate. The better approach is to have a robust and accountable FDA empowered and staffed to enforce the current law that will level the playing field for all members of the marketplace. As previous FDA Commissioners have testified to Congress, DSHEA provides more than adequate authority for government while still allowing consumers appropriate access to the products and health information they demand.

More than 150 million Americans use dietary supplements, and these consumers demand a strong industry that is appropriately regulated. We hope Congress will give this legislation expedient and thoughtful consideration on its way to passage. CRN stands ready to work with you and Congressional leadership to deliver a strong bill to the President.

Please don't hesitate to contact me at SMister@crnusa.org or 202.204.7676 if CRN can be of any assistance in your endeavors.

Best regards,

STEVE MISTER,
President and CEO.

AMERICAN HERBAL PRODUCTS ASSOCIATION,
Silver Spring, MD, May 25, 2010.

Senator ORRIN HATCH,
Hart Office Building,
Washington, DC.
Senator TOM HARKIN,
Hart Office Building,
Washington, DC.

DEAR SENATORS HATCH AND HARKIN: This letter is to thank you for introducing the Dietary Supplement Full Implementation and Enforcement Act of 2010 and to express the support of the American Herbal Products Association (AHPA) for this important legislation.

AHPA recognizes that this bill will protect consumer access to dietary supplements by providing the Food and Drug Administration (FDA) with better resources to enforce the many regulations that govern this class of goods. The bill will also instruct FDA to provide guidance on existing rules that apply to new ingredients, and AHPA has long supported full implementation of this section of the law so that consumers are assured that all dietary supplements contain only safe ingredients.

Thank you again for your efforts in protecting the important health care choices now enjoyed by the millions of Americans who use dietary supplements.

Sincerely,

MICHAEL MCGUFFIN,
President.

CONSUMER HEALTHCARE PRODUCTS ASSOCIATION (CHPA),
May 25, 2010.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.
Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND HATCH: On behalf of the Consumer Healthcare Products Association (CHPA), representing the leading manufacturers of over-the-counter medicines and nutritional supplements, I am pleased to express our support for the ''Dietary Supplement Full Implementation and Enforcement Act of 2010.'' This bill is the most recent example of your continued leadership in support of dietary supplements.

The ''Dietary Supplement Full Implementation and Enforcement Act of 2010'' strengthens FDA's ability to enforce the Dietary Supplement Health and Education Act (DSHEA), expands research, calls for the release of the long-awaited New Dietary Ingredient (NDI) guidance, and requires the filing of an annual report to Congress on the implementation and enforcement of DSHEA.

Critically, your bill also authorizes the funds needed for the full implementation of DSHEA. In the years following passage of the act, chronic budget shortfalls took a toll on FDA, including funding for the Office of Dietary Supplements (ODS). Authorizing these funds is an important step in making sure ODS has the resources it needs.

Again, we applaud your introduction of the Dietary Supplement Full Implementation and Enforcement Act of 2010, and look forward to working with you to enact this important legislation.

Sincerely,

LINDA A. SUYDAM,
President.

By Mr. FEINGOLD:

S. 3415. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs and to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am introducing the Fair Pricing for Prescription Drugs Act to help make prescription drugs more affordable for all Americans. This legislation endorses the excellent work that my colleague Senator DORGAN of North Dakota has done to promote importing prescription drugs from other industrialized countries. And it includes companion language to Congressman WELCH's bill to call on the Secretary of Health and Human Services to negotiate drug prices on behalf of Medicare Part D beneficiaries. Here in the Senate, several of my colleagues, most recently Senator BILL NELSON of Florida, have tirelessly pushed the need for negotiation of drug prices. I am proud to have stood with my colleagues on these issues over the last decade—and feel strongly that Congress must move quickly to ensure that all Americans—whether they purchase private health insurance or are enrolled in Medicare—have fairly priced prescription drugs.

Allowing for importation of prescription drugs and price negotiation for Medicare Part D are common sense policies, These are changes that Congress can make to drastically improve the affordability of prescription drugs for our constituents, save the government money, and further enhance the health reform law passed earlier this year. I was pleased to be a part of that historic effort, but the health reform law was not perfect and did not go as far as it could have to reduce prescription drug prices for consumers. I have heard from thousands of Wisconsinites about the need for health reform during my time in the Senate. The health reform law empowers consumers and small businesses for the first time in our history to demand more for their health care dollar. These changes will

improve the affordability of health insurance and medical care for individuals and families. But I also continue to hear from Wisconsinites about the burden of rising prescription drug costs. They need our help.

One of the fastest ways to reduce prescription drug costs is to allow for importation of FDA-approved prescription drugs from other industrialized nations like Canada, Japan, Australia, New Zealand, and European countries. Americans pay some of the highest prices for the same prescription drugs that are sold 33 to 55 percent less in other countries. Americans are now importing more than $1 billion in prescription drugs from Canada alone. In these tough economic times, and with equally safe but more affordable drugs just over the border, it is no wonder that Americans are going to such lengths to buy the prescriptions they need.

The Congressional Budget Office estimated in 2007 that allowing importation of prescription drugs would save consumers upwards of $50 billion. Just last year, the CBO reviewed their original estimate of government savings as a result of this policy, concluding that the government would nearly double its expected savings to over $19 billion.

We do a lot of things in Congress that leave our constituents scratching their heads. Well, now we have a chance to show them we are listening to them, that we understand their concerns, and that we want to bring down Federal spending while ensuring the prescriptions drugs they need are more affordable.

We can also do more to ensure affordable prescription drugs for Medicare beneficiaries by calling on the Secretary of Health and Human Services to negotiate drug prices for Medicare Part D enrollees. Mr. President, I opposed the legislation that created the Medicare Part D drug benefit because I did not believe the program would provide adequate financial relief for Medicare beneficiaries facing high prescription drug costs. This legislation actually included a provision which explicitly forbade the Secretary from negotiating with drug manufacturers on behalf of seniors' interests. We should have done better for our seniors. And they are living with the consequence of that decision today—with ever-rising prescription drug costs.

The health reform law will provide some relief, particularly for the dreaded ''donut hole'' of Medicare Part D. But health reform does not speak to the other glaring shortfall of the Medicare Part D program—that the government is prohibited from negotiating for better drug prices for beneficiaries.

Negotiating on behalf of beneficiaries is hardly a radical idea, Mr. President. The Department of Veterans Affairs, VA, negotiates on drug prices and spends considerably less than the Medicare program on the same drugs. The National Committee to Preserve Social Security and Medicare released a study that found that VA drug prices are, on average, 48 percent lower than Medicare Part D prices for the top 10 prescribed drugs. NCPSSM estimates that billions could be saved annually by requiring the Secretary to negotiate drug prices for Medicare Part D. With the government on the hook for over $50 billion in drug costs for Part D alone, it is simply irresponsible to not aggressively seek new savings from negotiating prices. Focusing on lowering the price of prescription drugs rather than subsidizing insurance and pharmaceutical companies will not only provide relief for the sick, but will save taxpayer dollars.

Changing how we purchase prescription drugs by allowing importation from industrialized countries and negotiation on pricing for Medicare Part D is a clear and simple way to reduce prescription drug costs, reduce government spending, and keep Americans healthier. I am thankful for the leadership that my colleagues have shown in introducing legislation on these topics, and add my voice, and my bill, to theirs in our combined effort to answer the demands of our constituents.

By Mr. MERKLEY (for himself, Mr. JOHANNS, Mr. CASEY, and Mr. BROWN of Ohio):

S. 3418. A bill to amend the Public Health Service Act to specifically include, in programs of the Substance Abuse and Mental Health Services Administration, programs to research, prevent, and address the harmful consequences of pathological and other problem gambling, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MERKLEY. Mr. President, I rise today to discuss the Comprehensive Problem Gambling Act, a bill I introduced just moments ago with Senator MIKE JOHANNS. This bill would establish and implement programs targeted at preventing, treating, and researching problem gambling.

Currently, the Federal Government provides millions of dollars to treat alcohol and drug addiction, but does not dedicate resources to treat the effects of problem gambling, which can destroy a person's career and financial standing, disrupt marriages and personal relationships, and encourage participation in criminal activity.

Over the past decade, gaming and gambling has grown significantly in the United States. According to the National Council on Problem Gambling, approximately 6 to 9 million American adults are problem gamblers.

The recent economic downturn only compounds this situation as many States consider relaxing gaming laws in an effort to raise state revenues. At the same time, the Federal Government and most states have devoted very little, if any, resources to the prevention and treatment of compulsive gambling. In fact, no Federal agency is currently responsible for coordinating efforts for treatment and prevention. Prevention and treatment programs have been proven to save money by decreasing the severity and prevalence of problem gambling, but cash-strapped states are struggling just to maintain funding for pre-existing programs.

I believe that if State governments benefit from gambling and lottery proceeds, then those governments have an obligation to provide assistance to those suffering from a gambling addiction. I am proud that the State of Oregon understands this concept and has one of the most comprehensive treatment systems in the country.

Through Oregon's Gambling Treatment Fund, one percent of Oregon Lottery revenues are transferred to the Oregon Department of Human Services for the administration of problem gambling services. However, decreasing lottery revenues has resulted in reduced treatment dollars.

I'd like to share the story of one of my constituents. For Toni, gambling started out as a fun trip to Reno or Las Vegas. She began playing video poker on occasion, and when she ran out of money, she would simply go home. But then the casinos brought in ATM machines, and she no longer had to leave the facility to access money. She could stay for hours, and did. Gambling quickly went from being a fun activity to an escape from problems and stresses in her life.

Before long, gambling had consumed Toni's life. She gambled away her life savings and went through credit card after credit card, racking up the cash advance limits and borrowing money from family members to pay it off. She tried to quit numerous times, but, as she describes it, the urge to gamble was much stronger than she was. Eventually, she couldn't do it anymore. She couldn't stop thinking about how she was going to get her next ''fix''. She ''felt about as low as you can go.'' She knew she had to get help.

Toni sought treatment in May 2009, and will soon reach the one year goal she set with her counselor to be gambling-free. However, she continues to face the long-term impacts of her gambling. Toni and her family live paycheck to paycheck and she worries that the debt she has accrued could cause her family to lose their house if the bank decides to raise interest on their mortgage. But Toni sees hope in her future because she had access to treatment and critical support services. While Toni has been able to start her own recovery, thousands of individuals across the country continue to struggle with their gambling addictions because there are so few prevention and treatment resources in place.

Unfortunately, the lack of education and research surrounding this issue has made it difficult to allot the appropriate resources to address these problems. The Comprehensive Problem Gambling Act would provide $14.2 million in competitive grants annually for 5 years to non-profits, universities, state agencies, and tribal governments

for prevention, research, and treatment of problem gambling.

Recent studies show conclusively that every $1 spent on treatment saves more than $2 in social costs. This legislation is a minimal investment with life-changing returns.

I urge my colleagues to join me in supporting Toni and the countless other individuals who struggle without supports by cosponsoring the Comprehensive Problem Gambling Act of 2010.

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. 3418

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 ''Comprehensive Problem Gambling Act of 2010''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Problem gambling is a public health disorder characterized by increasing preoccupation with gambling, loss of control, restlessness or irritability when attempting to stop gambling, and continuation of the gambling behavior in spite of mounting, serious, negative consequences.

(2) Over 6,000,000 adults met criteria for a gambling problem last year.

(3) The estimated social cost to families and communities from bankruptcy, divorce, job loss, and criminal justice costs associated with problem gambling was $6,700,000,000 last year.

(4) Problem gambling is associated with higher incidences of bankruptcy, domestic abuse, and suicide.

(5) People who engage in problem gambling have high rates of co-occurring substance abuse and mental health disorders.

(6) In response to current budget shortfalls, many States are considering enacting or have enacted legislation to expand legal gambling activities with the intent of raising State revenues.

(7) The Substance Abuse and Mental Health Services Administration is the lead Federal agency for substance abuse and mental health services.

(8) There are no agencies or individuals in the Federal Government with formal responsibility for problem gambling.

SEC. 3. INCLUSION OF AUTHORITY TO ADDRESS GAMBLING IN SAMHSA AUTHORITIES.

Section 501(d) of the Public Health Service Act (42 U.S.C. 290aa(d)) is amended—

(1) by striking ''and'' at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) and inserting ''; and''; and

(3) by adding at the end the following:

''(19) establish and implement programs for the identification, prevention, and treatment of pathological and other problem gambling.''.

SEC. 4. PROGRAMS TO RESEARCH, PREVENT, AND ADDRESS PROBLEM GAMBLING.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) by redesignating part G (42 U.S.C. 290kk et seq.), relating to services provided through religious organizations and added by section 144 of the Community Renewal Tax Relief Act of 2000 (114 Stat. 2763A–619), as enacted into law by section 1(a)(7) of Public Law 106–554, as part J;

(2) by redesignating sections 581 through 584 of that part J as sections 596 through 596C, respectively; and

(3) by adding at the end the following:

''PART K—PROGRAMS TO RESEARCH, PREVENT, AND ADDRESS PROBLEM GAMBLING

''SEC. 597. PUBLIC AWARENESS.

''(a) IN GENERAL.—The Secretary, acting through the Administrator, shall carry out a national campaign to increase knowledge and raise awareness within the general public with respect to problem gambling issues. In carrying out the campaign, the Secretary shall carry out activities that include augmenting and supporting existing (as of the date of the support) national campaigns and producing and placing public service announcements.

''(b) VOLUNTARY DONATIONS.—In carrying out subsection (a), the Secretary may—

''(1) coordinate the voluntary donation of, and administer, resources to assist in the implementation of new programs and the augmentation and support of existing national campaigns to provide national strategies for dissemination of information, intended to address problem gambling, from—

''(A) television, radio, motion pictures, cable communications, and the print media;

''(B) the advertising industry;

''(C) the business sector of the United States; and

''(D) professional sports organizations and associations; and

''(2) encourage media outlets throughout the country to provide information, aimed at preventing problem gambling, including public service announcements, documentary films, and advertisements.

''(c) FOCUS.—In carrying out subsection (a), the Secretary shall target radio and television audiences of events including sporting and gambling events.

''(d) EVALUATION.—In carrying out subsection (a), the Secretary shall evaluate the effectiveness of activities under this section. The Secretary shall submit a report to the President and Congress containing the results of the evaluation.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $200,000 for each of fiscal years 2011 through 2015.

''SEC. 597A. RESEARCH.

''(a) IN GENERAL.—The Secretary, acting through the Administrator, shall establish and implement a national program of research on problem gambling.

''(b) NATIONAL GAMBLING IMPACT STUDY COMMISSION REPORT.—In carrying out this section, the Secretary shall consider the recommendations that appear in chapter 8 of the June 18, 1999, report of the National Gambling Impact Study Commission.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $4,000,000 for each of fiscal years 2011 through 2015.

''SEC. 597B. PREVENTION AND TREATMENT.

''(a) GRANTS.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator, shall make grants to States, local and tribal governments, and nonprofit agencies to provide comprehensive services with respect to treatment and prevention of problem gambling issues and education about problem gambling issues.

''(2) APPLICATION FOR GRANT.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary in such form, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subsection.

''(b) TREATMENT IMPROVEMENT PROTOCOL.—The Secretary shall develop a treatment improvement protocol specific to problem gambling.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $10,000,000 for each of fiscal years 2011 through 2015.''.

By Mr. MERKLEY (for himself, Mr. DORGAN, Mr. SCHUMER, Mr. MENENDEZ, Mr. DURBIN, and Mr. HARKIN):

S. 3419. A bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MERKLEY. Mr. President, I rise today to propose legislation to address the problem of medical debt and credit scores. While historic health reform legislation enacted this year sets us on a path towards ending the crushing problem of Americans who lack health insurance, the challenges of our health care billing system remain a work in progress. One of those problems arises when our system of third-party payment leads to errors in billing and payments that, through no fault of the borrower, nevertheless undermine a borrower's credit scores. The borrower then must pay more for a home, a car, or his or her credit card, and in some cases, cannot at all get the loan he or she needs and deserves. To address this unfair burden, I have introduced the Medical Debt Relief Act.

Unlike consumer debt, Americans do not get to choose when accidents or medical emergencies happen. Medical debt is not the result of irresponsible consumer spending and is a not an indicator of poor credit. According to the Commonwealth Fund, accrued medical debt plagued nearly 72 million adults in 2007, and over 28 million American consumers were harassed by collection agencies for unpaid medical bills that same year. Research done by the Federal Reserve has found that medical bills make up the majority of non-credit card related accounts in collection and found on credit reports.

Nor is the problem of medical debt in relation to credit scores simply a question of whether one has insurance or not. Rather, medical debt credit challenges are a direct function of the nature of our insurance system. Because of the third-party payment system of insurance, medical debt is far more likely to be in dispute, inconsistently reported, mired in the complex medical payment bureaucracy, or transferred to collections without the consumer's knowledge. It can often take months, if not years, to adjudicate these claims. Unfortunately, even one negative medical collection mark can damage a consumer's credit score, thereby costing the consumer higher interest rates on automobile loans, home loans, and credit cards. It can even block the consumer from making purchases entirely. Sadly, even after the consumer has

paid off or settled delinquent medical debt, the negative mark on the credit report continues to plague the consumer for years.

The Medical Debt Relief Act is a straight forward solution to this problem. It would require the removal from a consumer's credit report those medical-related debts that have been fully paid. Companion legislation has already been introduced in the House by Rep. MARY JO KILROY and presently enjoys the support of 70 cosponsors. This legislation is also supported by the Consumer's Union, National Consumer Law Center and the National Association of Consumer Advocates.

I am honored today to be joined by Senators DORGAN, SCHUMER, MENENDEZ, and HARKIN in this effort to fix this important problem in how Americans access credit. This is common sense legislation that will offer tangible relief to the ordinary Americans who work hard, pay their bills, and want to borrow money at reasonable rates to finance the next step in their American dream. I urge my colleagues to join us in the effort.

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. 3419

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 ''Medical Debt Relief Act of 2010''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) medical debt is unique, and Americans do not choose when accidents happen or when illness strikes;

(2) medical debt collection issues affect both insured and uninsured consumers;

(3) according to credit evaluators, medical debt collections are more likely to be in dispute, inconsistently reported, and of questionable value in predicting future payment performance because it is atypical and nonpredictive;

(4) nevertheless, medical debt that has been completely paid off or settled can significantly damage the credit score of a consumer for years;

(5) as a result, consumers may be denied credit or pay higher interest rates when buying a home or obtaining a credit card;

(6) healthcare providers are increasingly turning to outside collection agencies to help secure payment from patients, coming at the expense of the consumer, because medical debts are not typically reported unless they become assigned to collections;

(7) in fact, medical bills account for more than half of all non-credit related collection actions reported to consumer credit reporting agencies;

(8) the issue of medical debt affects millions of consumers;

(9) according to the Commonwealth Fund, medical bill problems or accrued medical debt affects roughly 72,000,000 working-age adults in America; and

(10) in 2007, 28,000,000 working-age American adults were contacted by a collection agency for unpaid medical bills.

(b) PURPOSE.—It is the purpose of this Act to exclude from consumer credit reports medical debt that had been characterized as debt in collection for credit reporting purposes and has been fully paid or settled.

SEC. 3. AMENDMENTS TO FAIR CREDIT REPORTING ACT.

(a) MEDICAL DEBT DEFINED.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following:

''(y) MEDICAL DEBT.—The term 'medical debt' means a debt described in section 604(g)(1)(C).''.

(b) EXCLUSION FOR PAID OR SETTLED MEDICAL DEBT.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by adding at the end the following:

''(7) Any information related to a fully paid or settled medical debt that had been characterized as delinquent, charged off, or in collection which, from the date of payment or settlement, antedates the report by more than 45 days.''.

By Mr. GRASSLEY:

S. 3420. A bill to provide a temporary extension of certain programs, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. 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. 3420

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 ''Protecting Against Indebting our Descendants through Fully Offset Relief (PAID FOR) Temporary Extension Act of 2010''.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''June 2, 2010'' each place it appears and inserting ''July 7, 2010'';

(B) in the heading for subsection (b)(2), by striking ''JUNE 2, 2010'' and inserting ''JULY 7, 2010''; and

(C) in subsection (b)(3), by striking ''November 6, 2010'' and inserting ''December 11, 2010''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''June 2, 2010'' and inserting ''July 7, 2010'';

(B) in the heading for paragraph (2), by striking ''JUNE 2, 2010'' and inserting ''JULY 7, 2010''; and

(C) in paragraph (3), by striking ''December 7, 2010'' and inserting ''January 11, 2011''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''June 2, 2010'' each place it appears and inserting ''July 7, 2010''; and

(B) in subsection (c), by striking ''November 6, 2010'' and inserting ''December 11, 2010''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''November 6, 2010'' and inserting ''December 11, 2010''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking ''and'' at the end; and

(2) by inserting after subparagraph (E) the following:

''(F) the amendments made by section 2(a)(1) of the Protecting Against Indebting our Descendants through Fully Offset Relief (PAID FOR) Temporary Extension Act of 2010; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111–157).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3(a) of the Continuing Extension Act of 2010 (Public Law 111–157), is amended by striking ''May 31, 2010'' and inserting ''June 30, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111–144) and section 4 of the Continuing Extension Act of 2010 (Public Law 111–157), is amended—

(1) in subparagraph (A), by striking ''May 31, 2010'' and inserting ''June 30, 2010''; and

(2) in subparagraph (B), by striking ''June 1, 2010'' and inserting ''July 1, 2010''.

SEC. 5. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), as amended by section 6 of the Continuing Extension Act of 2010 (Public Law 111–157), is amended by striking ''May 31, 2010'' and inserting ''June 30, 2010''.

SEC. 6. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 7 of the Continuing Extension Act of 2010 (Public Law 111–157), is amended by striking ''by substituting'' and all that follows through the period at the end and inserting ''by substituting June 30, 2010, for the date specified in each such section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 7. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, $60,000,000, for an additional amount for ''Small Business Administration—Business Loans Program Account'', to remain available until expended, for the cost of fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) and loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF SUNSET DATE.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''May 31, 2010'' and inserting ''June 30, 2010''.

SEC. 8. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals $13,000,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, sections 2 through 7. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SEC. 9. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—In the House of Representatives, this Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

By Mr. GRASSLEY:

S. 3421. A bill to provide a temporary extension of certain programs, and for other purposes; read the first time.

Mr. GRASSLEY. 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. 3421

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 ''Protecting Against Indebting our Descendants through Fully Offset Relief (PAID FOR) Temporary Extension Act of 2010''.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''June 2, 2010'' each place it appears and inserting ''July 7, 2010'';

(B) in the heading for subsection (b)(2), by striking ''JUNE 2, 2010'' and inserting ''JULY 7, 2010''; and

(C) in subsection (b)(3), by striking ''November 6, 2010'' and inserting ''December 11, 2010''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''June 2, 2010'' and inserting ''July 7, 2010'';

(B) in the heading for paragraph (2), by striking ''JUNE 2, 2010'' and inserting ''JULY 7, 2010''; and

(C) in paragraph (3), by striking ''December 7, 2010'' and inserting ''January 11, 2011''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''June 2, 2010'' each place it appears and inserting ''July 7, 2010''; and

(B) in subsection (c), by striking ''November 6, 2010'' and inserting ''December 11, 2010''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''November 6, 2010'' and inserting ''December 11, 2010''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking ''and'' at the end; and

(2) by inserting after subparagraph (E) the following:

''(F) the amendments made by section 2(a)(1) of the Protecting Against Indebting our Descendants through Fully Offset Relief (PAID FOR) Temporary Extension Act of 2010; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111–157).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3(a) of the Continuing Extension Act of 2010 (Public Law 111–157), is amended by striking ''May 31, 2010'' and inserting ''June 30, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111–144) and section 4 of the Continuing Extension Act of 2010 (Public Law 111–157), is amended—

(1) in subparagraph (A), by striking ''May 31, 2010'' and inserting ''June 30, 2010''; and

(2) in subparagraph (B), by striking ''June 1, 2010'' and inserting ''July 1, 2010''.

SEC. 5. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), as amended by section 6 of the Continuing Extension Act of 2010 (Public Law 111–157), is amended by striking ''May 31, 2010'' and inserting ''June 30, 2010''.

SEC. 6. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 7 of the Continuing Extension Act of 2010 (Public Law 111–157), is amended by striking ''by substituting'' and all that follows through the period at the end and inserting ''by substituting June 30, 2010, for the date specified in each such section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 7. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, $60,000,000, for an additional amount for ''Small Business Administration—Business Loans Program Account'', to remain available until expended, for the cost of fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) and loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF SUNSET DATE.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''May 31, 2010'' and inserting ''June 30, 2010''.

SEC. 8. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals $13,000,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, sections 2 through 7. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SEC. 9. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—In the House of Representatives, this Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

By Mr. KERRY:

S. 3423. A bill to provide the President with expedited consideration of proposals for cancellation of certain budget items; to the Committee on the Budget.

Mr. KERRY. Mr. President, today I am introducing the Veto Wasteful Spending and Protect Taxpayers Act of 2010 which establishes a constitutional line-item veto by creating an expedited rescissions process.

Yesterday, the Obama administration unveiled the Reduce Unnecessary Spending Act of 2010. This legislation is very similar to my proposal which I first introduced in 2006. They both provide for an expedited rescission process. The line-item veto is not a panacea for record level deficits, but it will provide the President with the necessary tool to reduce wasteful spending.

Both bills will give the President the ability to target projects that have been added in spending bills that benefit special interests or are not necessary. I applaud President Obama for addressing this issue.

I have been a long-time advocate of the line-item veto. It has been a successful tool at the state level and I think it can effectively reduce spending on the Federal level. We have made progress with earmark reform and I think expedited rescission would result in further spending reductions.

The major difference between my legislation and the Administration's proposal is that the Veto Wasteful Spending and Protect Taxpayers Act of 2010 would allow the President to suspend and propose cancellation for discretionary spending, new direct spending, and limited tax benefits. The Reduce Unnecessary Spending Act of 2010 focuses on discretionary spending. If we really want to tackle wasteful spending, I think we need to look at new entitlement spending and limited tax benefits, not just discretionary spending.

In 1996, the Congress passed and President Clinton signed into law the Line Item Veto Act, P.L. 104–130. Two years later, however, in Clinton v. City of New York the Supreme Court concluded that the method used to give the President line-item veto authority was unconstitutional. The Court noted that presidents may only sign or veto entire acts of Congress. The Constitution does not authorize presidents to enact, to amend or to repeal statutes.

We can restore the line item veto and be consistent with the Constitution. The key difference between what I am proposing and what the Supreme Court struck down is the legal effect of the President's actions. The Line Item Veto Act allowed the President to cancel provisions in their entirety, but the Supreme Court rejected this arrangement. My legislation will empower the President to suspend provisions until the Congress decides to approve or disapprove the suspension of that provision with an up or down vote. The provisions are not cancelled out of the legislation. I believe this change addresses the Supreme Court's concerns. My legislation also does not include a mechanism which allows a provision to be suspended for a lengthy time period.

Under the Veto Wasteful Spending and Protect Taxpayers Act of 2010, the President has 10 calendar days to submit to Congress a special message. The President may transmit two messages per bill, but a provision may only be proposed for suspension or cancellation one time. The House and Senate would consider the special message under a special process which does not allow for amendments or motions to strike.

I believe that the line-item veto is a valuable tool that should be made available to any President regardless of political party. For this reason, the Veto Wasteful Spending and Protect Taxpayers Act of 2010 is permanent, rather than sunsetting after a few years.

It is time to reinstate the line-item veto. I look forward to working with my colleagues on both sides of the aisle to return to the President the authority to rein in wasteful spending.

By Mr. DURBIN (for himself and Mr. VITTER):

S. 3424. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. 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. 3424

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 ''Puppy Uniform Protection and Safety Act''.

SEC. 2. PROTECTION OF PUPPIES UNDER THE ANIMAL WELFARE ACT.

(a) HIGH VOLUME RETAIL BREEDER DEFINED.—Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is amended—

(1) in subsection (l), by striking ''research.'' and inserting ''research;'';

(2) in subsection (m), by striking ''members.'' and inserting ''members;'';

(3) in subsection (n), by striking ''section 13(b); and'' and inserting ''section 13(b);'';

(4) in subsection (o), by striking ''experimentation.'' and inserting ''experimentation; and''; and

(5) by adding at the end the following:

''(p) HIGH VOLUME RETAIL BREEDER.—

''(1) DEFINITIONS.—In this subsection:

''(A) BREEDING FEMALE DOG.—The term 'breeding female dog' means an intact female dog aged 4 months or older.

''(B) HIGH VOLUME RETAIL BREEDER.—The term 'high volume retail breeder' means a person who, in commerce, for compensation or profit—

''(i) has an ownership interest in or custody of 1 or more breeding female dogs; and

''(ii) sells or offers for sale, via any means of conveyance (including the Internet, telephone, or newspaper), more than 50 of the offspring of such breeding female dogs for use as pets in any 1-year period.

''(2) RELATIONSHIP TO DEALERS.—

''(A) IN GENERAL.—For purposes of this Act, a high volume retail breeder shall be considered to be a dealer and subject to all provisions of this Act applicable to a dealer.

''(B) EXCEPTION.—The retail pet store exemption in subsection (f)(i) shall not apply to a high volume retail breeder.''.

(b) LICENSES.—Section 3 of the Animal Welfare Act (7 U.S.C. 2133) is amended—

(1) by striking ''The Secretary'' and inserting ''(a) IN GENERAL.—The Secretary'';

(2) in subsection (a) (as so designated), in the second proviso of the first sentence, by inserting ''(other than a high volume retail breeder)'' after ''any retail pet store or other person''.; and

(3) by adding at the end the following:

''(b) DEALERS.—A dealer (including a high volume retail breeder) applying for a license under subsection (a) (including annual renewals) shall include on the license application the total number of dogs exempted from exercise on the premises of the dealer in the preceding year by a licensed veterinarian under section 13(j)(2).''.

(c) EXERCISE REQUIREMENTS.—Section 13 of the Animal Welfare Act (7 U.S.C. 2143) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(2) by redesignating the second subsection (f) (as redesignated by section 1752(a)(1) of Public Law 99-198 (99 Stat. 1645)) as subsection (g); and

(3) by adding at the end the following:

''(j) EXERCISE REQUIREMENTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate standards covering dealers that include requirements for the exercise of dogs at facilities owned or operated by a dealer, including exercise regulations that ensure that—

''(A) each dog that is at least 12 weeks old (other than a female dog with unweaned puppies) has daily access to exercise that—

''(i) allows the dog—

''(I) to move sufficiently to develop or maintain normal muscle tone and mass as appropriate for the age, breed, sex, and reproductive status of the dog; and

''(II) the ability to achieve a running stride; and

''(ii) is not a forced activity (other than a forced activity used for veterinary treatment) or other physical activity that is repetitive, restrictive of other activities, solitary, and goal-oriented;

''(B) the provided area for exercise—

''(i) is separate from the primary enclosure if the primary enclosure does not provide sufficient space to achieve a running stride;

''(ii) has flooring that—

''(I) is sufficient to allow for the type of activity described in subparagraph (A); and

''(II)(aa) is solid flooring; or

''(bb) is nonsolid, nonwire flooring, if the nonsolid, nonwire flooring—

''(AA) is safe for the breed, size, and age of the dog;

''(BB) is free from protruding sharp edges; and

''(CC) is designed so that the paw of the dog is unable to extend through or become caught in the flooring;

''(iii) is cleaned at least once each day;

''(iv) is free of infestation by pests or vermin; and

''(v) is designed in a manner to prevent escape of the dogs.

''(2) EXEMPTION.—

''(A) IN GENERAL.—If a licensed veterinarian determines that a dog should not exercise because of the health, condition, or well-being of the dog, this subsection shall not apply to that dog.

''(B) DOCUMENTATION.—A determination described in subparagraph (A) shall be—

''(i) documented by the veterinarian;

''(ii) subject to review and approval by the Secretary; and

''(iii) unless the basis for the determination is a permanent condition, reviewed and updated at least once every 30 days by the veterinarian.

''(C) REPORTS.—A determination described in subparagraph (A) shall be maintained by the dealer.''.

SEC. 3. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall promulgate any regulations that the Secretary determines to be necessary to implement this Act and the amendments made by this Act.

SEC. 4. EFFECT ON STATE LAW.

Nothing in this Act or the amendments made by this Act preempt any law (including a regulation) of a State, or a political subdivision of a State, containing requirements that provide equivalent or greater protection for animals than the requirements of this Act or the amendments made by this Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4200. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 4201. Mr. FRANKEN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4202. Mr. CORNYN (for himself, Mr. KYL, Mrs. HUTCHISON, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra.

SA 4203. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4204. Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. DURBIN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra.

SA 4205. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4206. Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. KYL, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4207. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4208. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4209. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4210. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4211. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4212. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4213. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra.

SA 4214. Mr. MCCAIN (for himself, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. GRAHAM, Mr. ISAKSON, Mr. ROBERTS, Mr. CHAMBLISS, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra.

SA 4215. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4216. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4217. Mr. MCCAIN (for himself, Mr. LEVIN, Ms. COLLINS, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4218. Ms. COLLINS (for herself, Mr. INHOFE, Mr. ALEXANDER, Mr. BROWNBACK, Mr. BROWN of Massachusetts, Mr. GREGG, Ms. SNOWE, Mr. COBURN, Mr. BOND, Ms. MURKOWSKI, Mr. VOINOVICH, Mr. BURR, Mr. BEGICH, and Mr. CORKER) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4219. Mr. MCCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4220. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4221. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4222. Mr. WEBB submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4223. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4224. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4225. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4226. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4227. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4228. Mr. KYL (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 4202 submitted by Mr. CORNYN (for himself, Mr. KYL, Mrs. HUTCHISON, and Mr. MCCAIN) to the bill H.R. 4899, supra.

SA 4229. Mr. ENSIGN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4230. Mr. ENSIGN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4231. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra.

SA 4232. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra.

SA 4233. Ms. CANTWELL (for herself and Mr. HATCH) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4234. Ms. LANDRIEU proposed an amendment to the bill H.R. 4899, supra.

SA 4235. Mr. DODD (for himself, Mr. MENENDEZ, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN of Ohio, Mr. REED, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4200. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 5, strike ''prior'' and all through page 34, line 7, and insert the following: appropriations made available in Public Law 111–83 to the ''Office of the Federal Coordinator for Gulf Coast Rebuilding'', $700,000 are rescinded.

SA 4201. Mr. FRANKEN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—Office of the Homeowner Advocate

SEC. 1091. OFFICE OF THE HOMEOWNER ADVOCATE.

(a) ESTABLISHMENT.—There is established in the Department of the Treasury an office to be known as the ''Office of the Homeowner Advocate'' (in this subtitle referred to as the ''Office'').

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Office of the Homeowner Advocate (in this subtitle referred to as the ''Director'') shall report directly to the Assistant Secretary of the Treasury for Financial Stability, and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) APPOINTMENT.—The Director shall be appointed by the Secretary, after consultation with the Secretary of the Department of Housing and Urban Development, and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

(3) QUALIFICATIONS.—An individual appointed under paragraph (2) shall have—

(A) experience as an advocate for homeowners; and

(B) experience dealing with mortgage servicers.

(4) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as Director only if such individual was not an officer or employee of either a mortgage servicer or the Department of the Treasury during the 4-year period preceding the date of such appointment.

(5) HIRING AUTHORITY.—The Director shall have the authority to hire staff, obtain support by contract, and manage the budget of the Office of the Homeowner Advocate.

SEC. 1092. FUNCTIONS OF THE OFFICE.

(a) IN GENERAL.—It shall be the function of the Office—

(1) to assist homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary, authorized under the Emergency Economic Stabilization Act of 2008 (in this subtitle referred to as the ''Home Affordable Modification Program'');

(2) to identify areas, both individual and systematic, in which homeowners, housing counselors, and housing lawyers have problems in dealings with the Home Affordable Modification Program;

(3) to the extent possible, to propose changes in the administrative practices of