

“(vii) The referral of matters, as appropriate, to the Food and Drug Administration, the Office of the Inspector General of the Department of Health and Human Services, or other Federal or State agencies.

“(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—From amounts appropriated under subsection (f), the Secretary may establish and implement an administrative process for the resolution of the following:

“(A) Claims by covered entities that manufacturers have violated the terms of their agreement with the Secretary under subsection (a)(1).

“(B) Claims by manufacturers that covered entities have violated subsection (a)(4)(A) or (a)(4)(B).

“(e) AUDIT AND SANCTIONS.—

“(1) AUDIT.—From amounts appropriated under subsection (f), the Inspector General of the Department of Health and Human Services (referred to in this subsection as the ‘Inspector General’) shall audit covered entities under this section to verify compliance with criteria for eligibility and participation under this section, including the antidiversion prohibitions under subsection (a)(4)(B), and take enforcement action or provide information to the Secretary who shall take action to ensure program compliance, as appropriate. A covered entity shall provide to the Inspector General, upon request, records relevant to such audits.

“(2) REPORT.—For each audit conducted under paragraph (1), the Inspector General shall prepare and publish in a timely manner a report which shall include findings and recommendations regarding—

“(A) the appropriateness of covered entity eligibility determinations and, as applicable, certifications;

“(B) the effectiveness of antidiversion prohibitions; and

“(C) the effectiveness of restrictions on inpatient dispensing and administration.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2011 and each succeeding fiscal year.

“(g) EFFECT OF SECTION.—Nothing in this section shall be construed to apply to section 340B.”.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 10, 2010, at 3 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting on pending committee issues.

1. Nomination of Tracie L. Stevens to serve as Chair of the National Indian Gaming Commission;

2. Nomination of JoAnn Balzer to serve as Member, Board of Trustees, Institute of American Indian and Alaska Native Culture and Arts Development;

3. Nomination of Cynthia Chavez Lamar to serve as Member, Board of Trustees, Institute of American Indian and Alaska Native Culture and Arts Development;

4. S. 2802, the Blackfoot River Land Settlement Act of 2009;

5. S. 2906, a bill to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes in Washington; and

6. S. 1448, a bill to amend the Act of August 9, 1955, to authorize the

Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 8, 2010, at 10 a.m., to hold a hearing entitled “The New START Treaty (Treaty Doc. 111-5): The Negotiations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “The State of the American Child” on June 8, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 8, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Risky Business of Big Oil: Have Recent Court Decisions and Liability Caps Encouraged Irresponsible Corporate Behavior?”

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 8, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEAR EAST SUBCOMMITTEE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 8, 2010, at 3 p.m., to hold a Near Eastern subcommittee hearing entitled “Assessing the Strength of Hezbollah.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff from the Finance Committee be

allowed on the Senate floor for the duration of the debate on the tax extenders legislation: Logan Timmerhoff, Kathryn Spika, Logan Baker, Benjamin Furnas, John Merrick, Andrew Fishburn, Mary Baker, Emily Freeman, Drew Colling, Ellen Montz, Randy Aussenberg, and Jenn Rigger.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on the tax extenders legislation: Greg Sullivan, Nicole Marchman, Chris Goble, and Claire Green.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECTION TO DISCHARGE S.J. RES. 26

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Environment and Public Works be discharged of further consideration of S.J. Res. 26, a resolution on providing for congressional disapproval of a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act, and, further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

Lisa Murkowski, Mitch McConnell, Saxby Chambliss, E. Benjamin Nelson (NE), Kay Bailey Hutchison, Richard Burr, Jeff Sessions, Thad Cochran, Richard G. Lugar, George V. Voinovich, Lamar Alexander, John Cornyn, Blanche L. Lincoln, John Barrasso, Mary Landrieu, Chuck Grassley, John Thune, John McCain, Lindsey Graham, Bob Corker, Jim Bunning, Robert F. Bennett, James M. Inhofe, John Ensign, Michael B. Enzi, James E. Risch, Roger F. Wicker, Mike Johanns, Tom Coburn, David Vitter, George LeMieux, Jim DeMint, Orrin G. Hatch, Johnny Isakson, Sam Brownback, Mike Crapo, Kit Bond, Richard Shelby, Jon Kyl, Pat Roberts, Judd Gregg.

ORDERS FOR WEDNESDAY, JUNE 9, 2010

Mr. BAUCUS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, June 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House message with respect to H.R. 4213, the tax extenders legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAUCUS. Mr. President, Senators should expect rollcall votes in relation to amendments to the tax extenders legislation to occur throughout the day tomorrow.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. BAUCUS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:10 p.m., adjourned until Wednesday, June 9, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MAURA CONNELLY, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAOR-

DINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

DANIEL BENNETT SMITH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

NATIONAL SCIENCE FOUNDATION

SUBRA SURESH, OF MASSACHUSETTS, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS, VICE ARDEN BEMENT, JR., RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be captain

DAVID A. SCORE
RANDALL J. TEBEEST
ANNE K. LYNCH
ANITA L. LOPEZ

To be commander

KEITH W. ROBERTS
RICHARD T. BRENNAN
ADAM D. DUNBAR
PETER C. FISCHER
JEREMY M. ADAMS
MICHAEL J. SILAH
SCOTT M. SIROIS
MARK A. WETZLER
KURT A. ZEGOWITZ
TIMOTHY J. GALLAGHER
NATHAN H. HANCOCK
DEMIAN A. BAILEY

DISCHARGED NOMINATION

The Senate Committee on Finance was discharged from further consideration of the following nomination pursuant to Sec. 411(c) of P.L. 109-280 and the nomination was placed on the Executive Calendar on June 7, 2010:

*JOSHUA GOTBAUM, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 8, 2010 withdrawing from further Senate consideration the following nomination:

PAUL STEVEN MILLER, OF WASHINGTON, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2016, VICE CAROLYN L. GALLAGHER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON FEBRUARY 1, 2010.