

“(i) IN GENERAL.—A covered entity shall establish and maintain an effective record-keeping system to comply with this section and shall certify to the Secretary that such entity is in compliance with subparagraphs (A) and (B). The Secretary shall require that hospitals that purchase covered inpatient drugs for inpatient dispensing or administration under this subsection appropriately segregate inventory of such covered inpatient drugs, either physically or electronically, from drugs for outpatient use, as well as from drugs for inpatient dispensing or administration to individuals who have (for purposes of subparagraph (B)) health plan coverage described in clause (ii) of such subparagraph.

“(ii) CERTIFICATION OF NO THIRD-PARTY PAYER.—A covered entity shall maintain records that contain certification by the covered entity that no third party payment was received for any covered inpatient drug that is subject to an agreement under this subsection and that was dispensed to an inpatient.

“(5) TREATMENT OF DISTINCT UNITS OF HOSPITALS.—In the case of a covered entity that is a distinct part of a hospital, the distinct part of the hospital shall not be considered a covered entity under this subsection unless the hospital is otherwise a covered entity under this subsection.

“(6) NOTICE TO MANUFACTURERS.—The Secretary shall notify manufacturers of covered inpatient drugs and single State agencies under section 1902(a)(5) of the Social Security Act of the identities of covered entities under this subsection, and of entities that no longer meet the requirements of paragraph (4), by means of timely updates of the Internet website supported by the Department of Health and Human Services relating to this section.

“(7) NO PROHIBITION ON LARGER DISCOUNT.—Nothing in this subsection shall prohibit a manufacturer from charging a price for a drug that is lower than the maximum price that may be charged under paragraph (1).

“(b) COVERED ENTITY DEFINED.—In this section, the term ‘covered entity’ means an entity that meets the requirements described in subsection (a)(4) that has applied for and enrolled in the program described under this section and is one of the following:

SA 4350. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 255, line 18, strike “a drug” and insert “a covered inpatient drug”.

On page 256, line 24, strike “a patient” and insert “an inpatient”.

On page 260, line 17, after “subsection (a)(4)” insert the following: “that has applied for and enrolled in the program described under this section”.

NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, June 16, 2010, at 11 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 352, S. 1660.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1660) to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Formaldehyde Standards for Composite Wood Products Act”.

SEC. 2. FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS.

(a) AMENDMENT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

“TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

“SEC. 601. FORMALDEHYDE STANDARDS.

“(a) DEFINITIONS.—In this section:

“(1) FINISHED GOOD.—

“(A) IN GENERAL.—The term ‘finished good’ means any good or product (other than a panel) containing—

“(i) hardwood plywood;

“(ii) particleboard; or

“(iii) medium-density fiberboard.

“(B) EXCLUSIONS.—The term ‘finished good’ does not include—

“(i) any component part or other part used in the assembly of a finished good; or

“(ii) any finished good that has previously been sold or supplied to an individual or entity that purchased or acquired the finished good in good faith for purposes other than resale, such as—

“(I) an antique; or

“(II) secondhand furniture.

“(2) HARDBOARD.—The term ‘hardboard’ means a composite panel composed of cellulosic fibers manufactured with a wet process using—

“(A) no resins; or

“(B) resins that have no added formaldehyde.

“(3) HARDWOOD PLYWOOD.—

“(A) IN GENERAL.—The term ‘hardwood plywood’ means a hardwood or decorative panel that is—

“(i) intended for interior use; and

“(ii) composed of (as determined under the standard numbered ANSI/HPVA HP-1-2004 (or a successor standard)) an assembly of layers or plies of veneer, joined by an adhesive with—

“(I) lumber core;

“(II) particleboard core;

“(III) medium-density fiberboard core;

“(IV) hardboard core; or

“(V) any other special core or special back material.

“(B) EXCLUSIONS.—The term ‘hardwood plywood’ does not include—

“(i) military-specified plywood;

“(ii) curved plywood; or

“(iii) any other product specified in—

“(1) the standard entitled ‘Voluntary Product Standard—Structural Plywood’ and numbered PS 1-07 (or a successor standard); or

“(2) the standard entitled ‘Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04 (or a successor standard).

“(C) LAMINATED PRODUCTS.—

“(i) IN GENERAL.—The Administrator shall conduct a rulemaking process pursuant to subsection (d) that uses all available and relevant information from State authorities (including the California Air Resources Board), industry, and other available sources of such information, and analyzes such information to determine, at the discretion of the Administrator, whether the definition of hardwood plywood should exempt any laminated product. The Administrator may also modify any aspect of the definition contained in clause (ii) before including it in such regulations.

“(ii) LAMINATED PRODUCT.—The term ‘laminated product’ means a product—

“(1) in which a wood veneer is affixed to—

“(aa) a particleboard platform;

“(bb) a medium-density fiberboard platform; or

“(cc) a veneer-core platform; and

“(2) that is—

“(aa) a component part;

“(bb) used in the construction or assembly of a finished good; and

“(cc) produced by the manufacturer or fabricator of the finished good in which the product is incorporated.

“(4) MEDIUM-DENSITY FIBERBOARD.—The term ‘medium-density fiberboard’ means a panel composed of cellulosic fibers made by dry forming and pressing a resinated fiber mat (as determined under the standard numbered ANSI A208.2-2009 (or a successor standard)).

“(5) NO-ADDED FORMALDEHYDE-BASED RESIN.—

“(A) IN GENERAL.—The term ‘no-added formaldehyde-based resin’ means a resin formulated with no added formaldehyde as part of the resin cross-linking structure that meets the performance standard contained in section 93120.3(c) of title 17, California Code of Regulations (as in effect on July 28, 2009).

“(B) INCLUSIONS.—The term ‘no-added formaldehyde-based resin’ may include any resin made from—

“(i) soy;

“(ii) polyvinyl acetate; or

“(iii) methylene diisocyanate.

“(6) PARTICLEBOARD.—

“(A) IN GENERAL.—The term ‘particleboard’ means a panel composed of cellulosic material in the form of discrete particles (as distinguished from fibers, flakes, or strands) that are pressed together with resin (as determined under the standard numbered ANSI A208.1-2009 (or a successor standard)).

“(B) EXCLUSIONS.—The term ‘particleboard’ does not include any product specified in the standard entitled ‘Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04 (or a successor standard).

“(7) ULTRA LOW-EMITTING FORMALDEHYDE RESIN.—

“(A) IN GENERAL.—The term ‘ultra low-emitting formaldehyde resin’ means a resin formulated using a process the average formaldehyde emissions of which are consistently below the phase 2 emission standards contained in the airborne toxic control measure for composite wood products described in section 93120.3(d) of title 17, California Code of Regulations (as in effect on July 28, 2009).

“(B) INCLUSIONS.—The term ‘ultra low-emitting formaldehyde resin’ may include—

“(i) melamine-urea-formaldehyde resin;

“(ii) phenol formaldehyde resin; and

“(iii) resorcinol formaldehyde resin.

“(b) REQUIREMENT.—

“(1) IN GENERAL.—Except as provided in an applicable sell-through regulation promulgated pursuant to subsection (d), effective beginning on the date that is 180 days after the date of

promulgation of those regulations, the formaldehyde emission standard contained in table 1 of section 93120.2(a) of title 17, California Code of Regulations (relating to an airborne toxic control measure to reduce formaldehyde emissions from composite wood products) (as in effect on July 28, 2009), shall apply to hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured in the United States.

“(2) **APPLICABILITY.**—The formaldehyde emission standard referred to in paragraph (1) shall apply regardless of whether an applicable hardwood plywood, medium-density fiberboard, or particleboard is—

“(A) in the form of an unfinished panel; or
“(B) incorporated into a finished good.

“(c) **EXEMPTIONS.**—The formaldehyde emission standard referred to in subsection (b)(1) shall not apply to—

“(1) hardboard;

“(2) structural plywood, as specified in the standard entitled ‘Voluntary Product Standard—Structural Plywood’ and numbered PS 1-07 (or a successor standard);

“(3) structural panels, as specified in the standard entitled ‘Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04 (or a successor standard);

“(4) structural composite lumber, as specified in the standard entitled ‘Standard Specification for Evaluation of Structural Composite Lumber Products’ and numbered ASTM D 5456-06 (or a successor standard);

“(5) oriented strand board;

“(6) glued laminated lumber, as specified in the standard entitled ‘Standard Glued Laminated Timber’ and numbered ANSI A190.1-2002 (or a successor standard);

“(7) prefabricated wood I-joists, as specified in the standard entitled ‘Standard Specification for Establishing and Monitoring Structural Capacities of Prefabricated Wood I-joists’ and numbered ASTM D 5055-05 (or a successor standard);

“(8) finger-jointed lumber;

“(9) wood packaging (including pallets, crates, spools, and dunnage); or

“(10) composite wood products used inside new vehicles (as defined in section 430 of the California Vehicle Code) (excluding recreational vehicles), rail cars, boats, aerospace craft, or aircraft.

“(d) **REGULATIONS.**—

“(1) **IN GENERAL.**—Not later than July 1, 2012, the Administrator shall promulgate regulations to implement the formaldehyde emission standard required under subsection (b) in a manner that ensures that compliance with the standard is equivalent to compliance with the standard contained in table 1 of section 93120.2(a) of title 17, California Code of Regulations (as in effect on July 28, 2009).

“(2) **INCLUSIONS.**—The regulations promulgated pursuant to paragraph (1) shall include provisions relating to—

“(A) labeling;

“(B) chain of custody requirements;

“(C) sell-through provisions;

“(D) ultra low-emitting formaldehyde resins;

“(E) no-added formaldehyde-based resins;

“(F) finished goods;

“(G) third-party testing and certification;

“(H) auditing and reporting of third-party certifiers;

“(I) recordkeeping;

“(J) enforcement; and

“(K) laminated products.

“(3) **IMPORT REGULATIONS.**—Not later than July 1, 2012, the Administrator, in coordination with the Commissioner of Customs and Border Protection and other appropriate Federal departments and agencies, shall revise regulations promulgated pursuant to section 13 as the Administrator determines to be necessary to ensure compliance with this section.

“(4) **MODIFICATION OF STANDARDS.**—The Administrator may modify, by regulation, any ref-

erence to an industry standard contained in this subsection if the standard is subsequently updated.

“(e) **PROHIBITED ACTS.**—An individual or entity that violates any requirement under this section (including any regulation promulgated pursuant to subsection (d)) shall be considered to have committed a prohibited act under section 15.”

(b) **CONFORMING AMENDMENT.**—The table of contents of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended by adding at the end the following:

“**TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS**

“Sec. 601. Formaldehyde standards.”

SEC. 3. REPORTS TO CONGRESS.

Not later than December 31, 2010, and annually thereafter through December 31, 2014, the Administrator of the Environmental Protection Agency shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing, with respect to the preceding calendar year—

(1) the status of the measures carried out or planned to be carried out pursuant to title VI of the Toxic Substances Control Act; and

(2) the extent to which relevant industries have achieved compliance with the requirements under that title.

SEC. 4. MODIFICATION OF REGULATION.

Not later than 180 days after the date on which the Administrator of the Environmental Protection Agency promulgates regulations under section 601(d)(1) of the Toxic Substances Control Act (as added by section 2(a)), the Secretary of Housing and Urban Development shall update the regulation contained in section 3280.308 of title 24, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that the regulation reflects the standards established by section 601 of the Toxic Substances Control Act (as so added).

Mr. REID. Madam President, I ask unanimous consent that the committee-reported substitute amendment be considered; that a Klobuchar amendment at the desk be agreed to; the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; and that the motions to reconsider be laid on the table, with no intervening action or debate and any statements be printed in the RECORD.

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

The amendment (No. 4347) was agreed to, as follows:

(The text of the amendment is printed in today's RECORD under “Text of Amendments.”)

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1660), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. REID. Madam President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 547 and that we now proceed to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 547) supporting National Men's Health week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 547) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 547

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas according to the Centers for Disease Control and Prevention, between ages 45 and 54, men are over 1½ times more likely than women to die of heart attacks;

Whereas according to the Centers for Disease Control and Prevention, men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;

Whereas according to the American Cancer Society, the number of cases of colon cancer among men will reach almost 49,470 in 2010, and nearly 50 percent of men diagnosed with colon cancer will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas according to the American Cancer Society, the number of men developing prostate cancer in 2010 will reach more than 217,730 and an estimated 32,050 of those men will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas according to the Bureau of the Census, more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men 4 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 2 times more likely than men to visit their doctor for annual examinations and preventive services;