

S. 398

At the request of Mr. BINGAMAN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 471

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 471, a bill to require the Secretary of the Army to study the feasibility of the hydrological separation of the Great Lakes and Mississippi River Basins.

S. 474

At the request of Ms. SNOWE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 474, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 489

At the request of Mr. REED, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 489, a bill to require certain mortgages to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 499

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 499, a bill to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project.

S. 500

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 500, a bill to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes.

S. CON. RES. 7

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 51

At the request of Mr. MENENDEZ, the names of the Senator from California (Mrs. BOXER), the Senator from Pennsylvania (Mr. CASEY), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 51, a resolution recognizing the 190th anniversary of the independence of Greece and celebrating Greek and American democracy.

S. RES. 65

At the request of Mr. WICKER, the name of the Senator from Nevada (Mr.

ENSIGN) was added as a cosponsor of S. Res. 65, a resolution expressing the sense of the Senate that the conviction by the Government of Russia of businessman Mikhail Khodorkovsky and Platon Lebedev constitutes a politically motivated case of selective arrest and prosecution that flagrantly undermines the rule of law and independence of the judicial system of Russia.

S. RES. 87

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 87, a resolution designating the year of 2012 as the "International Year of Cooperatives".

AMENDMENT NO. 143

At the request of Mr. REID, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 143 proposed to S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 505. A bill to amend the Homeland Security Act of 2002 to provide immunity for reports of suspected terrorist activity or suspicious behavior and response; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I rise today to join my colleague, Senator LIEBERMAN, in introducing the See Something, Say Something Act of 2011.

The number of thwarted and failed attacks in the past few years and the Fort Hood attack, which left 13 people dead and wounded dozens, are sobering reminders that terrorists continue to threaten our nation. We have seen, however, that an alert citizenry can be our first line of defense against terrorist attacks as evidenced by events only a few weeks ago in Texas.

Tips from alert citizens led to an investigation and the eventual arrest of Khalid Aldawsari on a federal charge of attempted use of a weapon of mass destruction. Specifically, an alert chemical supplier reported Aldawsari's suspicious attempt to purchase a toxic chemical called phenol to the FBI. Shipping company personnel also notified local police officers about related suspicious behavior. Without these calls to law enforcement, it is possible that a person who wrote in his diary "it is time for Jihad" would have carried out an attack or attacks on his numerous intended targets, including dams, nuclear power plants, and former President George W. Bush.

Individuals must be protected from frivolous lawsuits when they report, in good faith, suspicious behavior that may indicate terrorist activity. That is why I am again introducing legislation, along with Senator LIEBERMAN, that will provide these important protections.

In the 2007 homeland security law, Senator LIEBERMAN and I authored a provision to encourage people to report potential terrorist threats directed against transportation systems. This legislation would expand those protections to reports of suspicious behavior in sectors other than transportation. For example, reports of suspicious activity could be equally important in detecting terrorist plans to attack "soft targets" like hotels, shopping malls, restaurants, and religious institutions.

In December 2008, a Federal jury convicted five men from New Jersey of conspiring to murder American soldiers at Fort Dix. According to law enforcement officials, the report of an alert store clerk, who stated that a customer had brought in a video showing men firing weapons and shouting in Arabic, triggered their investigation. If not for the report of this vigilant store clerk, law enforcement may not have disrupted this plot against military personnel at Fort Dix. Real life examples like these highlight the need for this bill.

That store clerk's action likely saved hundreds of lives. It reveals a core truth of the dangerous times in which we live. Our safety depends on more than just police officers, intelligence analysts, and soldiers. It also depends on the alertness and civic responsibility of all Americans. So we must encourage citizens to be watchful and to report suspicious activity whenever it occurs.

As a result of the devastating 2008 Mumbai terrorist attacks, Senator LIEBERMAN and I convened hearings held by the Homeland Security and Governmental Affairs Committee to examine lessons learned from those attacks. These hearings helped bring to light the reality that terrorists might shift their attention from high-value, high-security targets to less secure commercial facilities, where there remains the potential for mass casualties and widespread panic.

Many of the Committee's witnesses during these hearings endorsed the idea of expanding the 2007 law beyond the transportation sector. Indeed, NYPD Commissioner Ray Kelly said that the 2007 law "made eminently good sense" and recommended "that it be expanded [to other sectors] if at all possible."

The threat is real, and we must encourage citizens to be watchful and to report suspicious activity whenever it occurs. Our legal system, however, can be misused to chill the willingness of citizens to come forward and report possible dangers. As widely reported by the media in 2006, US Airways removed 6 Islamic clerics from a flight after other passengers expressed concerns that some of the clerics had moved out of the their assigned seats and had requested, but were not using, seat belt extenders that could possibly double as weapons. In response to these concerns, US Airways officials removed these individuals from the plane so that they could further investigate.

For voicing their reasonable fears that these passengers could be rehearsing or preparing to execute a hijacking, these concerned citizens found themselves as defendants in a civil rights lawsuit and accused of bigotry.

The existence of this lawsuit illustrates how unfair it is to allow private citizens to be intimidated into silence by the threat of litigation. Would the passengers have spoken up if they had anticipated that there would be a lawsuit filed against them? Even if such suits fail, they can expose citizens to heavy costs in time and legal fees.

The bill we introduce today would provide civil immunity in American courts for any person acting in good faith who reports any suspicious transaction, activity, or occurrence related to an act of terrorism. Specifically, the bill would encourage people to pass on information to federal officials with responsibility for preventing, protecting against, disrupting, or responding to a terrorist act, or to Federal, State, and local law enforcement officials, without fear of being sued for doing their civic duty. Only disclosures made to those responsible officials would be protected by the legislation.

Once a report is received, those officials would be responsible for assessing its reasonableness and determining whether further action is required. If they take reasonable action to mitigate the reported threat, they, too, would be protected from lawsuits. Just as we should not discourage reporting suspicious incidents, we also should not discourage reasonable responses to them.

Let me be very clear that this bill does not offer any protection whatsoever if an individual makes a statement that he or she knows to be false. No one will be able to use this protection as cover for mischievous, vengeful, or biased falsehoods.

Our laws and legal system must not intimidate people into silence or prevent our officials from responding to terrorist threats. Protecting citizens who make good faith reports—and that's an important condition in this bill—of potentially lethal activities is essential to maintaining homeland security. Our bill offers protection in a measured way that discourages abuses.

Each of us has an important responsibility in the fight against terrorism. It is not a fight that can be left to law enforcement alone. The police simply can't be everywhere all the time. Whether at a hotel, a mall, or an arena, homeland security and law enforcement officials need all citizens to alert them to unattended packages and behavior that appears out of the ordinary.

Along these lines, I applaud DHS Secretary Napolitano for establishing the Department's "If you see something, say something" campaign and the recent partnerships with various organizations including the NFL. The Department is taking steps to expand this effort with public education and mate-

rials for businesses, communities, and citizens. As the Department's campaign continues to grow, there will be a greater need for this legislation as our citizens become better educated.

The National Sheriffs' Association, the National Association of Town Watch, and other national organizations have endorsed this legislation.

If someone "sees something" suspicious, Congress should encourage him or her to "say something" about it. This bill promotes and protects that civic duty. I urge my colleagues to support it.

By Mr. ROCKEFELLER:

S. 507. A bill to provide for increased Federal oversight of prescription opioid treatment and assistance to States in reducing opioid abuse, diversion, and deaths; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce an important piece of legislation, the Prescription Drug Abuse Prevention and Treatment Act of 2011—an important bill that is needed to address the rapid increase in deaths and overdoses from methadone and other opioid prescription drugs in the United States. These deaths have hit my home state of West Virginia particularly hard, but I know that every State is struggling with this serious problem.

In the 111th Congress, Senator CORKER and I, along with our colleague, the late Senator Kennedy, introduced the Methadone Treatment and Protection Act of 2009 a similar piece of legislation that stemmed from a disturbing rise in deaths due to methadone, a synthetic opioid prescription drug that had been increasingly used for pain management. Before 1990, it was used primarily to treat opioid addiction. Because of its high efficacy and low cost, methadone is frequently used for pain management. However, if not used correctly, methadone can be a powerful and deadly drug because it works differently than other painkillers. Methadone stays in a person's body for a longer period of time than the pain relief lasts so a person who does not know better might take far too much of the drug, possibly leading to respiratory distress, cardiac arrhythmia and even death.

Methadone prescriptions for pain management grew from about 531,000 in 1998 to about 4.1 million in 2006—nearly eightfold. During that time, poisoning deaths involving methadone increased nearly sevenfold, from almost 790 in 1999 to 5,420 in 2006. Deaths from other opioids have also skyrocketed in the last decade. And, these deaths may actually be underreported, because there is no comprehensive reporting system for opioid-related deaths in the United States.

Overdoses from methadone are part of a larger disturbing trend of overdoses and deaths from prescription painkillers, or opioid drugs—a trend

driven by a knowledge gap about how to treat serious pain in a safe and effective manner, by misperceptions about the safety of prescription drugs, and by the diversion of prescription drugs for illicit uses. In 2009, there were nearly 4.6 million drug-related emergency department, ED, visits of which nearly ½, 45.1 percent, or 2.1 million, were attributed to prescription drug misuse or abuse, according to data from the Drug Abuse Warning Network, DAWN. And, emergency department visits involving misuse or abuse of pharmaceuticals nearly doubled between 2004 and 2009, to over 1.2 million visits.

This bill begins to address these problems. First, with respect to the knowledge gap about safe pain management, the bill for the first time includes a training requirement for health care professionals to be licensed to prescribe these powerful drugs. Currently, the Controlled Substances Act requires that every person who dispenses or who proposes to dispense controlled narcotics, including methadone, whether for pain management or opioid treatment, obtain a registration from the Drug Enforcement Administration, DEA. Unfortunately there is no requirement as a condition of receiving the registration that these practitioners receive any education on the use of these controlled narcotics, including methadone. Physicians struggle every day with determining who has a real need for pain treatment, and who is addicted or at risk. And yes, they struggle with our failure to provide adequate treatment facilities for those who are addicted. This bill will help physicians get the information they need to prescribe safely and better recognize the signs of addiction in their patients.

Second, this bill addresses the knowledge gap among consumers—with a competitive grant program to states to distribute culturally sensitive educational materials about proper use of methadone and other opioids, and how to prevent opioid abuse, such as through safe disposal of prescription drugs. Preference will be given to states with a high incidence of overdoses and deaths.

Third, this bill creates a Controlled Substances Clinical Standards Commission to establish patient education guidelines, appropriate and safe dosing standards for all forms of methadone and other opioids, benchmark guidelines for the reduction of methadone abuse, appropriate conversion factors for transition patients from one opioid to another, and guidelines for the initiation of methadone and other opioids for pain management. A standards commission will provide much-needed evidence-based information to improve guidance for the safe and effective use of these powerful and dangerous controlled substances.

Fourth, this bill provides crucial support to state prescription drug monitoring programs. As of 2008, 38 states had enacted legislation requiring prescription drug monitoring programs

and many states were able to fund these initiatives in part from grants available through the Harold Rogers Prescription Drug Monitoring Program. A second program created in 2005 through the National All Schedules Prescription Electronic Reporting Act, NASPER, would provide even more assistance, and requires interoperability between states to reduce doctor shopping across state lines and diversion. Unfortunately, NASPER has only recently been funded with \$2 million in the fiscal year 2009 Omnibus legislation and \$2 million in fiscal year 2010.

Here is just one example of why NASPER funding matters: recently, the governor of Florida announced a budget that would not fund a planned prescription monitoring program in his state, due to state budget difficulties. This directly affects states in Appalachia because of the rampant drug trafficking between the two regions. In fact, the road from West Virginia to Florida is so well-travelled by drug traffickers and people seeking pain medication that it has been renamed the "OxyContin Highway," and flights from Huntington to Florida have been nicknamed "the Oxy Express." It is crucial to finally give NASPER the funding it needs, and this legislation would do so, with \$25 million a year to establish interoperable prescription drug monitoring programs within each state.

Finally, this bill would help solve the data gap when it comes to opioid-related deaths. Right now there is no comprehensive national database of drug-related deaths in the United States, nor is there a standard form for medical examiners to fill out with regard to opioid-related deaths. Since there is no comprehensive database of methadone-related deaths, the number of deaths may actually be underreported. In order to truly reduce the number of methadone-related deaths, quality data must be collected and made available. This bill would create a National Opioid Death Registry to track all opioid-related deaths and related information, and establish a standard form for medical examiners to fill out which would include information for the National Opioid Death Registry.

Today we have an opportunity to change the harrowing statistics and stem the rising tide of deaths from methadone and other opioids by supporting the Prescription Drug Abuse Prevention and Treatment Act of 2011. This legislation provides a multifaceted approach to preventing tragic overdoses and deaths from methadone and other opioids. This is exactly what we need to improve the coordination of efforts and resources at the local, state, and federal level.

I urge my colleagues to support this timely and important piece of legislation. In doing so, we will be on our way to saving lives and reducing the needless deaths that otherwise will continue to cause so much suffering among the people of this country.

By Mr. UDALL of New Mexico (for himself, Mr. CORKER, Mr. BROWN of Ohio, Mr. BEGICH, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 510. A bill to prevent drunk driving injuries and fatalities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL of New Mexico. Mr. President, I rise to introduce the ROADS SAFE Act of 2011. I am pleased to be joined in introducing this legislation by my colleague, the Senator from Tennessee, Mr. CORKER and 7 other colleagues.

This legislation will encourage the development of new tools to fight drunk driving. It has the potential to save 8,000 lives every year by ensuring that no one celebrating Fat Tuesday or St. Patrick's Day—or at any other time of the year—drives home drunk.

Tragic drunk driving crashes often prompt communities to more to prevent drunk driving. This was the case in my home State of New Mexico back in December of 1992. That is when a drunk driver killed a mother and her three girls on Christmas Eve. He was speeding down the highway 90 miles an hour, going the wrong way down an interstate highway.

This crash helped change attitudes in my State. I was the state Attorney General back then and I went after drunk drivers. I worked to impose stronger penalties for repeat drunk driver offenders, a lower legal limit for intoxication, and shut down drive-through liquor windows. I was successful in these efforts, in part, due to the new focus, throughout the state on eliminating drunk driving.

We made progress in New Mexico on drunk driving, but we have a long way to go and it should not take yet another tragedy for us to do even more to prevent drunk driving.

In 2009, drunk driving killed nearly 11,000 Americans, including 114 people in New Mexico. That is an average of 30 people killed every day by drunk driving. This death toll is unacceptable. And it is all the more shocking when you consider that each one of those deaths was preventable.

The United States has made significant progress in reducing drunk driving over the years. Compared to 20 years ago, our roads are much safer today. Yet even as the overall number of people killed on our highways has declined, drunk driving still accounts for about one-third of all traffic fatalities.

It is even more worrisome that a drunk driver has just a 2 percent chance of being caught. In fact, one study found that a first-time drunk driving offender has, on average, driven drunk 87 times before being arrested. Imagine, 87 times. Something must be done to prevent these drivers from getting on the road in the first place.

The good news is there are potential technologies out there that could do

just that, which is why Senator CORKER and I are introducing the ROADS SAFE Act today. New safety technology has already transformed the automobile and saved countless lives. For example, airbags and antilock brakes are now standard features in many vehicles. These safety devices are built into the car and are unobtrusive to the driver. Such technologies are an important reason we have fewer traffic fatalities today.

Imagine a future where vehicles could detect whether a driver is drunk when he gets behind the wheel—before he even starts his vehicle. That would mean no drunk driving crashes if it were impossible for drunk drivers to drive. If such technology were widely deployed in cars, approximately 8,000 lives could be saved every year.

I realize many may think this is a farfetched idea. But consider this: vehicles today can already give driving directions, thanks to GPS satellite navigation devices. Some cars can even parallel park themselves. New Mexico and other states require convicted drunk drivers to use an ignition interlock, a breathalyzer device they blow into before their vehicle's engine will start. The success of ignition interlocks for preventing repeat drunk driving offenses suggests a better technology could be used to prevent all drunk driving.

In 2008, the National Highway Traffic Safety Administration partnered with leading automakers to explore the feasibility of in-vehicle technologies to prevent drunk driving. The Driver Alcohol Detection System for Safety Program—or DADSS—is a great example of how we can leverage federal funds with private investment to improve the safety of our transportation system. The goal of DADSS is to explore the feasibility, potential benefits, and public policy challenges associated with using in-vehicle technology to prevent drunk driving. The recent progress of this cooperative effort fuels optimism that such technology could be deployed within 5 to 10 years.

Clearly, such advanced technologies must win widespread public acceptance in order to be effective. They must be moderately priced, absolutely reliable, and unobtrusive to sober drivers.

Some of the industry groups will claim that this initiative is meant to stop all social alcohol consumption. They claim that you will no longer be able to enjoy a glass of wine with dinner. They are wrong. The aim is to stop drunk driving, not discourage responsible social drinking. If deployed the technology will be set to detect drunk drivers, those with a BAC of 0.08 or higher.

Development of this technology is also widely supported by the public, many of whom have a glass of wine with dinner. A recent Insurance Institute for Highway Safety poll found that 64 percent of Americans believe advanced alcohol detection technology is a good idea and that it is reliable.

So, what would the ROADS SAFE Act do? This legislation would authorize \$12 million annually for the DADSS program. This is not new spending. Funding for this program would come from the existing, and often unspent, Seat Belt Incentive grants program.

This is a smart investment in public safety. In addition to the human costs, drunk driving also has direct and indirect economic costs. Those include damaged property, medical bills, and lost productivity. In economic terms, drunk driving costs \$129 billion dollars per year. Of course, such monetary costs cannot be compared to the value of saving 8,000 lives every year.

Several organizations dedicated to fighting drunk driving already support this bipartisan proposal. Mothers Against Drunk Driving, the Century Council, and the Distilled Spirits Council all have signed on in support of the ROADS SAFE Act.

I urge my Senate colleagues to join me, Senator CORKER, and these important organizations in the fight against drunk driving. We urge you to support the ROADS SAFE Act. We have made much progress in our efforts to prevent drunk driving, but there is so much more to be done.

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. 510

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Research of Alcohol Detection Systems for Stopping Alcohol-related Fatalities Everywhere Act of 2011” or the “ROADS SAFE Act of 2011”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Alcohol-impaired driving fatalities represent approximately  $\frac{1}{3}$  of all highway fatalities in the United States in a given year.

(2) In 2009, there were 10,839 alcohol-impaired driving fatalities.

(3) An estimated 9,000 road traffic deaths could be prevented every year if alcohol detection technologies were more widely used to prevent alcohol-impaired drivers from operating their vehicles.

(4) The National Highway Traffic Safety Administration has partnered with automobile manufacturers to develop alcohol detection technologies that could be installed in vehicles to prevent drunk driving.

(5) Alcohol detection technologies will not be widely accepted by the public unless they are moderately priced, absolutely reliable, and set at a level that would not prevent a driver whose blood alcohol content is less than the legal limit from operating a vehicle.

#### SEC. 3. DRIVER ALCOHOL DETECTION SYSTEM FOR SAFETY RESEARCH.

Section 410 of title 23, United States Code, is amended—

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

(2) by inserting after subsection (g) the following:

“(h) DRIVER ALCOHOL DETECTION SYSTEM.—

“(1) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall carry out a collaborative research effort under chapter 301 of title 49 to continue to explore the feasibility and the

potential benefits of, and the public policy challenges associated with, more widespread deployment of in-vehicle technology to prevent alcohol-impaired driving.

“(2) REPORT.—The Administrator shall annually submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that—

“(A) describes progress in carrying out the collaborative research effort; and

“(B) includes an accounting of the use of Federal funds obligated or expended in carrying out that effort.

“(3) APPLICATION WITH OTHER LAWS.—Nothing in this subsection may be construed to modify or otherwise affect any Federal, State, or local government law (civil or criminal), with respect to the operation of a motor vehicle.

“(4) FUNDING.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, \$12,000,000 of any amounts made available to the Secretary under section 406 for each of the fiscal years 2012 through 2016 shall be made available to carry out this subsection in place of any other amounts that are otherwise available to carry out this section.

“(B) LIMITATION.—No amount of funding shall be made available under this paragraph for any fiscal year in which no funds are made available to carry out any program authorized under section 406.”; and

(3) in subsection (j), as redesignated—

(A) by redesignating paragraph (3) as paragraph (7);

(B) by redesignating paragraph (2) as paragraph (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (5) and (4), respectively;

(D) by inserting after paragraph (1) the following:

“(2) ALCOHOL-IMPAIRED DRIVING.—The term ‘alcohol-impaired driving’ means operation of a motor vehicle (as defined in section 30102(a)(6) of title 49) by an individual whose blood alcohol content is at or above the legal limit.”; and

(E) by inserting after paragraph (5), as redesignated, the following:

“(6) LEGAL LIMIT.—The term ‘legal limit’ means a blood alcohol concentration of 0.08 percent or greater (as specified by chapter 163 of this title) or such other percentage limitation as may be established by applicable Federal, State, or local law.”.

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 513. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce, along with Senator GRASSLEY, the Saving Kids From Dangerous Drugs Act of 2011.

For years, law enforcement has seen drug dealers flavoring and marketing their illegal drugs to entice minors, using techniques like combining drugs with chocolate and fruit flavors, and even packaging them to look like actual candy and soda. This bill would address this serious and dangerous problem by providing stronger penalties when drug dealers alter controlled substances by combining them with beverages or candy products, marketing or packaging them to resemble legitimate products, or flavoring or

coloring them with the intent to sell them to minors.

Recent media reports demonstrate the need for this legislation. The Santa Cruz Sentinel had an article earlier this month about someone who is planning to market sodas laced with THC, the psychoactive component in marijuana. Some of his planned sodas include orange-flavored “Orange Krush” and grape-flavored “Grape Ape” which actually was the name of a children’s cartoon character!

Regrettably, this is a problem that has persisted for many years, with drug dealers trying various methods of luring kids to try many dangerous drugs. For example, in March of 2008, Drug Enforcement Administration, DEA, agents seized cocaine near Modesto, California, that had been flavored like cinnamon, coconut, lemon and strawberry.

Similarly, there have been many incidents involving methamphetamine. In a 2007 article entitled Flavored Meth Use on the Rise, USA Today stated that “reports of candy-flavored methamphetamine are emerging around the nation, stirring concern among police and abuse prevention experts that drug dealers are marketing the drug to younger people.”

The size and sophistication of some of these operations is particularly alarming. In March of 2006, DEA discovered large-scale marijuana cultivation and production facilities in Emeryville and Oakland, California. Thousands of marijuana plants, and thousands of marijuana-related soda, candy, and other products were seized from the drug dealers’ facilities. The products were designed and packaged to look like legitimate products, including an item called “Munchy Way” candy bars.

Current law already provides an enhanced penalty if someone distributes drugs to a minor. Under this provision, the maximum sentence for the underlying distribution offense is doubled, and tripled if it is a repeat offense.

Similarly, this bill would provide an enhanced penalty in those situations where drug dealers are altering controlled substances in ways that could make them more appealing to minors. Someone who is altering a controlled substance in ways prohibited by the legislation would be subject to a penalty of up to ten years, in addition to the penalty for the underlying offense. If someone commits a second offense prohibited by the act, they would be face an additional penalty of up to 20 years.

This bill sends a strong and clear message to drug dealers—if you flavor or candy up your drugs to try to entice our children, there will be a very heavy price to pay. It will help stop drug dealers from engaging in these activities, and punish them appropriately if they don’t.

The Senate passed a similar version of this legislation in the last Congress, but it was not considered in the House.

I urge my colleagues to join me in supporting this bill.

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. 513

*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 “Saving Kids From Dangerous Drugs Act of 2011”.

#### SEC. 2. OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

“(h) OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.—

“(1) UNLAWFUL ACTS.—Except as authorized under this title, including paragraph (3), it shall be unlawful for any person at least 18 years of age to knowingly or intentionally manufacture or create, with intent to manufacture, create, distribute, or dispense, a controlled substance listed in schedule I or II that is—

“(A) combined with a beverage or candy product;

“(B) marketed or packaged to appear similar to a beverage or candy product; or

“(C) modified by flavoring or coloring the controlled substance with the intent to distribute, dispense, or sell the controlled substance to a person under 18 years of age.

“(2) PENALTIES.—Except as provided in section 418, 419, or 420, any person who violates paragraph (1) of this subsection shall be subject to—

“(A) an additional term of imprisonment of not to exceed 10 years for a first offense involving the same controlled substance and schedule; and

“(B) an additional term of imprisonment of not to exceed 20 years for a second or subsequent offense involving the same controlled substance and schedule.

“(3) EXCEPTIONS.—Paragraph (1) shall not apply to any controlled substance that—

“(A) has been approved by the Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), if the contents, marketing, and packaging of the controlled substance have not been altered from the form approved by the Secretary; or

“(B) has been altered at the direction of a practitioner who is acting for a legitimate medical purpose in the usual course of professional practice.”.

#### SEC. 3. SENTENCING GUIDELINES.

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements to ensure that the guidelines provide an appropriate additional penalty increase to the sentence otherwise applicable in Part D of the Guidelines Manual if the defendant was convicted of a violation of section 401(h) of the Controlled Substances act, as added by section 2 of this Act.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator FEINSTEIN, in cosponsoring the Saving Kids from Dangerous Drugs Act of 2011. I believe we have an ongoing moral obligation to ensure our young people have every opportunity to grow up without being accosted by drug pushers at every turn, whether on TV, in the movies, or on the way to school.

This bipartisan legislation—which has previously passed the Senate with unanimous consent—comes in response to ongoing warnings issued by the Drug Enforcement Administration, DEA, and the White House’s Office of National Drug Control Policy, ONDCP, about highly addictive and dangerous drugs being colored, packaged, and flavored in ways that appear to be designed to attract use by children. As ranking member of the Committee on the Judiciary and cochairman of the Senate Drug Caucus, I can tell you that the most at-risk population for drug abuse is our young people. Sadly, recent youth surveys are indicating youth drug use is increasing. Research has shown time and again that if you can keep a child drug free until they turn 20, chances are very slim that they will ever try or become addicted to drugs. Unfortunately, unscrupulous drug dealers are all too aware of statistics like these and have developed new techniques and marketing gimmicks to lure in younger users. As a parent and grandparent, this is extremely troubling.

Drug dealers are now flavoring and disguising drugs to make them appear and taste like candy. For instance, some drugs that have been recovered by the DEA and local law enforcement have been flavored to taste like strawberry and are known on the street as “Strawberry Quick.” Other flavors, such as lemon, coconut, cinnamon and chocolate are clearly being used to make highly addictive drugs like meth and cocaine seem less harmful and more appealing. Soft drinks are also being laced with THC, the active ingredient in marijuana, and marketed with names like “Canna Cola” and “Doc Weed.” Law enforcement has also recovered drugs that have unique designs which could be appealing to children. For example, Ecstasy pills imprinted with President Obama’s likeness or with images of popular cartoon characters have been seized in raids. These flavored and disguised drugs are also being marketed in smaller amounts, making it cheaper and more accessible to children. According to an article in USA Today, at least 8 States have reported instances involving candy flavored drugs, and many law enforcement officials are expecting these deadly substances to infiltrate their States in the near future.

The DEA has made an effort to stop these practices. For example, the DEA arrested three men in an undercover operation in California where candy flavored cocaine was being distributed. The DEA seized at least four different flavors of cocaine along with other dangerous substances. The estimated street value of the flavored cocaine seized in this operation was \$272,400. The DEA also arrested 12 people in connection to a marijuana-laced candy and soft drink operation in 2006. The marijuana-laced candy that was seized in this operation was packaged to look like well known brand name candy

bars. These drug busts further illustrate the fact that drug dealers will stop at nothing to hook a new generation on these deadly substances.

Currently, Federal law enhances the criminal penalties that apply when a person sells drugs to anyone under the age of 21. When this occurs, the Federal penalties are doubled—or tripled for a repeat offense—and a mandatory minimum of at least 1 year must also apply. However, this penalty applies only to someone who actually sells drugs to someone under 21.

The Saving Kids from Dangerous Drugs Act would increase the prison sentence to anyone who knowingly or intentionally manufactures or creates with the intent to distribute a controlled substance that has been flavored, colored, packaged or otherwise altered in a way that is designed to make it more appealing to a person under 18 years of age. The DEA busts are prime examples of why we need this bipartisan bill to keep drug dealers from peddling their poison to our children.

The fight against deadly drugs is an ongoing struggle. In light of the fact that youth drug use is increasing we must do all we can to protect the most vulnerable among us. We must send a clear message to those wishing to prey on our youth that you risk serious prison time when you target our future.

Although this bill was passed out of the Senate unanimously in 2010, the House never passed the bill in the 111th Congress. I ask that my colleagues join us again in support of this important legislation and pass the Saving Kids from Dangerous Drugs Act, and I encourage the House of Representatives to take up this important bill and help remove these dangerous candy flavored drugs from our communities.

By Mr. WYDEN (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. AKAKA)

S. 514. A bill to amend chapter 21 of title 5, United States Code, to provide that fathers of permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service; to the Committee on Homeland Security and Governmental Affairs.

Mr. WYDEN. Mr. President, the sacrifices of military families all too often go unrecognized. For every one of the 186,000 troops currently deployed in Iraq and Afghanistan, there is a family that patiently waits for their servicemember’s safe return. There are countless wives and husbands, separated by a deployment, who celebrate anniversaries over email and deployed parents who see their children age in photographs. None of these military families ask for recognition, but their sacrifices deserve our respect.

I am pleased by the President and First Lady’s recent efforts to recognize the challenges facing military families. Their leadership on this issue will help

ensure that all agencies and departments of the Federal Government will lend a hand to servicemembers, veterans, and their families.

Our Nation asks a lot of military families. Military families must provide support in innumerable ways during a deployment. From child care, to paying bills, dealing with legal issues and household repairs, military families work together to deal with the absence of the servicemember. Should a servicemember return home wounded or weakened by the tolls of war, we ask military families to help take care of their son or daughter, husband or wife.

We hope and pray that all those who are sent to war will return safely to the arms of their loved ones. However, we know that this is not always the case. Since the wars in Iraq and Afghanistan began, there have been far too many funerals of talented and patriotic Oregonians who have died in service to their country.

Although nothing the Government can do will ever make up for the loss of a loved one, we do extend certain benefits to the parents of those who are killed in war. Today, along with Senators LIEBERMAN, COLLINS, AKAKA, I am introducing the Gold Star Fathers Act to update one of those benefits; the preferences for Federal hiring to ensure that the parents of fallen servicemembers have no barriers to Federal service.

The Office of Personnel Management currently allows unmarried mothers of fallen soldiers to claim a 10-point veterans' preference when applying for Federal jobs. The Gold Star Fathers Act would simply extend this preference to unmarried fathers of fallen soldiers. This legislation will expand opportunities for Gold Star families to bring their dedication, compassion, and patriotism to the Federal Government. It is my hope that this legislation can be passed quickly.

These Gold Star Mothers and Gold Star Fathers have sacrificed more than we as a country can ever hope to repay. All we can ever hope to do is to ensure that these sacrifices are never made in vain.

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. 514

*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 "Gold Star Fathers Act of 2011".

#### SEC. 2. PREFERENCE ELIGIBLE TREATMENT FOR FATHERS OF CERTAIN PERMANENTLY DISABLED OR DECEASED VETERANS.

Section 2108(3) of title 5, United States Code, is amended by striking subparagraphs (F) and (G) and inserting the following:

"(F) the parent of an individual who lost his or her life under honorable conditions while serving in the armed forces during a

period named by paragraph (1)(A) of this section, if—

"(i) the spouse of that parent is totally and permanently disabled; or

"(ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse;

"(G) the parent of a service-connected permanently and totally disabled veteran, if—

"(i) the spouse of that parent is totally and permanently disabled; or

"(ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse; and"

#### SEC. 3. EFFECTIVE DATE.

The amendment made by this Act shall take effect 90 days after the date of enactment of this Act.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 94—TO EXPRESS THE SENSE OF THE SENATE IN SUPPORT OF REDUCING ITS BUDGET BY AT LEAST 5 PERCENT

Mr. WICKER (for himself, Mr. COATS, Mr. JOHANNES, Mr. ISAKSON, Mr. THUNE, Mr. PORTMAN, Mr. BARRASSO, Mr. CORNYN, Mr. INHOFE, Mr. ENZI, Mr. BROWN of Massachusetts, Mr. CHAMBLISS, Mr. CORKER, and Mr. MANCHIN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 94

Whereas, the current level Federal spending is unsustainable and action to reverse this course should not be delayed;

Whereas, in 2010 Federal spending was nearly 24 percent of the value of all the goods and services produced in the United States;

Whereas, the Federal deficit was over \$1 trillion in fiscal year 2010;

Whereas, Federal spending is at its highest percentage since World War II;

Whereas, the Congressional Budget Office estimates if the United States maintains its current track of Federal spending, the Federal debt would reach 90 percent of the value of all the goods and services produced in the United States by 2020;

Whereas, the national debt exceeds \$13.9 trillion dollars;

Whereas, the United States borrows \$44,000 for every person in the country;

Whereas, the unemployment rate was 9.8 percent in December;

Whereas, the American people have responded to the economic downturn by making hard choices and trimming their family budgets;

Whereas, spending in the legislative branch rose nearly 50 percent over the last 10 years; and

Whereas, in order to address the nation's fiscal crisis, the Senate should lead by example and reduce its own legislative budget: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that it should lead by example and reduce the budget of the Senate by at least 5 percent.

#### SENATE RESOLUTION 95—INCREASING AWARENESS OF AND RECOGNIZING THE LIFE-SAVING ROLE OF OSTOMY CARE AND PROSTHETICS IN THE DAILY LIVES OF HUNDREDS OF THOUSANDS OF PEOPLE IN THE UNITED STATES

Mr. BURR submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 95

Whereas over 700,000 individuals in the United States, from young children to senior citizens, have an ostomy, a surgical procedure that creates an artificial opening from the abdomen to the intestines or urinary system to allow for the elimination of bodily wastes;

Whereas active duty military personnel who are wounded in battle often receive an ostomy as a result of penetrating colorectal injuries;

Whereas an ostomy procedure can be essential to many patients who suffer on a daily basis from serious, chronic, or life-threatening traumatic injury to the abdomen, or other illnesses and conditions, such as colorectal or bladder cancer, Crohn's disease, ulcerative colitis, birth defects, or other intestinal or urinary medical conditions;

Whereas following ostomy surgery, patients may need specially-fitted medical products to manage intestinal or urinary system function, temporarily or permanently restore intestinal or urinary system function, or re-establish activities of daily living, and improve quality of life;

Whereas ostomy products are prosthetic devices prescribed by health care providers, and ostomy products are prosthetic devices, as defined in section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8));

Whereas policy and reimbursement approaches to ostomy products may affect access for patients in need;

Whereas ostomy products are customized to the clinical needs of individual patients and are not the same as other easily interchangeable medical supplies, such as gauze or bandages;

Whereas ostomy care and prosthetics can be important to restoring function and improving quality of life for patients in need of this care;

Whereas ongoing advances and innovation in ostomy prosthetics technology can dramatically improve the lives of individuals who undergo ostomy surgery by helping to normalize the intestinal or urinary system function of such individuals, improve physical well-being, and often enable the individual to rejoin the workforce; and

Whereas Congress recognizes the importance of encouraging and facilitating the development and use of new medical technologies: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the life-saving role of ostomy care and prosthetics in the daily lives of hundreds of thousands of people in the United States;

(2) recognizes that if a surgical procedure results in a patient needing a prosthetic that manages or restores intestinal or urinary system function, specifically the control of the elimination of the body's waste products, it is important for such patient to have access to the care that will best meet the patient's needs; and

(3) encourages innovation of, and access to, medical devices that restore or improve intestinal or urinary system function of people in the United States with an ostomy.