

"SEC. 399V-6. STANDARDIZED PROTOCOL FOR OBTAINING INFORMED CONSENT FROM AN OLDER INDIVIDUAL WITH DEMENTIA PRIOR TO ADMINISTERING AN ANTIPSYCHOTIC FOR A USE NOT APPROVED BY THE FOOD AND DRUG ADMINISTRATION.

"(a) PROTOCOL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop a standardized protocol for designated health care providers to obtain informed consent from an older individual with dementia prior to administering an antipsychotic to the individual for a use not approved by the Food and Drug Administration. Such protocol shall include an alternative protocol for obtaining such informed consent in the case of emergencies.

"(b) DEFINITION OF INFORMED CONSENT.—In this section, the term 'informed consent' means, with respect to an older individual with dementia, that—

"(1) the health care provider has informed the individual (or, if applicable, the individual's designated health care agent or legal representative) of—

"(A) possible side effects and risks associated with the antipsychotic;

"(B) treatment modalities that were attempted prior to the use of the antipsychotic; and

"(C) any other information the Secretary determines appropriate;

"(2) the individual (or, if applicable, the individual's designated health care agent or legal representative) has provided authorization for the administration of the antipsychotic; and

"(3) the administration of the antipsychotic is in accordance with any plan of care that the individual has in place, including non-pharmacological interventions as appropriate that can effectively address underlying medical and environmental causes of behavioral disorders."

SEC. 11. PRESCRIBER EDUCATION PROGRAMS.

(a) IN GENERAL.—Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by section 11, is amended by adding at the end the following:

"SEC. 399V-7. PRESCRIBER EDUCATION PROGRAMS.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Agency for Healthcare Research and Quality and in consultation with the Commissioner of Food and Drugs, shall establish and implement prescriber education programs.

"(b) IMPLEMENTATION.—The Secretary shall establish and begin implementation of prescriber education programs under this section by not later than 6 months after the date on which funds are first made available under section 3734 of title 31, United States Code.

"(c) PRESCRIBER EDUCATION PROGRAM DEFINED.—In this section, the term 'prescriber education program' means a program to promote high quality evidence-based treatment and non-pharmacological interventions through the provision of objective, educational, and informational materials to physicians and other prescribing practitioners, including such a program developed by the Agency for Healthcare Research and Quality."

(b) FUNDING.—

(1) IN GENERAL.—Chapter 37 of title 31, United States Code, is amended by adding at the end the following:

"SEC. 3734. FUNDING FOR PRESCRIBER EDUCATION PROGRAMS.

"(a) FUNDING.—In each fiscal year, the Attorney General may make some portion of the covered funds paid to the United States in that fiscal year available for prescriber

education programs in accordance with section 399V-7 of the Public Health Service Act.

"(b) DEFINITIONS.—In this section:

"(1) COVERED FUNDS.—The term 'covered funds' means all funds payable to the United States Government from any judgement or settlement of a civil action brought by the Attorney General under section 3730 of this title, relating to off-label marketing of any prescription drug.

"(2) OFF-LABEL MARKETING.—The term 'off-label marketing' means the marketing of a prescription drug for an indication or use in a manner for which the drug has not been approved by the Food and Drug Administration."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 22, 2012, at 10 a.m., to conduct a committee hearing entitled "Implementing Derivatives Reform: Reducing Systemic Risk and Improving Market Oversight."

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 22, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

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 May 22, 2012, at 2:30 p.m.

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

SUBCOMMITTEE ON AIRLAND

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on May 22, 2012, at 3:30 p.m.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on May 22, 2012, at 2 p.m.

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

SUBCOMMITTEE ON PERSONNEL

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on May 22, 2012, at 5 p.m.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on May 22, 2012, at 11 a.m.

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

SUBCOMMITTEE ON SEAPOWER

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on May 22, 2012, at 9:30 a.m.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Tiffany Griffin, a fellow in the office of Senator BINGAMAN, be granted the privilege of the floor during consideration of S. 3187, the Food and Drug Administration Safety and Innovation Act.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Lauren Boyer and Jimmy Fremgen of my staff be granted the privilege of the floor for the duration of today's session.

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

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent that my military fellow, Major Jay Rose, be granted floor privileges for the duration of my remarks.

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

Mr. HATCH. Mr. President, I ask unanimous consent that Paul Williams, a detailee to the Senate Finance Committee from the Food and Drug Administration; Jesse Baker, a detailee to the Senate Finance Committee from the U.S. Secret Service; Angela Sheldon, a detailee to the Senate Judiciary Committee; and Maureen McLaughlin, a detailee to the Senate Finance Committee from the Federal Communications Commission, all be granted privileges of the floor for the remainder of the second session of the 112th Congress.

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

MEASURES READ THE FIRST TIME EN BLOC—S. 3220 AND S. 3221

Mr. BROWN of Ohio. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the bills by title.

The bill clerk read as follows:

A bill (S. 3220) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

A bill (S. 3221) to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

Mr. BROWN of Ohio. Mr. President, I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, MAY 23,
2012

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday,

May 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; that the first hour following the remarks of the majority leader and Republican leader be equally divided and controlled between the two sides, with the Republicans controlling the first half and the majority controlling the final half; further, that the majority control the time from 1 p.m. until 2 p.m.

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

PROGRAM

Mr. BROWN of Ohio. Mr. President, it is the majority leader's intention to

resume consideration of S. 3187, the FDA user fees bill, when the Senate convenes tomorrow. We are working on an agreement for amendments to the bill. We hope we can reach an agreement and avoid filing cloture on the bill.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

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

There being no objection, the Senate, at 6:27 p.m., adjourned until Wednesday, May 23, 2012, at 9:30 a.m.