a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day.

S. 3246

At the request of Mr. WYDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3246, a bill to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

S. 3339

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3425

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3425, a bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes.

S. 3490

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3493, a bill to reauthorize and enhance Johannas’s Law to increase public awareness and knowledge with respect to gynecologic cancers.

S. 3500

At the request of Mr. CONRAD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3510, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasedhold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 3513

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMANN) was added as a cosponsor of S. 3518, a bill to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments in United States Courts where those judgments undermine the First Amendment to the Constitution of the United States, and to provide a cause of action for declaratory judgment relief against a party who has brought a successful foreign defamation action whose judgment undermines the First Amendment.

S. 3519

At the request of Ms. SNOWE, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 3519, a bill to stabilize the matching requirement for participants in the Hollings Manufacturing Partnership Program.

S. 3532

At the request of Mr. ENSIGN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3552, a bill to require an Air Force study on the threats to, and sustainability of, the air test and training range infrastructure.

AMENDMENT NO. 4410

At the request of Mr. ISAKSON, the names of the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SHELEY) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. J. Res. 30, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Mediation Board relating to representation election procedures.

S. Res. 555

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 555, a resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month.

S. Res. 565

At the request of Mr. MERKLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 565, a resolution supporting and recognizing the achievements of the family planning services programs operating under title X of the Public Health Service Act.

S. Res. 573

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 573, a resolution urging the development of a comprehensive strategy to enhance stability in Somalia, and for other purposes.

AMENDMENT NO. 4439

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. SNOWE), the Senator from Alaska (Ms. BEGICH) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 4439 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4440

At the request of Mr. SANDERS, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 4440 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4443

At the request of Mr. UDALL of Colorado, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 4443 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4462

At the request of Mr. LANDRIEU, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 4462 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Statements on Introduced Bills and Joint Resolutions

By Ms. MURKOWSKI (for herself, Mrs. MURRAY, Ms. CANTWELL, and Mr. CRAPO):

S. 3570. A bill to improve hydropower, and for other purposes: to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce two pieces of legislation aimed at increasing the production of our hardest working, non-renewable resource, one that often gets overlooked in the clean energy debate—hydropower. The first bill I would like to
introduce today is the Hydropower Improvement Act of 2010, co-sponsored by my colleagues Senators MURRAY, CANTWELL, and CRAPO, true hydropower advocates. The Hydropower Improvement Act of 2010 seeks to substantially increase the capacity and generation of our existing hydropower projects. The act will improve environmental quality and support hundreds of thousands of green energy jobs.

There is no question that hydropower is, and must be, part of our energy solution. It is the largest source of renewable electricity in the United States. The 96,000 megawatts of hydroelectric capacity we now have today provide about 7 percent of the Nation’s electricity needs. Hydroelectric generation is carbon-free baseline power that allows us to avoid 225 million metric tons of carbon emissions each year. Hydropower is clean, efficient, and inexpensive. Yet, despite its tremendous benefits, I am constantly amazed at how many Americans undervalue this important resource.

Perhaps it is because conventional wisdom dismisses our Nation’s hydropower capacity as tapped out. That is simply not the case. If anything, hydropower can be an under-developed resource—something we certainly understand in my home state of Alaska where hydro already supplies 24 percent of the state’s electricity needs and over 200 promising sites for further hydropower development have been identified. There is great potential for additional hydropower development in every State, not just Alaska.

According to the Obama administration, conventional hydropower facilities have the capacity to generate an additional 75,000 megawatts of power—a staggering amount of clean, inexpensive power. Now that doesn’t seem possible until you realize that only 3 percent of the country’s 80,000 existing dams are electrified. Significant amounts of new capacity—anywhere between 20,000 and 60,000 megawatts—can be derived from simple efficiency improvements or capacity additions at existing facilities.

Additional hydropower can be captured in existing man-made conduits and hydroelectric pumped storage projects can help reliably integrate other renewable resources that are intermittent, such as wind, onto our grid.

The Hydropower Improvement Act of 2010 seeks to increase substantially our nation’s hydropower capacity in an effort to expand renewable power generation and create much needed American jobs. The legislation establishes a competitive grants program to support further hydropower development and directs the Energy Department to produce and implement a plan for the research, development and demonstration of increased hydropower capacity. The Federal Energy Regulatory Commission with additional authority to extend preliminary permit terms; to work with Federal resource agencies to streamline the review process for conduit hydropower projects; and to conduct a Notice of Inquiry into a possible two-year licensing process for certain minimal impact projects. The Act also calls for studies on pumped storage and the potential for nonfederal development at Bureau of Reclamation facilities, and authorizes training for hydroelectric power technology at community colleges.

It is my hope that as the Senate turns to energy legislation, we can finally recognize the important contribution the renewable resource of hydropower makes, and will continue to make, to our clean energy goals. This legislation is supported by the National Hydropower Association, the American Public Power Association, the National Rural Electric Cooperative Association, the Edison Electric Institute, and the National Water Resources Association. I ask my colleagues to join me in supporting the Hydropower Improvement Act of 2010 to promote the further development of our most cost-effective, clean energy option while creating hundreds of thousands of new green jobs.

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 is ordered to be printed in the RECORD, as follows:

S. 3570

the United States, avoiding 225,000,000 metric tons of carbon emissions each year; and

SEC. 2. DEFINITIONS. In this Act:

(a) CONDUCT.—The term "conduct" means any tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.

(b) SECRETARY.—The term "Secretary" means the Secretary of Energy.

It is the sense of Congress that the United States should increase substantially the capacity and generation of clean, renewable hydropower resources which will improve environmental quality in the United States and support hundreds of thousands of green energy jobs.

SEC. 5. GRANTS FOR IMPROVEMENTS FOR INCREASED HYDROPOWER PRODUCTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish in the Department of Energy a program under which the Secretary shall make competitive grants to eligible entities that—

(1) make efficiency improvements or capacity additions at an existing hydroelectric power generating facility;

(2) add hydropower generation to a nonpower dam;

(3) develop pumped storage facilities; and

(4) address aging infrastructure at existing hydroelectric power generating facilities; and

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall establish terms and conditions, including eligibility, for the receipt of grants under this section.

(2) INCLUSIONS.—In carrying out this section, the Secretary shall ensure that powerhouses and projects that require new dam infrastructure are included among the entities that may receive grants under this section.

(c) COST SHARING.—The Secretary shall carry out the program under this section in compliance with sections 988 and 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352, 16353).
SEC. 6. PLAN FOR RESEARCH, DEVELOPMENT, AND DEMONSTRATION TO INCREASE HYDROPOWER CAPACITY.

(a) In General.—Not later than 270 days after the date of enactment of this Act, the Secretary shall—

(1) develop a plan for research, development, and demonstration that includes research and development projects; and

(2) coordinate research and development on advanced hydropower technologies.

(b) Administration.—The Secretary shall—

(1) implement the plan established under this section as soon as practicable after the date of enactment of this Act; and

(2) review and update the plan on an annual basis.

(c) Cost Sharing.—The Secretary shall carry out any activities under this section in compliance with sections 986 and 989 of the Energy Policy Act of 2005 (42 U.S.C. 16832, 16833).

(d) Coordination.—The Secretary shall coordinate, to the maximum extent practicable, activities under this section with other activities of the Department of Energy and other Federal research programs.

(e) Funding.—From amounts made available under section 404(a) of the American Clean Energy and Security Act of 2009, the Secretary may use to carry out this section $50,000,000 for each of fiscal years 2011 through 2015.

SEC. 7. NOTICE OF INQUIRY FOR MINIMAL IMPACT HYDROPOWER PROJECTS.

(a) Definitions.—In this section:


(2) Minimal Impact Hydropower Project.—The term ‘‘minimal impact hydropower project’’ means—

(A) the addition of hydropower generation to an existing nonpower dam if the addition of the project will not cause any significant environmental impacts or

(B) closed-loop hydropower storage that does not require any change in an existing diversion or impoundment of a river, and otherwise will not cause any significant environmental impacts under applicable law.

(b) Notice of Inquiry.—Not later than 180 days after the date of enactment of this section, the Commission shall issue a notice of inquiry for the licensing of proposed minimal impact hydropower projects that take not more than $50,000,000 for each of fiscal years 2011 through 2015.

(c) Public Workshops and Pilot Projects on Conduit Hydropower Projects.—

(1) In General.—The Secretary shall conduct public workshops with relevant stakeholders, including water users and the environmental community, to identify ways in which the conduit approval process may be modified—

(A) to reduce barriers to conduit hydropower projects, including barriers created by project costs or the timeframe for approval and maintain adequate environmental, health, and safety protections.

(2) Development of Public Workshops.—The Secretary shall conduct workshops with relevant stakeholders, including water users and the environmental community, to identify ways in which the conduit approval process may be modified—

(A) to reduce barriers to conduit hydropower projects, including barriers created by project costs or the timeframe for approval and maintain adequate environmental, health, and safety protections.

(3) Notice of Inquiry.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the notice of inquiry.
SEC. 13. HYDROELECTRIC POWER WORKER TRAINING.

Section 439(b) of the American Clean Energy Leadership Act of 2009 is amended in the second sentence:

(1) in paragraph (6), by striking “and” after the semicolon at the end;
(2) in paragraph (7), by striking the period at the end and inserting “; and”;
(3) in paragraph (8), by striking “and” after the semicolon at the end; and
(4) by adding at the end the following: “(8) hydroelectric power technology.”.

SEC. 14. REPORT ON MEMORANDUM OF UNDERSTANDING ON HYDROPOWER.

Not later than 18 months after the date of enactment of this Act, the President shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on actions taken by the Department of Energy, the Department of the Interior, and the Corps of Engineers to carry out the memorandum of understanding on hydropower entered into on March 24, 2010, with particular emphasis on actions taken by the agencies to work together and investigate ways to efficiently and responsibly facilitate the Federal permitting process for Federal and non-Federal hydropower projects at Federal facilities within existing authority.

SEC. 15. NONAPPLICATION TO FEDERAL POWER ADMINISTRATIONS.

(a) IN GENERAL.—This Act and the amendments made by this Act shall not—
(1) apply to a hydroelectric project that provides power marketed by a Federal Power Marketing Administrator; or
(2) impact any additions, improvements, or replacements of hydroelectric generation at Federal projects carried out by a Federal Power Marketing Administrator.

(b) MODIFICATIONS.—Nothing in this Act limits the authority under existing law of a Federal Power Marketing Administrator in the evaluations at Federal projects with hydropower facilities are modified.

SEC. 16. BUDGETARY EFFECTS.

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.

By MS. MURKOWSKI:
S. 3571. A bill to extend certain Federal benefits and income tax provisions to energy generated by hydropower resources; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, today I introduce the Hydropower Renewable Energy Development Act of 2010. This legislation is to extend certain benefits and income tax provisions to energy generated by hydropower resources.

We have an incredible amount of hydropower potential in my home State of Alaska. To date, we have almost 50 hydropower plants. In a range of sizes from the 128-megawatt Bradley Lake project to the 7-kilowatt Walsh Creek project—that produce about 24 percent of the State’s electricity needs.

Alaska is proof that the hydropower resource is not tapped out—not even close. Currently, there are 32 additional hydropower projects, just in Southeast, that are either under construction or on the drawing boards.

Statewide there are another 200 areas that have been identified as promising sites for lake taps, run of river, pumped storage and even new hydroelectric reservoirs. With the proper financing, we could keep a dozen hydro construction projects for development in the State for a decade or even longer.

That is just in Alaska. There are tremendous opportunities in each and every State to further develop this clean energy alternative.

Hydropower, by definition, is a renewable resource. It produces no carbon emissions and through rainfall and melting snowpacks it is able to be replenished. Yet there are some who would deny this important classification to the hydropower resource.

The Hydropower Renewable Energy Development Act of 2010 directs that the generation of hydroelectric power be treated as a "renewable" resource for purposes of any Federal program or standard. This reclassification of hydropower resources would help to incent the further production of this important and often undervalued resource.

Next, the bill provides parity treatment for hydropower resources in the Production Tax Credit, PTC. Currently, companies that generate wind, solar, geothermal, and "closed-loop" biomass systems are eligible for the PTC which provides a 2.1 cent per kilowatt-hour, kwh, benefit for the first 10 years of a renewable facility’s operation. Other technologies, such as incremental hydropower, certain generation at non-power facilities, and wave and tidal receive a lesser value tax credit of 1.0 cent per kWh. The Hydropower Renewable Energy Development Act of 2010 eliminates the distinction between the two categories so that all qualified hydropower resources receive the full PTC credit.

The bill further expands upon the types of hydropower resources that qualify for the PTC, allowing new hydro generation, small hydropower under 50 megawatts, lake taps, and pumped storage to qualify as well.

The Hydropower Renewable Energy Development Act of 2010 also carries this expanded qualification of hydropower to the Clean Renewable Energy Bonds, CREBS, program. Because non-profits like rural electric cooperatives and public power providers are not eligible for tax-exempt status, CREBS was created to encourage these entities to undertake renewable energy development as well.

This program has been wildly popular and has been oversubscribed since its inception. There are endless possibilities for increased hydropower production by electric cooperatives and public power providers and they should be given the proper financial incentive to do so.

I ask my colleagues to support this hydropower tax legislation. The further development of this untapped renewable resource will help us meet our clean energy goals through the generation of carbon-free, baseload power. At a time of record unemployment, the addition of hydropower capacity throughout the Nation will lead to hundreds of thousands of good paying, domestic jobs.

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:

SEC. 2. HYDROELECTRIC ENERGY TREATED AS RENEWABLE ENERGY.

Notwithstanding any other provision of law or regulation, for purposes of any Federal program or standard, the term "renewable energy" shall include hydropower energy generated in the United States by a hydropower facility, including electric power produced by efficiency improvements and capacity additions. Qualified hydropower facilities include nonpower dams, conduits, pumped storage facilities, marine and hydrokinetic resources, and conventional hydropower.

SEC. 3. PRODUCTION TAX CREDIT FOR HYDROPOWER RESOURCES.

(a) IN GENERAL.—Subparagraph (A) of section 45(c)(8) of the Internal Revenue Code of 1986 is amended—
(1) by striking “and” at the end of clause (i),
(2) by striking the period at the end of clause (ii) and inserting “; and”,
and
(3) by adding at the end the following new clause: “(iii) in the case of any hydropower facility described in subparagraph (D), the hydropower production from the facility for the taxable year.”.

(b) PRODUCTION.—Paragraph (8) of section 45(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(9) OTHER HYDROPOWER PRODUCTION FACILITIES.—For purposes of subparagraph (A), a facility is described in this subparagraph if such facility—
"(i) is a hydroelectric dam or nonhydroelectric dam—
"(I) which is placed in service after the date of the enactment of the Hydropower Renewable Energy Development Act of 2010, and—
"(II) which would be described in subparagraph (A)(i) or (C) but for the placed in service date,
"(ii) is a hydroelectric facility not described in clause (i) which has a nameplate capacity rating of less than 50 megawatts, or
"(iii) is not described in clause (i) or (ii) and generates energy through the use of a lake tap or pumped storage.”.

(c) QUALIFIED FACILITIES.—Paragraph (9) of section 45(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(9) QUALIFIED HYDROPOWER FACILITY.—
"(A) INCREMENTAL HYDROPOWER PRODUCTION.—Except as provided in subsection (c)(8), without regard to subparagraph (C) or (D) thereof, which produces incremental hydropower production, the term ‘qualified facility’ includes such facility but only to the extent of such incremental hydropower production attributable to efficiency improvements or additions to capacity placed in service after August 8, 2005, and before January 1, 2014.
"(B) PRODUCTION FROM CERTAIN NONHYDRO-
ELECTRIC DAMS.—In the case of a facility de-
scribed in subsection (c)(8)(C) which produces
qualified hydropower production, the term ‘quali-
fied facility’ means any such facility
placed in service after August 8, 2005, and be-
fore January 1, 2014.

(c) PRODUCTION FROM OTHER HYDROPOWER
FACILITIES.—In the case of a facility which is described in subsection
(a)(8)(D).

(d) CREDIT PERIOD.—In the case of a quali-
fied facility described in subparagraph (A),
the 10-year period referred to in subsection
(a) shall be treated as beginning on the date
the efficiency improvements or additions to
capacity are placed in service.

(e) EFFECTIVE DATE.—The amendments
made by this section shall apply to pro-
ticity produced after the date of the enact-
ment of this Act.

By Mr. DURBIN (for himself, Mr.
SESSIONS, Mr. DODD, Mr. BROWN
of Ohio, Mr. VITTER, and Mr.
ALEXANDER).

S. 3575. A bill to amend and reauthor-
ize the controlled substance moni-
toring program under section 399O
of the Public Health Service Act and to
authorize the Secretary of Veterans Af-
fairs to share information about the
use of controlled substances by ver-
etas with State prescription moni-
toring programs to prevent misuse and
diversion of prescription medicines; to
the Committee on Health, Education,
Labor, and Pensions.

Mr. DURBIN. Mr. President, the non-
medical use and abuse of prescription
drugs is a serious and growing public
health problem in this country. The
2008 National Survey on Drug Use and
Health estimates that more than 15 mil-
ion Americans had used prescription
psychotherapeutic drugs non-medically
in the past year. That is more than 6
percent of the U.S. population. More than
20 percent of Americans had abused these
drugs during their life-
time. The Substance Abuse and Mental
Health Services Agency, SAMHSA, es-
timates that half a million residents in
my home State of Illinois are using prescrip-
tion drugs illegally and in ways that
can lead to dependence and even death.

Since 1999, abuse, misuse, and over-
dose of prescription drugs has in-
creased, and the health consequences are
significant. Each year, more than
20,000 people in the United States die from
drug overdose. Illinois hospitals
report an increase in patients visiting
Emergency Departments because of
prescription drug misuse. From 2003 to
2007, Chicago area hospitals saw the
number of visits for pain medication
misuse more than double and visits for
sedative hypnotics increase.

The trends among teens are espe-
cially worrisome. Prescription pain re-
leivers are the second most common
drugs used as gateway drugs among
teens. Over the past decade, there has
been a 300 percent increase in the num-
ber of teens seeking treatment for ad-
diction to prescription painkillers.

To address this threat to public
health, my colleague Senators
and I worked together to enact Public
Law 109–60, the National All Schedules
Prescription Electronic Reporting Act
of 2005, NASPER. This program pro-
vides grants through the Department of
Health and Human Services to estab-
lish or improve State controlled
prescription drug monitoring programs,
PDMs. The first grants were awarded
through NASPER beginning in fiscal
year 09, and currently over 40 States
are operating PDMs or have enacted
legislation to establish them.

While each State’s program is
unique, in general they require that
pharmacies, physicians or both submit
information to a central office within
the State on prescriptions dispensed
for certain controlled substances—nar-
 coctics, stimulants, sedatives, depres-
sants, etc. By creating these systems,
States can ensure that health care pro-
viders, law enforcement officials and
other regulatory and licensing bodies
have access to accurate, timely pre-
scription history information as per-
mitted by law.

The data in these systems can be
used for many purposes: to assist in the
early identification of patients at risk
for addiction, patients from
doctor shopping, and help with inves-
tigations of drug diversion and errant
prescribing or dispensing practices by
pharmacists or medical providers.

In my home State of Illinois, the
State PDMP is called Prescription In-
tormation Library, PIL. The State
was awarded a NASPER grant in fiscal
year 09, which allowed it to expand and
improve its program. In the month of
June 2010 alone, the PIL website was
used by over 3,600 doctors, pharmacists
and other registered users who made
over 24,000 visits to the site. In addi-
tion, the number of law enforcement
requests for information from PIL in-
creased from 16 in 2007 to 321 in 2009.

Use of the program continues to grow—
in the first 6 months of 2010, law
enforcement officials have already made
271 requests for information from the
database. The growth of the Illinois
program demonstrates that it is valu-
able tool for protecting public health
and safety by identifying people at risk
for prescription drug abuse and doctors
for addiction in order to initiate appropriate
medical interventions and avert the tragic
personal, family, and community con-
sequences of untreated addiction; and

‘‘(C) to maintain and operate an existing
State controlled substance monitoring
program.’’

SEC. 2. AMENDMENTS TO CONTROLLED SUB-
STANCE MONITORING PROGRAM.

Section 399O of the Public Health Service
Act (42 U.S.C. 282g–3) is amended—

(1) in subsection (a)—
(A) by amending subsection (1)—
(B) by amending subsection (2), by stri-
king ‘‘or’’; and
(C) by adding at the end the follow-
ing: ‘‘(C) to maintain and operate an existing
State controlled substance monitoring
program.’’

(2) by amending subsection (b) to read as
follows:

‘‘(b) MINIMUM REQUIREMENTS.—The Secre-
trary shall maintain and, as appropriate,
supplement or revise any such program by
the addition of such criteria (ii), (v), (vi), and (vii) of subsection
(c)(1)(A).’’
(3) in subsection (c)—
(A) in paragraph (1)(B)—
(i) in the matter preceding clause (i), by striking "(a)(1)(B)" and inserting "(a)(1)(B) or (a)(2)(B)";
(ii) in clause (i), by striking "program to be improved" and inserting "program to be improved or maintained"; and
(iii) by adding at the end the following:
"(G) To a State that submits" and inserting the following:
"(A) in general.—If a State that submits";
(iii) by inserting before the period at the end "and include timelines for full implementation of such interoperability"; and
(iv) by adding at the end the following:
"(B) Monitoring or reporting.—The Secretary shall monitor State efforts to achieve interoperability, as described in subparagraph (A)."
(C) in paragraph (5)—
(i) by striking "implement or improve" and inserting "establish, improve, or maintain”; and
(ii) by adding at the end the following:
"The Secretary shall redistribute any funds that are so returned among the remaining grantees under this section in accordance with the formula described in subsection (a)(2)(B).";
(4) in the matter preceding paragraph (1) in subsection (d), by striking "(a)" and making all that follows through "the following"; and inserting "(a) in establishing, improving, or maintaining a controlled substance monitoring program under this subsection, a State shall comply, or with respect to a State that applies for a grant under subsection (a)(1)(B) or (C) submit to the Secretary for approval a statement of why such compliance is not feasible and a plan for bringing the State into compliance, with the following:”;
(5) in subsections (e), (f)(1), and (g), by striking "implementing or improving" each place it appears and inserting "establishing, improving, or maintaining";
(6) in subsections (f)—
(A) in paragraph (1)(B) by striking "misuse of a schedule II, III, or IV substance" and inserting "misuse of a controlled substance included in schedule II, III, or IV of section 202(c) of the Controlled Substances Act";
(B) add at the end the following:
"(D) To a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 339G of the Public Health Service Act (42 U.S.C. 280g–3), to the extent necessary to prevent misuse and diversion of prescription medicines."
(C) REPORT.—
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the participation of the Department of Veterans Affairs in State controlled substance monitoring programs, including programs approved by the Secretary of Human Services under section 339G of the Public Health Service Act (42 U.S.C. 280g–3).
(2) ELEMENTS.—The report required by paragraph (1) shall include the following:
(A) A summary of the activities of the Department of Veterans Affairs relating to programs described in paragraph (1).
(B) A list of the programs described in paragraph (1) in which the Department is participating.
(C) A description of how the Secretary determines which programs described in paragraph (1) in which to participate.
(D) The status of the regulations, if any, prescribed by the Secretary under section 339J(d) of title 21, United States Code, as added by subsection (a) of this section.

Mr. DODD. Mr. President, I rise today in support of reauthorization of the National All Schedules Prescription Electronic Drug Reporting Act, NASPER, a program critical to combating the abuse of prescription drugs in our Nation. I am proud to once again join my colleagues Senators Dick Durbin, Jeff Sessions, and Sherrod Brown on this important legislation which would reauthorize the NASPER program.

In 2008, over 15 million Americans abused prescription drugs and nearly 2 million of those Americans were between the ages of 12 and 17. Further, the National Institute on Drug Abuse at the National Institutes of Health found that last year more than 1 in 10 high school seniors used a narcotic for nonmedical purposes. These statistics are only unacceptable. We must do more to address the issue of prescription drug abuse in this country.

When used under the supervision of a medical professional prescription drugs can be life saving but when they are abused they can become life-threatening. NASPER will help prevent unnecessary deaths by allowing credentialed professionals access to key information regarding prescriptions for many controlled substances. This access will help prevent doctor shopping and will help health professionals to more closely monitor the prescriptions being issued to their patients.

NASPER is a valuable tool available to states to help detect and prevent abuse of prescription drugs. Reauthorization of this program will allow states to establish, maintain, and grow their own electronic prescription drug monitoring programs. Beyond this it will help states establish linkages to surrounding states so that information can be more easily shared, making doctor shopping across state lines more difficult.

I am proud of the work that is going on in my own state of Connecticut as this issue falls within the jurisdiction of the Drug Diversion within the Department of Consumer Protection has worked tirelessly to build a successful prescription drug monitoring program. This program has helped to not only prevent abuse of prescription drugs but it has helped to detect and prevent abuse of critical programs such as Medicare and Medicaid. In one case, an investigation of a pharmacist fraudulently billing Medicaid and Medicare resulted in a settlement with the government for $340,000.

As an important tool we cannot afford to lose and I urge my colleagues to join me in supporting this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 579— HONORING THE LIFE OF MANUTE BOL AND EXPRESSING THE CONDOLENCES OF THE SENATE ON HIS PASSING

Mr. BROWNBACK (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 579

Whereas Manute Bol was born on the Sudanese tribal chief in Sudan, and was given the name “Manute”, which means “special blessing”; and

Whereas Manute Bol traveled to the United States in 1983 and played college basketball at the University of Bridgeport during the 1984–1985 season;

"(h) EDUCATION AND ACCESS TO THE MONITORING SYSTEM.—A State receiving a grant under subsection (k) shall take steps to—
(1) facilitate prescriber use of the State's controlled substance monitoring system; and
(2) educate prescribers on the benefits of the system both to them and society; 
(10) in subsection (m)(1), as redesignated, by striking "establishment, improvement, or maintenance"; 
(11) in subsection (n)(8), as redesignated, by striking "the District of Columbia" and inserting "the United States"; 
(12) by amending subsection (o), as redesignated, to read as follows: 
"(O) AUTHORIZATION OF APPROPRIATION.—To carry out this section, there are authorized to be appropriated $15,000,000 for fiscal year 2011 and $10,000,000 for each of fiscal years 2012 through 2015.".

SEC. 4. AMENDMENTS TO TITLE 38.

(a) EXCEPTION WITH RESPECT TO CONFIDENTIALITY OF CERTAIN MEDICAL RECORDS.—Section 5701 of title 38, United States Code, is amended by adding at the end the following new subparagrap:

"(3) EVALUATION AND REPORTING.—Subject to subsection (g), a State receiving a grant under this section shall provide the Secretary with aggregate data and other information determined by the Secretary to be necessary to enable the Secretary—
"(A) to evaluate the success of the State's program in achieving its purposes; or
"(B) to prepare and submit to the Congress a report on the participation of the Department of Veterans Affairs in State controlled substance monitoring programs, including programs approved by the Secretary of Human Services under section 339G of the Public Health Service Act (42 U.S.C. 280g–3), to the extent necessary to prevent misuse and diversion of prescription medicines."

(c) REPORT.—
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the participation of the Department of Veterans Affairs in State controlled substance monitoring programs, including programs approved by the Secretary of Human Services under section 339G of the Public Health Service Act (42 U.S.C. 280g–3), to the extent necessary to prevent misuse and diversion of prescription medicines.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:
(A) A summary of the activities of the Department of Veterans Affairs relating to programs described in paragraph (1).
(B) A list of the programs described in paragraph (1) in which the Department is participating.
(C) A description of how the Secretary determines which programs described in paragraph (1) in which to participate.

(D) The status of the regulations, if any, prescribed by the Secretary under section 339J(d) of title 21, United States Code, as added by subsection (a) of this section.