

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 686—DESIGNATING DECEMBER 11, 2010, AS “WREATHS ACROSS AMERICA DAY”

Ms. COLLINS (for herself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 686

Whereas 19 years ago, the Wreaths Across America project began an annual tradition, during the month of December, of donating, transporting, and placing Maine balsam fir holiday wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas since that tradition began, through the hard work and generosity of the individuals involved in the Wreaths Across America project, hundreds of thousands of wreaths have been sent to national cemeteries and veterans memorials in every State and to locations overseas;

Whereas in 2009, wreaths were sent to over 400 locations across the United States, 100 more locations than the previous year, and 24 sites overseas;

Whereas in December 2010, the Patriot Guard Riders, a motorcycle and motor vehicle group that is dedicated to patriotic events and includes more than 200,000 members nationwide, will continue their tradition of escorting a tractor-trailer filled with donated wreaths from Harrington, Maine to Arlington National Cemetery;

Whereas thousands of individuals volunteer each December to escort and lay the wreaths;

Whereas December 12, 2009, was previously designated by the Senate as “Wreaths Across America Day”; and

Whereas the Wreaths Across America project will continue its proud legacy on December 11, 2010, bringing 15,000 wreaths to Arlington National Cemetery on that day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates December 11, 2010, as “Wreaths Across America Day”;

(2) honors the Wreaths Across America project, the Patriot Guard Riders, and all of the volunteers and donors involved in this worthy tradition; and

(3) recognizes the sacrifices our veterans, members of the Armed Forces, and their families have made, and continue to make, for our great Nation.

## SENATE RESOLUTION 687—HONORING THE LIFE AND CAREER OF DAVE NIEHAUS

Ms. CANTWELL (for herself and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 687

Whereas Dave Niehaus was the voice of the Seattle Mariners and led the play-by-play announcing for the Seattle Mariners from 1977, the inaugural season of the franchise, until his passing in 2010 at the age of 75;

Whereas Dave Niehaus leaves behind a loving wife, Marilyn, 3 children, Andy, Matt, and Greta, and 6 grandchildren;

Whereas Dave Niehaus is largely considered one of the preeminent broadcasters in baseball history;

Whereas in 2008, Dave Niehaus was awarded the Ford C. Frick Award, the highest honor for baseball broadcasters, by the National Baseball Hall of Fame;

Whereas Dave Niehaus influenced multiple generations of baseball fans in the Pacific Northwest;

Whereas Dave Niehaus called nearly every Seattle Mariners game in the history of the franchise, calling 5,284 of the 5,385 Seattle Mariners games played during his illustrious career;

Whereas Dave Niehaus broadcast the amazing moments of players such as Ken Griffey Jr., Edgar Martinez, Dan Wilson, Randy Johnson, Alvin Davis, Jay Buhner, Ichiro Suzuki, and Felix Hernandez;

Whereas Dave Niehaus provided the play-by-play for a game between the Seattle Mariners and the New York Yankees in September 1995, the first Major League Baseball game to ever be broadcast over the Internet;

Whereas Dave Niehaus threw out the ceremonial first pitch at Safeco Field on July 15, 1999;

Whereas Dave Niehaus voiced such notable catchphrases as “My, Oh, My”, “Fly Away”, and “Get out the rye bread and mustard, Grandma, it is grand salami time!”;

Whereas Dave Niehaus was given an award by the Washington State Society for the Blind for the compelling ways he used words to illustrate Seattle Mariners games;

Whereas in 2000, Dave Niehaus was the second person to be inducted into the Seattle Mariners Hall of Fame;

Whereas Dave Niehaus began his career with the Armed Forces Network and continued working in broadcasting for nearly half a century;

Whereas Dave Niehaus was the voice of the Seattle Mariners during the first 14 losing seasons of the franchise as well as the historic 2001 season in which the Seattle Mariners tied the Major League Baseball record with 116 wins;

Whereas baseball commissioner Bud Selig recently stated that Dave Niehaus “was one of the great broadcast voices of our generation, a true gentleman, and a credit to baseball”;

Whereas Dave Niehaus, at the time of his passing, was the only Seattle Mariners staff member remaining from the original staff of 1977;

Whereas the soothing voice of Dave Niehaus reassured fans during the earthquake that shook the King Dome and caused tiles to fall from the ceiling of the King Dome in May 1996; and

Whereas Safeco Field, which might not have been possible without Dave Niehaus, was open on Saturday, November 13, 2010 so that fans could come and pay their respects to Dave Niehaus: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the long and industrious career of Dave Niehaus as the voice of the Seattle Mariners;

(2) recognizes the achievements of Dave Niehaus as a preeminent baseball broadcaster and as a fan and booster of baseball in Seattle, Washington; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to Marilyn Niehaus and to the Seattle Mariners organization.

## SENATE RESOLUTION 688—SUPPORTING THE GOALS AND IDEALS OF PANCREATIC CANCER AWARENESS MONTH

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

S. RES. 688

Whereas more than 43,000 people will be diagnosed with pancreatic cancer this year in the United States;

Whereas pancreatic cancer is the fourth most common cause of cancer death in the United States and the tenth most commonly diagnosed cancer;

Whereas 76 percent of pancreatic cancer patients die within the first year of their diagnosis and only 5 percent survive more than 5 years, making pancreatic cancer the deadliest form of any major cancer;

Whereas the number of new pancreatic cancer cases is projected to increase by 12 percent this year and by 55 percent by 2030;

Whereas there has been no significant improvement in survival rates for pancreatic cancer during the last 30 years;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas the symptoms of pancreatic cancer generally present themselves too late for an optimistic prognosis, and the average survival rate of individuals diagnosed with metastatic pancreatic cancer is only 3 to 6 months;

Whereas the incidence rate of pancreatic cancer is 50 percent higher for African-Americans than for other ethnic groups; and

Whereas it would be appropriate to observe November 2010 as Pancreatic Cancer Awareness Month to educate communities across the United States about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and treatment programs: Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of Pancreatic Cancer Awareness Month.

## SENATE RESOLUTION 689—RECOGNIZING NATIONAL AMERICAN INDIAN AND ALASKA NATIVE HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF AMERICAN INDIANS AND ALASKA NATIVES AND THE CONTRIBUTIONS OF AMERICAN INDIANS AND ALASKA NATIVES TO THE UNITED STATES

Mr. DORGAN (for himself, Mr. BARRASSO, Mr. UDALL of New Mexico, Mr. CRAPO, Mr. BAUCUS, Mr. TESTER, Mr. FRANKEN, Mr. MERKLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. AKAKA, Ms. MURKOWSKI, Mrs. MURRAY, Mr. BEGICH, Mr. JOHNSON, and Mr. UDALL of Colorado) submitted the following resolution; which was considered and agreed to:

S. RES. 689

Whereas from November 1, 2010, through November 30, 2010, the United States celebrates National American Indian and Alaska Native Heritage Month;

Whereas American Indians and Alaska Natives are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the United States Bureau of the Census estimated in 2009 that there were almost 5,000,000 individuals in the United States of American Indian or Alaska Native descent;

Whereas American Indians and Alaska Natives maintain vibrant cultures and traditions, and hold a deeply rooted sense of community;

Whereas American Indians and Alaska Natives have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas American Indians and Alaska Natives speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has recently reaffirmed its support of tribal self-governance and its commitment to improving the lives of all Native Americans by enhancing health care services, increasing law enforcement resources, and approving settlements of litigation involving Indian tribes and the United States;

Whereas Congress is committed to improving the housing conditions and socioeconomic status of American Indians and Alaska Natives;

Whereas the United States is committed to strengthening the government-to-government relationship that it has maintained with the various Indian Tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy, and its influence on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of freedom of speech, the separation of governmental powers, and the system of checks and balances between the branches of government;

Whereas American Indians and Alaska Natives have served with honor and distinction in the Armed Forces of the United States, and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an unbreakable military code, saving countless Americans; and

Whereas the people of the United States have reason to honor the great achievements and contributions of American Indians and Alaska Natives and their ancestors: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the month of November 2010 as National American Indian and Alaska Native Heritage Month;

(2) celebrates the heritage and culture of American Indians and Alaska Natives and honors the contributions of American Indians and Alaska Natives to the United States; and

(3) urges the people of the United States to observe National American Indian and Alaska Native Heritage Month with appropriate programs and activities.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4716. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table.

SA 4717. Mr. REID (for Mr. WYDEN) proposed an amendment to the bill S. 3650, to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service.

SA 4718. Mr. REID (for Mr. HATCH) proposed an amendment to the bill H.R. 6198, to amend title 11 of the United States Code to make technical corrections; and for related purposes.

SA 4719. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 4783, may be cited as “The Claims Resettlement Act of 2010”.

SA 4720. Mr. REID (for Mr. BAUCUS (for himself and Mr. DORGAN)) proposed an amendment to the bill H.R. 4783, *supra*.

#### TEXT OF AMENDMENTS

**SA 4716.** Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE V—IMPORTATION OF PRESCRIPTION DRUGS

##### SEC. 501. SHORT TITLE.

This title may be cited as the “Pharmaceutical Market Access and Drug Safety Act of 2010”.

##### SEC. 502. FINDINGS.

Congress finds that—

(1) Americans unjustly pay up to 5 times more to fill their prescriptions than consumers in other countries;

(2) the United States is the largest market for pharmaceuticals in the world, yet American consumers pay the highest prices for brand pharmaceuticals in the world;

(3) a prescription drug is neither safe nor effective to an individual who cannot afford it;

(4) allowing and structuring the importation of prescription drugs to ensure access to safe and affordable drugs approved by the Food and Drug Administration will provide a level of safety to American consumers that they do not currently enjoy;

(5) American spend more than \$200,000,000,000 on prescription drugs every year;

(6) the Congressional Budget Office has found that the cost of prescription drugs are between 35 to 55 percent less in other highly-developed countries than in the United States; and

(7) promoting competitive market pricing would both contribute to health care savings and allow greater access to therapy, improving health and saving lives.

##### SEC. 503. REPEAL OF CERTAIN SECTION REGARDING IMPORTATION OF PRESCRIPTION DRUGS.

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by striking section 804.

##### SEC. 504. IMPORTATION OF PRESCRIPTION DRUGS; WAIVER OF CERTAIN IMPORT RESTRICTIONS.

(a) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section 503, is further amended by inserting after section 803 the following:

##### “SEC. 804. COMMERCIAL AND PERSONAL IMPORTATION OF PRESCRIPTION DRUGS.

“(a) IMPORTATION OF PRESCRIPTION DRUGS.—

“(1) IN GENERAL.—In the case of qualifying drugs imported or offered for import into the United States from registered exporters or by registered importers—

“(A) the limitation on importation that is established in section 801(d)(1) is waived; and

“(B) the standards referred to in section 801(a) regarding admission of the drugs are subject to subsection (g) of this section (including with respect to qualifying drugs to which section 801(d)(1) does not apply).

“(2) IMPORTERS.—A qualifying drug may not be imported under paragraph (1) unless—

“(A) the drug is imported by a pharmacy, group of pharmacies, or a wholesaler that is a registered importer; or

“(B) the drug is imported by an individual for personal use or for the use of a family

member of the individual (not for resale) from a registered exporter.

“(3) RULE OF CONSTRUCTION.—This section shall apply only with respect to a drug that is imported or offered for import into the United States—

“(A) by a registered importer; or

“(B) from a registered exporter to an individual.

“(4) DEFINITIONS.—

“(A) REGISTERED EXPORTER; REGISTERED IMPORTER.—For purposes of this section:

“(i) The term ‘registered exporter’ means an exporter for which a registration under subsection (b) has been approved and is in effect.

“(ii) The term ‘registered importer’ means a pharmacy, group of pharmacies, or a wholesaler for which a registration under subsection (b) has been approved and is in effect.

“(iii) The term ‘registration condition’ means a condition that must exist for a registration under subsection (b) to be approved.

“(B) QUALIFYING DRUG.—For purposes of this section, the term ‘qualifying drug’ means a drug for which there is a corresponding U.S. label drug.

“(C) U.S. LABEL DRUG.—For purposes of this section, the term ‘U.S. label drug’ means a prescription drug that—

“(i) with respect to a qualifying drug, has the same active ingredient or ingredients, route of administration, dosage form, and strength as the qualifying drug;

“(ii) with respect to the qualifying drug, is manufactured by or for the person that manufactures the qualifying drug;

“(iii) is approved under section 505(c); and

“(iv) is not—

“(I) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

“(II) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262), including—

“(aa) a therapeutic DNA plasmid product;

“(bb) a therapeutic synthetic peptide product;

“(cc) a monoclonal antibody product for in vivo use; and

“(dd) a therapeutic recombinant DNA-derived product;

“(III) an infused drug, including a peritoneal dialysis solution;

“(IV) an injected drug;

“(V) a drug that is inhaled during surgery;

“(VI) a drug that is the listed drug referred to in 2 or more abbreviated new drug applications under which the drug is commercially marketed; or

“(VII) a sterile ophthalmic drug intended for topical use on or in the eye.

“(D) OTHER DEFINITIONS.—For purposes of this section:

“(i)(I) The term ‘exporter’ means a person that is in the business of exporting a drug to individuals in the United States from Canada or from a permitted country designated by the Secretary under subclause (II), or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

“(II) The Secretary shall designate a permitted country under subparagraph (E) (other than Canada) as a country from which an exporter may export a drug to individuals in the United States if the Secretary determines that—

“(aa) the country has statutory or regulatory standards that are equivalent to the standards in the United States and Canada with respect to—

“(AA) the training of pharmacists;

“(BB) the practice of pharmacy; and

“(CC) the protection of the privacy of personal medical information; and