

pain may become so unmanageable while he waits that he must be transported by ambulance to a hospital emergency room. The ambulance ride and emergency room admission are not only expensive; they can set back the fragile resident's recovery from surgery. Our legislation would make these situations entirely avoidable.

DEA's enforcement initiative effectively put nursing home providers in a difficult position: If they follow the letter of the law, they are in danger of violating Health and Human Services regulations requiring them to administer medications in a timely manner. Failure to do so can result in monetary penalties. In addition, pharmacies could face fines under the CSA if they respond to the nursing home's order—which is almost always transmitted by a nurse—if they fill the order. As a result, a number of pharmacies, including several in the Midwest, are facing tens of millions of dollars in fines imposed by DEA.

Last year DEA issued a policy statement to provide a way for nursing home residents to access some kinds of medication more quickly. Under this new policy, a nursing home's licensed health care professionals may, on a physician's behalf, transcribe the physician's oral prescription for Schedule III, IV or V medications to a pharmacy to be filled. While we appreciated DEA's efforts, without amending the CSA the agency does not have the statutory authority to allow licensed health care professionals to transmit prescriptions for Schedule II controlled substances, the category under which nearly all pain medications fall. Legislation is required in order to provide nursing home residents prompt, reliable pain relief when they are suffering from severe injury or illness.

Our bill would provide a remedy by modifying the CSA to permit pain medication to be dispensed in emergency situations by nursing home professionals without a direct written order by a physician prior to its dispensing. Let me explain how this would work. A physician, if he or she chooses, would be able to authorize the administrator of a long-term care facility to designate one or more licensed health care professionals employed by the facility to act as a "facility designee." In emergency situations only, and upon receiving an oral prescription from the physician, a facility designee would be permitted to contact a pharmacy to have the prescription filled and then dispense Schedule II medications to long-term care facility residents.

This would allow a physician to provide the prescription information to the facility designee via phone when a resident urgently needs pain medication and the physician is unavailable to transmit a written prescription to a pharmacy for a Schedule II controlled substance. The facility designee must document the physician's prescription in writing and transmit the written document to a pharmacy so that the

prescription can be filled. After the pharmacy fills the prescription, it must send a copy of the written document memorializing the prescription to the physician for his or her endorsement. The physician must then send the endorsed document, confirming the oral prescription, to the pharmacy within five business days.

Diversion of controlled substances for illicit purposes is of great concern to me. That is why we have included numerous provisions to protect against diversion in nursing homes. For example, the bill requires careful record-keeping by facilities and pharmacies, which can then be reviewed by DEA as necessary. It requires each actor—the physician, facility designee, and pharmacist—to make a record of his or her role in the process. Long-term care facilities are asked to maintain a written or electronic logbook that memorializes prescriptions and their administration.

Additionally, the legislation enhances criminal and civil penalties for long-term care facility administrators and facility designees who divert drugs, or who violate recordkeeping requirements. These steps will help to ensure that pain medications get to those nursing home residents who need them.

I appreciate the great interest of the stakeholders, including long-term care facility, physician and pharmacy organizations, in solving this problem and I look forward to working with them to finally end the needless delay in pain relief. I would like to thank Attorney General Holder, DEA Administrator Michelle Leonhardt, and their staff for working with me on this legislation, and I look forward to continuing our work together to assure rapid approval by Congress.

Nursing home residents cannot wait for pain medication when they are in debilitating pain and our straightforward bill can help provide some needed relief. I urge my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 266—SUPPORTING THE GOALS AND IDEALS OF "NATIONAL SAVE FOR RETIREMENT WEEK", INCLUDING RAISING PUBLIC AWARENESS OF THE VARIOUS TAX-PREFERRED RETIREMENT VEHICLES AND INCREASING PERSONAL FINANCIAL LITERACY

Mr. CONRAD (for himself, Mr. ENZI, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 266

Whereas people in the United States are living longer, and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the

sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than 2/3 of workers or their spouses are currently saving for retirement, and the actual amount of retirement savings of workers is much less than the amount needed to adequately fund their retirement years;

Whereas the financial literacy of workers in the United States is an important factor to workers understanding the true need to save for retirement;

Whereas saving for retirement is a key component to overall financial health and security during retirement years, and the importance of financial literacy in planning for retirement must be advocated;

Whereas many workers may not be aware of their options in saving for retirement or may not have focused on the importance of, and need for, saving for retirement;

Whereas many employees have available to them, through their employers, access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of those employees may not be taking advantage of those plans at all or to the full extent allowed by Federal law;

Whereas the need to save for retirement is important even during economic downturns or market declines, which make continued contributions all the more important;

Whereas all workers, including public and private sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to develop personal budgets and financial plans that include retirement savings strategies and to take advantage of the availability of tax-preferred savings vehicles to assist workers in saving for retirement; and

Whereas October 16 through October 22, 2011, has been designated as "National Save for Retirement Week": Now, therefore, be it

Resolved, That the Senate—

- (1) supports the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security;

- (2) supports the need to raise public awareness of the availability of a variety of ways to save for retirement which are favored under the Internal Revenue Code of 1986 and are utilized by many people in the United States, but which should be utilized by more;

- (3) supports the need to raise public awareness of the importance of saving adequately for retirement and the continued existence of tax-preferred employer-sponsored retirement savings vehicles; and

- (4) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Save for Retirement Week with appropriate programs and activities, with the goal of increasing retirement savings for all people in the United States.

SENATE RESOLUTION 267—RECOGNIZING THE HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF LATINOS IN THE UNITED STATES AND THE IMMENSE CONTRIBUTIONS OF LATINOS TO THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. REID of Nevada, Mr.

WHITEHOUSE, Mr. UDALL of New Mexico, Mrs. BOXER, Mr. BEGICH, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. SCHUMER, Ms. MIKULSKI, Mr. BINGAMAN, Mr. BENNET, Mr. INOUE, Mr. REED of Rhode Island, Mr. BROWN of Ohio, Mr. DURBIN, Mr. UDALL of Colorado, Mr. WYDEN, Mr. MERKLEY, Mr. AKAKA, Mrs. HAGAN, Mr. CASEY, and Mr. CRAPO submitted the following resolution; which was considered and agreed to:

S. RES. 267

Whereas beginning on September 15, 2011, through October 15, 2011, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at almost 50,500,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in 5 United States public school students is Hispanic, and the total number of Hispanic students enrolled in public schools in the United States is expected to reach 28,000,000 by 2050;

Whereas the purchasing power of Hispanic Americans is nearly \$1,000,000,000,000, and there are more than 2,300,000 Hispanic-owned firms in the United States, supporting millions of employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, food services, and construction;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have bravely fought in every war in the history of the United States;

Whereas, as of May 31, 2011, there are 29,204 Hispanics serving with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for their country in that conflict even though Hispanics comprised only 4.5 percent of the United States population at the time;

Whereas, as of May 31, 2011, 605 United States military fatalities in Iraq and Afghanistan have been Hispanic;

Whereas, as of September 30, 2009, there were approximately 1,332,033 Hispanic veterans of the United States Armed Forces;

Whereas 41 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat on the Supreme Court, 2 seats in the Senate, 24 seats in the House of Representatives, and 2 seats in the Cabinet; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2011, through October 15, 2011;

(2) esteems the integral role of Latinos and the manifold heritage of Latinos in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

AMENDMENTS SUBMITTED AND PROPOSED

SA 601. Mr. PAUL submitted an amendment which was ordered to lie on the table.

SA 602. Mr. REID proposed an amendment to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

SA 603. Mr. REID proposed an amendment to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, *supra*.

SA 604. Mr. REID proposed an amendment to amendment SA 603 proposed by Mr. REID to the amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, *supra*.

SA 605. Mr. REID proposed an amendment to the joint resolution H.J. Res. 66, *supra*.

SA 606. Mr. REID proposed an amendment to amendment SA 605 proposed by Mr. REID to the joint resolution H.J. Res. 66, *supra*.

SA 607. Mr. REID proposed an amendment to the joint resolution H.J. Res. 66, *supra*.

SA 608. Mr. REID proposed an amendment to amendment SA 607 proposed by Mr. REID to the joint resolution H.J. Res. 66, *supra*.

SA 609. Mr. REID proposed an amendment to amendment SA 608 proposed by Mr. REID to the amendment SA 607 proposed by Mr. REID to the joint resolution H.J. Res. 66, *supra*.

TEXT OF AMENDMENTS

SA 601. Mr. PAUL submitted an amendment which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . OFFSET.

There is rescinded on a pro rata base from the unobligated balances made available to the President, the Department of State, or the United States Agency for International Development for foreign assistance programs for fiscal 2011 an amount equal to the amount appropriated under this Act to the Federal Emergency Management Agency for disaster relief for fiscal years 2011 and 2012.

SA 602. Mr. REID proposed an amendment to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

Strike all after the resolving clause and insert the following:

DIVISION A—RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

SECTION 1. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) **IN GENERAL.**—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) **RULE OF CONSTRUCTION.**—This division shall be deemed to be a “renewal resolution” for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 2. EFFECTIVE DATE.

This division shall take effect on the date of the enactment of this joint resolution or July 26, 2011, whichever occurs earlier.

DIVISION B—SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supple-

mental appropriations for disaster relief for the fiscal year ending September 30, 2011, and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For “Emergency Conservation Program” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$78,000,000, to remain available until expended: *Provided*, That the amount in this paragraph shall not become available for obligation until October 1, 2011: *Provided further*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

EMERGENCY FOREST RESTORATION PROGRAM

For “Emergency Forest Restoration Program”, for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$49,000,000, to remain available until expended: *Provided*, That the amount in this paragraph shall not become available for obligation until October 1, 2011: *Provided further*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1958 (Public Law 99-177), as amended.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For “Emergency Watershed Protection Program” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$139,000,000, to remain available until expended: *Provided*, That the amount in this paragraph shall not become available for obligation until October 1, 2011: *Provided further*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE

PROGRAMS

For an additional amount for “Economic Development Assistance Programs” for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$135,000,000, to remain available until expended: *Provided*, That the amount in this paragraph shall not become available for obligation until October 1, 2011: *Provided further*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

TITLE III

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and Tributaries” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief