they could purchase their prescriptions with less money by paying out of pocket rather than using their insurance.

We have the support of 40 medical and consumer groups for this bill, and this legislation is action we can take right now to help lower the cost of prescription drugs for some consumers. It has widespread bipartisan support. It came out of the HELP Committee unanimously, and it is supported by the administration. I urge a ''no'' vote on the amendment offered by the Senator from Utah and a ''yes'' vote on the underlying bill.

PATIENT RIGHT TO KNOW DRUG PRICES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 2554, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2554) to ensure that health insurance issuers and group health plans do not prohibit pharmacy providers from providing certain information to enrollees.

AMENDMENT NO. 4011

The PRESIDING OFFICER. Under the previous order, the clerk will report the Lee amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] for Mr. LEE proposes an amendment numbered 4011.

The amendment is as follows:

(Purpose: To limit application of the gag clause to self-insured group health plans)

On page 4, strike line 2 and all that follows through line 6 on page 5 and insert the following:

''(a) IN GENERAL.—A self-insured group health plan shall—

''(1) not restrict, directly or indirectly, any pharmacy that dispenses a prescription drug to an enrollee in the plan from informing (or penalize such pharmacy for informing) an enrollee of any differential between the enrollee's out-of-pocket cost under the plan with respect to acquisition of the drug and the amount an individual would pay for acquisition of the drug without using the plan; and

''(2) ensure that any entity that provides pharmacy benefits management services under a contract with any such health plan does not, with respect to such plan, restrict, directly or indirectly, a pharmacy that dispenses a prescription drug from informing (or penalize such pharmacy for informing) an enrollee of any differential between the enrollee's out-of-pocket cost under the plan with respect to acquisition of the drug and the amount an individual would pay for acquisition of the drug without using the plan.

''(b) DEFINITION.—For purposes of this section, the term 'out-of-pocket cost', with respect to acquisition of a drug, means the amount to be paid by the enrollee under the health plan, including any cost-sharing (including any deductible, copayment, or coinsurance) and, as determined by the Secretary, any other expenditure.''.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 4011.

Mr. LEE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The result was announced—yeas 11, nays 89, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—11

Crapo	Hyde-Smith	Sasse
Daines	Johnson	Scott
Flake	Lee	Toomey
Hatch	Risch	

NAYS—89

Alexander	Gardner	Murray
Baldwin	Gillibrand	Nelson
Barrasso	Graham	Paul
Bennet	Grassley	Perdue
Blumenthal	Harris	Peters
Blunt	Hassan	Portman
Booker	Heinrich	Reed
Boozman	Heitkamp	Roberts
Brown	Heller	Rounds
Burr	Hirono	Rubio
Cantwell	Hoeven	Sanders
Capito	Inhofe	Schatz
Cardin	Isakson	Schumer
Carper	Jones	Shaheen
Casey	Kaine	Shelby
Cassidy	Kennedy	Smith
Collins	King	Stabenow
Coons	Klobuchar	Sullivan
Corker	Kyl	Tester
Cornyn	Lankford	Thune
Cortez Masto	Leahy	Tillis
Cotton	Manchin	Udall
Cruz	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	McConnell	Warren
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	Young
Fischer	Murphy	

The amendment (No. 4011) was rejected.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the committee-reported substitute amendment to S. 2554 be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient Right to Know Drug Prices Act''.

SEC. 2. PROHIBITION ON LIMITING CERTAIN INFORMATION ON DRUG PRICES.

Subpart II of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–11 et seq.) is amended by adding at the end the following:

''SEC. 2729. INFORMATION ON PRESCRIPTION DRUGS.

''(a) IN GENERAL.—A group health plan or a health insurance issuer offering group or individual health insurance coverage shall—

''(1) not restrict, directly or indirectly, any pharmacy that dispenses a prescription drug to an enrollee in the plan or coverage from informing (or penalize such pharmacy for informing) an enrollee of any differential between the enrollee's out-of-pocket cost under the plan or coverage with respect to acquisition of the drug and the amount an individual would pay for acquisition of the drug without using any health plan or health insurance coverage; and

''(2) ensure that any entity that provides pharmacy benefits management services under a contract with any such health plan or health insurance coverage does not, with respect to such plan or coverage, restrict, directly or indirectly, a pharmacy that dispenses a prescription drug from informing (or penalize such pharmacy for informing) an enrollee of any differential between the enrollee's out-of-pocket cost under the plan or coverage with respect to acquisition of the drug and the amount an individual would pay for acquisition of the drug without using any health plan or health insurance coverage.

''(b) DEFINITION.—For purposes of this section, the term 'out-of-pocket cost', with respect to acquisition of a drug, means the amount to be paid by the enrollee under the plan or coverage, including any cost-sharing (including any deductible, copayment, or coinsurance) and, as determined by the Secretary, any other expenditure.''.

SEC. 3. MODERNIZING THE REPORTING OF BIOLOGICAL AND BIOSIMILAR PRODUCTS.

Subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

(1) in section 1111—

(A) by redesignating paragraphs (3) through (8) as paragraphs (6) through (11), respectively;

(B) by inserting after paragraph (2) the following:

''(3) BIOSIMILAR BIOLOGICAL PRODUCT.—The term 'biosimilar biological product' means a biological product for which an application under section 351(k) of the Public Health Service Act is approved.

''(4) BIOSIMILAR BIOLOGICAL PRODUCT APPLICANT.—The term 'biosimilar biological product applicant' means a person who has filed or received approval for a biosimilar biological product under section 351(k) of the Public Health Service Act.

''(5) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION.—The term 'biosimilar biological product application' means an application for licensure of a biological product under section 351(k) of the Public Health Service Act.'';

(C) in paragraph (6), as so redesignated, by inserting '', or a biological product for which an application is approved under section 351(a) of the Public Health Service Act'' before the period;

(D) in paragraph (7), as so redesignated—

(i) by striking ''paragraph (3)'' and inserting ''paragraph (6)'';

(ii) by inserting ''or a reference product in a biosimilar biological product application'' after ''ANDA''; and

(iii) by inserting ''or under section 351(a) of the Public Health Service Act'' before the period; and

(E) by adding at the end the following:

''(12) REFERENCE PRODUCT.—The term 'reference product' means a brand name drug for which a license is in effect under section 351(a) of the Public Health Service Act.'';

(2) in section 1112—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting ''or a biosimilar biological product applicant who has submitted a biosimilar biological product application for which a statement under section 351(l)(3)(B)(ii)(I) of the Public Health Service Act has been provided'' after ''Federal Food, Drug, and Cosmetic Act''; and

(II) by inserting ''or the biosimilar biological product that is the subject of the biosimilar biological product application, as applicable'' after ''the ANDA''; and

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by inserting ''or a biosimilar biological product applicant'' after ''generic drug applicant'';

(II) in subparagraph (A)—

(aa) by striking ''marketing'' and inserting ''marketing,''; and

(bb) by inserting ''or the reference product in the biosimilar biological product application'' before ''involved'';

(III) in subparagraph (B), by inserting ''or of the biosimilar biological product for which the biosimilar biological product application was submitted'' after ''submitted''; and

(IV) by amending subparagraph (C) to read as follows:

''(C) as applicable—

''(i) the 180-day period referred to in section 505(j)(5)(B)(iv) of the Federal Food, Drug, and Cosmetic Act as it applies to such ANDA or to any other ANDA based on the same brand name drug; or

''(ii) the 1-year period referred to in section 351(k)(6)(A) of the Public Health Service Act as it applies to such biosimilar biological product application or to any other biosimilar biological product application based on the same brand name drug.''; and

(B) in subsection (b)—

(i) by amending paragraph (1) to read as follows:

''(1) REQUIREMENT.—

''(A) GENERIC DRUGS.—A generic drug applicant that has submitted an ANDA containing a certification under section 505(j)(2)(A)(vii)(IV) of the Federal Food, Drug, and Cosmetic Act with respect to a listed drug and another generic drug applicant that has submitted an ANDA containing such a certification for the same listed drug shall each file the agreement in accordance with subsection (c). The agreement shall be filed prior to the date of the first commercial marketing of either of the generic drugs for which such ANDAs were submitted.

''(B) BIOSIMILAR BIOLOGICAL PRODUCTS.—A biosimilar biological product applicant that has submitted a biosimilar biological product application for which a statement under section 351(l)(3)(B)(ii)(I) of the Public Health Service Act has been provided with respect to a reference product and another biosimilar biological product applicant that has submitted a biosimilar biological product application for which such a statement for the same reference product has been provided shall each file the agreement in accordance with subsection (c). The agreement shall be filed prior to the date of the first commercial marketing of either of the biosimilar biological products for which such biosimilar biological product applications were submitted.''; and

(ii) in paragraph (2)—

(I) by striking ''between two generic drug applicants is an agreement'' and inserting ''is, as applicable, an agreement between 2 generic drug applicants''; and

(II) by inserting '', or an agreement between 2 biosimilar biological product applicants regarding the 1-year period referred to in section 351(k)(6)(A) of the Public Health Service Act as it applies to the biosimilar biological product applications with which the agreement is concerned'' before the period;

(3) in section 1115, by striking ''or generic drug applicant'' each place such term appears and inserting '', generic drug applicant, or biosimilar biological product applicant''; and

(4) in section 1117, by striking '', or any agreement between generic drug applicants'' and inserting ''or a biosimilar biological product applicant, any agreement between generic drug applicants, or any agreement between biosimilar biological product applicants''.

Mr. ALEXANDER. Mr. President, the next vote is on Senator COLLINS' amendment on the gag rule with Senator MCCASKILL.

Following that, we will vote on the Opioid Crisis Act of 2018, which has the contributions of 72 Senators.

I would like to especially thank Senator MCCONNELL and Senator SCHUMER for creating an environment in which we could get this done.

Mr. President, I ask unanimous consent that the votes following the first vote in this series be 10 minutes in length.

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

The clerk will read the title of the bill for the third time.

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. ALEXANDER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—98

Alexander	Gardner	Murray
Baldwin	Gillibrand	Nelson
Barrasso	Graham	Perdue
Bennet	Grassley	Peters
Blumenthal	Harris	Portman
Blunt	Hassan	Reed
Booker	Hatch	Risch
Boozman	Heinrich	Roberts
Brown	Heitkamp	Rounds
Burr	Heller	Rubio
Cantwell	Hirono	Sanders
Capito	Hoeven	Sasse
Cardin	Hyde-Smith	Schatz
Carper	Inhofe	Schumer
Casey	Isakson	Scott
Cassidy	Johnson	Shaheen
Collins	Jones	Shelby
Coons	Kaine	Smith
Corker	Kennedy	Stabenow
Cornyn	King	Sullivan
Cortez Masto	Klobuchar	Tester
Cotton	Kyl	Thune
Crapo	Lankford	Tillis
Cruz	Leahy	Toomey
Daines	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	McConnell	Warren
Enzi	Menendez	Whitehouse
Ernst	Merkley	Wicker
Feinstein	Moran	Wyden
Fischer	Murkowski	Young
Flake	Murphy	

NAYS—2

Lee	Paul

The bill (S. 2554), as amended, was passed.

SUBSTANCE USE-DISORDER PREVENTION THAT PROMOTES OPIOID RECOVERY AND TREATMENT FOR PATIENTS AND COMMUNITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 6.

The Senator from Ohio.

AMENDMENT NO. 4013

Mr. PORTMAN. Mr. President, I call up amendment No. 4013 and ask unanimous consent that it be reported by number.

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

The clerk will report the amendment by number.

The assistant bill clerk read as follows:

The Senator from Ohio [Mr. PORTMAN], for Mr. ALEXANDER, proposes an amendment numbered 4013.

Mr. PORTMAN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of September 6, 2018, under ''Text of Amendments.'')

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. CARDIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—99

Alexander	Gardner	Murray
Baldwin	Gillibrand	Nelson
Barrasso	Graham	Paul
Bennet	Grassley	Perdue
Blumenthal	Harris	Peters
Blunt	Hassan	Portman
Booker	Hatch	Reed
Boozman	Heinrich	Risch
Brown	Heitkamp	Roberts
Burr	Heller	Rounds
Cantwell	Hirono	Rubio
Capito	Hoeven	Sanders
Cardin	Hyde-Smith	Sasse
Carper	Inhofe	Schatz
Casey	Isakson	Schumer
Cassidy	Johnson	Scott
Collins	Jones	Shaheen
Coons	Kaine	Shelby
Corker	Kennedy	Smith
Cornyn	King	Stabenow
Cortez Masto	Klobuchar	Sullivan
Cotton	Kyl	Tester
Crapo	Lankford	Thune
Cruz	Leahy	Tillis
Daines	Manchin	Toomey
Donnelly	Markey	Udall
Duckworth	McCaskill	Van Hollen
Durbin	McConnell	Warner
Enzi	Menendez	Warren
Ernst	Merkley	Whitehouse
Feinstein	Moran	Wicker
Fischer	Murkowski	Wyden
Flake	Murphy	Young

NAYS—1

Lee

The bill (H.R. 6), as amended, was passed.

The PRESIDING OFFICER. The Senate majority leader.

DEPARTMENT OF DEFENSE AND LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2019—CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the conference report to accompany H.R. 6157.

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany H.R. 6157, which the clerk will report by title.

The senior assistant legislative clerk read as follows: