

“(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:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6157), making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by all the conferees on the part of both Houses.

Thereupon, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 13, 2018.)

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the conference report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 6157, an act making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Mitch McConnell, Orrin G. Hatch, John Boozman, John Barrasso, Lamar Alexander, Marco Rubio, Johnny Isakson, Mike Rounds, Pat Roberts, John Hoeven, Steve Daines, James M. Inhofe, Cory Gardner, Shelley Moore Capito, John Cornyn, Roger F. Wicker, John Thune.

The PRESIDING OFFICER. I ask unanimous consent that the mandatory quorum call be waived.

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

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### TRIBUTE TO KEITH KELLEHER

Mr. DURBIN. Mr. President, American jobs have changed dramatically in the last century, but the reasons Americans work have not changed.

Work is about more than a paycheck. A job is—or ought to be—a source of dignity. Men and women who work hard may not be able to live on Easy Street, but they ought to be able to walk down Main Street with their heads held high, knowing that they can provide for the basic needs of their families, and they ought to be able to retire with dignity and security.

Keith Kelleher understands this. He understands that treating workers—all workers—fairly is not an outdated

idea; it is a requirement for a sound economy and solid future. He has devoted more than four decades of his life to improving the lives of some of the lowest paid workers in our economy, including nursing home workers and home health aides.

As founding president of SEIU Healthcare in Illinois, Indiana, Missouri, and Kansas, Keith Kelleher has helped secure the right to form and join a union for more than 91,000 traditionally low-paid healthcare workers and to negotiate for better wages and working conditions.

Not only that, like Walter Reuther and other great labor leaders of the last century, Keith Kelleher has championed broader causes of social justice. In 2014, Keith Kelleher and the members of SEIU Healthcare helped lead the fight in Illinois for marriage equality, a year before the U.S. Supreme Court made marriage equality the law of the land.

This week, Keith Kelleher is stepping down officially from the union he helped found. He is retiring after more than 30 years at the helm of SEIU Healthcare, and I want to thank him for his contributions to economic and social justice in Illinois and in our Nation.

Keith Kelleher moved to Chicago in the early 1980s from Detroit. He was working with a group called the United Labor Unions, an organization that trained people on how to organize and work together to advance their common good.

He lived as simply as the people he came to help. He focused on the home care industry because it had some of the lowest paid workers in the state. Private-sector workers hired by the State to provide services for seniors and people with disabilities earned an hourly rate of \$3.35, with no benefits. They were a forgotten group, one largely ignored by traditional labor unions.

In 1983, Keith Kelleher gathered seven home health aides in the basement of the United Methodist Temple in downtown Chicago, and they voted to organize a union. That moment was the beginning of Union Local 880. Twenty-five years later, Local 880 had grown from 7 members to 68,000 members. All great things come from small beginnings.

Keith Kelleher built Local 880 from the ground up by going door-to-door in some of Chicago's poorest, most neglected neighborhoods. He helped convince thousands of workers to pay membership fees even before Local 880 could engage in collective bargaining. They won that right in 1984, when the National Labor Relations Board officially recognized Local 880.

He convinced people that they mattered and that they could change their own lives through collective action.

He found innovative ways to raise funds for the fledgling union, canvassing for donations, selling chicken dinners on payday, and holding tag

sales. Keith and his wife even figured out how to turn their wedding into a union fundraiser.

In 1985, the independent Local 880 merged with SEIU, the Service Employees International Union.

In 2007 and 2008, Local 880 merged with two other SEIU local unions in Indiana, Local 20 and Local 4. In 2009, SEIU Healthcare Illinois/Indiana merged with the SEIU Healthcare local unions in Missouri and Kansas. Keith Kelleher was elected founding president of the new combined union.

For nearly 40 years, Keith Kelleher has helped forge new partnerships and fought new battles. He is as determined as they come. One battle took nearly 20 years to win, but SEIU Local 880 never gave up, and in 2005, Illinois' Governor finally signed an executive order recognizing unionized home care workers who work as contractors for State agencies as public employees. That victory gave 50,000 workers the legal right to bargain collectively for better wages and working conditions. They have since won a 35 percent wage increase over 4 years and other improvements in benefits.

Under Keith Kelleher's leadership, Local 880 has become a significant political force. You cannot miss SEIU Health members at public events. They are often known as "the purple people" because of the color of the t-shirts they wear.

Keith Kelleher has fought for justice for union members and for those who don't have the benefit of union membership.

In addition to marriage equality, he has fought for a higher minimum wage across the country.

Like Tom Joad in "The Grapes of Wrath," wherever there are people in need of justice, Keith Kelleher seems to be there.

As he steps down officially this week from the union he helped create, I want to thank Keith personally and wish him, his wife Madeline, and his two daughters Ryan and Aileen well. He has made a real difference in the lives of tens of thousands of workers, and his life's work will continue to lift workers up for generations to come.

#### JUAN REQUESENS

Mr. DURBIN. Mr. President, earlier this year, I had the opportunity to visit Venezuela, a once proud Latin American democracy that is now in a state of collapse. The country was planning a Presidential election a few weeks after my visit in late May.

My message to President Maduro and members of his government during this visit was clear and simple. They should run a clean election in which opposition candidates are released from detention and allowed to participate. Local and international observers should be allowed to observe the entire electoral process. The election should be administered in a fair and open manner by credible nonpartisan election commissioners.