

S. 539. A bill to amend the Internal Revenue Code of 1986 to establish Lifelong Learning and Training Account programs; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. ROUNDS, and Mr. BOOKER):

S. 540. A bill to provide minimum standards for transactions secured by a dwelling, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself, Mr. YOUNG, Mr. HOEVEN, Mr. SASSE, Mr. BENNET, and Mr. KING):

S. 541. A bill to require the Secretary of Labor to establish a pilot program for providing portable benefits to eligible workers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mr. WYDEN, Mr. RISCH, Mr. HEINRICH, Mr. CRAPO, Mr. MERKLEY, and Mr. MANCHIN):

S. 542. A bill to protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions; to the Committee on Commerce, Science, and Transportation.

By Mr. BLUMENTHAL (for himself and Mr. MARKEY):

S. 543. A bill to require the Secretary of Transportation to finalize rules to protect consumers from the risks of carbon monoxide poisoning and rollaways from motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself, Mr. HEINRICH, Mr. REED, Ms. HARRIS, and Mr. COONS):

S. 544. A bill to require the Director of National Intelligence to submit to Congress a report on the death of Jamal Khashoggi, and for other purposes; to the Select Committee on Intelligence.

By Ms. CORTEZ MASTO (for herself and Mr. CORNYN):

S. 545. A bill to amend the Higher Education Act of 1965 to direct the Secretary of Education to award institutions of higher education grants for teaching English learners; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself, Mr. GARDNER, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. WHITEHOUSE, Mr. MARKEY, Mr. BOOKER, Mr. SCHUMER, Mr. SANDERS, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. MENENDEZ, Mr. BLUMENTHAL, Mr. MERKLEY, Ms. DUCKWORTH, Mr. BENNET, Ms. WARREN, Mr. CASEY, Ms. KLOBUCHAR, Mr. MURPHY, Mr. COONS, and Ms. HARRIS):

S. 546. A bill to extend authorization for the September 11th Victim Compensation Fund of 2001 through fiscal year 2090, and for other purposes; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 547. A bill to amend the Federal Election Campaign Act of 1971 to require certain reports filed under such Act to include the disclosure of persons who are registered lobbyists under the Lobbying Disclosure Act of 1995, and for other purposes; to the Committee on Rules and Administration.

By Mr. PORTMAN (for himself and Ms. CANTWELL):

S. 548. A bill to reauthorize the Money Follows the Person Demonstration Program; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself, Mr. DUCKWORTH, Ms. HARRIS, Mr. SANDERS, Mr. BLUMENTHAL, Mr. DURBIN, Mr. WHITEHOUSE, Mr. MARKEY, and Mr. CARDIN):

S. 549. A bill to modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in

elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

By Ms. KLOBUCHAR:

S. 550. A bill to require States to automatically register eligible voters at the time they turn 18 to vote in Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself and Mr. PORTMAN):

S. 551. A bill to amend title XVIII of the Social Security Act to require manufacturers of certain single-dose vial drugs payable under part B of the Medicare program to provide rebates with respect to amounts of such drugs discarded, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 73

At the request of Mrs. SHAHEEN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 73, a bill to amend the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for prescription drugs.

S. 92

At the request of Mr. PAUL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 92, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 164

At the request of Mr. DAINES, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. 164, a bill to amend title 10, United States Code, to remove the prohibition on eligibility for TRICARE Reserve Select of members of the reserve components of the Armed Forces who are eligible to enroll in a health benefits plan under chapter 89 of title 5, United States Code.

S. 172

At the request of Mr. GARDNER, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Louisiana (Mr. KENNEDY) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 172, a bill to delay the reimposition of the annual fee on health insurance providers until after 2021.

S. 191

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 191, a bill to direct the Secretary of Defense to include in periodic health assessments, separation history and physical examinations, and other assessments an evaluation of whether a member of the Armed Forces has been exposed to open burn pits or toxic airborne chemicals, and for other purposes.

S. 203

At the request of Mr. CRAPO, the names of the Senator from Montana

(Mr. DAINES), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 203, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit, and for other purposes.

S. 215

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 239

At the request of Mrs. SHAHEEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 239, a bill to require the Secretary of the Treasury to mint coins in recognition of Christa McAuliffe.

S. 266

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 266, a bill to provide for the long-term improvement of public school facilities, and for other purposes.

S. 270

At the request of Mrs. MURRAY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 270, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 286

At the request of Mr. BARRASSO, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 286, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 296

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 296, a bill to amend XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

At the request of Ms. COLLINS, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 296, *supra*.

S. 311

At the request of Mr. SASSE, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 311, a bill to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

S. 317

At the request of Mr. BENNET, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 317, a bill to amend title XIX of the Social Security Act to provide States with the option of providing coordinated care for children with complex medical conditions through a health home.

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 317, *supra*.

S. 320

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 320, a bill to amend title 18, United States Code, to require federally licensed firearms importers, manufacturers, and dealers to meet certain requirements with respect to securing their firearms inventory, business records, and business premises.

S. 323

At the request of Mrs. MURRAY, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New Hampshire (Ms. HASSAN) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 323, a bill to direct the Secretary of Education to establish the Recognition Inspiring School Employees (RISE) Program recognizing excellence exhibited by classified school employees providing services to students in prekindergarten through high school.

S. 362

At the request of Mr. WYDEN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Washington (Ms. CANTWELL), the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 362, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 383

At the request of Mr. BARRASSO, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. 383, a bill to support carbon dioxide utilization and direct air capture research, to facilitate the permitting and development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, and for other purposes.

S. 386

At the request of Mr. LEE, the names of the Senator from Ohio (Mr. PORTMAN), the Senator from Mississippi (Mr. WICKER), the Senator from Oklahoma (Mr. LANKFORD), the Senator from Illinois (Ms. DUCKWORTH), the Senator from Idaho (Mr. CRAPO) and the Senator from Arizona (Ms. MCSALLY) were added as cosponsors of S. 386, a bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limi-

tation for family-sponsored immigrants, and for other purposes.

S. 479

At the request of Mr. TOOMEY, the names of the Senator from New Hampshire (Ms. HASSAN), the Senator from Oregon (Mr. MERKLEY), the Senator from Michigan (Ms. STABENOW), the Senator from Connecticut (Mr. MURPHY), the Senator from California (Ms. HARRIS), the Senator from Ohio (Mr. PORTMAN), the Senator from Vermont (Mr. SANDERS), the Senator from New Jersey (Mr. BOOKER), the Senator from Delaware (Mr. COONS), the Senator from Maine (Ms. COLLINS), the Senator from New Mexico (Mr. UDALL), the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from Arizona (Ms. MCSALLY) were added as cosponsors of S. 479, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 488

At the request of Ms. HARRIS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 488, a bill to amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and for other purposes.

S. 496

At the request of Mr. SULLIVAN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 496, a bill to preserve United States fishing heritage through a national program dedicated to training and assisting the next generation of commercial fishermen, and for other purposes.

S. 500

At the request of Mr. PORTMAN, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 500, a bill to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

S. 506

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 506, a bill to support State, Tribal, and local efforts to remove access to firearms from individuals who are a danger to themselves or others pursuant to court orders for this purpose.

S. 507

At the request of Ms. KLOBUCHAR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 507, a bill to amend the National Voter Registration Act of 1993 to clarify that a State may not use an individual's failure to vote as the basis for initiating the procedures provided under such Act for the removal of the individual from the official list of registered voters in the State on the grounds that the individual has changed residence, and for other purposes.

S. 513

At the request of Ms. HARRIS, the names of the Senator from Oregon (Mr.

MERKLEY) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 513, a bill to amend title 18, United States Code, with respect to civil forfeitures relating to certain seized animals, and for other purposes.

S. 514

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 514, a bill to amend title 38, United States Code, to improve the benefits and services provided by the Department of Veterans Affairs to women veterans, and for other purposes.

S. 521

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 521, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 524

At the request of Mr. TESTER, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 524, a bill to establish the Department of Veterans Affairs Advisory Committee on Tribal and Indian Affairs, and for other purposes.

S. 525

At the request of Mr. PAUL, the names of the Senator from Utah (Mr. LEE), the Senator from Iowa (Ms. ERNST), the Senator from Florida (Mr. RUBIO) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 525, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S.J. RES. 6

At the request of Mr. CARDIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Maine (Mr. KING) were added as cosponsors of S.J. Res. 6, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S. RES. 73

At the request of Mr. RUBIO, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. Res. 73, a resolution calling on the Kingdom of Saudi Arabia to immediately release Saudi Women's Rights activists and respect the fundamental rights of all Saudi citizens.

S. RES. 74

At the request of Mr. PORTMAN, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. Res. 74, a resolution marking the fifth anniversary of Ukraine's Revolution of Dignity by honoring the bravery, determination, and sacrifice of the people of Ukraine during and since the Revolution, and condemning continued Russian aggression against Ukraine.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. PORTMAN):

S. 551. A bill to amend title XVIII of the Social Security Act to require manufacturers of certain single-dose vial drugs payable under part B of the Medicare program to provide rebates with respect to amounts of such drugs discarded, and for other purposes; to the Committee on Finance.

Mr. DURBIN. 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:

S. 551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Recovering Excessive Funds for Unused and Needless Drugs Act of 2019” or the “REFUND Act of 2019”.

SEC. 2. REQUIRING MANUFACTURERS OF CERTAIN SINGLE-DOSE VIAL DRUGS PAYABLE UNDER PART B OF THE MEDICARE PROGRAM TO PROVIDE REBATES WITH RESPECT TO DISCARDED AMOUNTS OF SUCH DRUGS.

(a) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(w) REBATE FOR CERTAIN DISCARDED SINGLE-DOSE VIAL DRUGS.—

“(1) IN GENERAL.—The manufacturer (as defined in section 1847A(c)(6)(A)) of a rebatable single-dose vial drug furnished in a calendar quarter shall, not later than 30 days after the date of receipt of information described in paragraph (2)(A)(iii) with respect to such quarter, provide to the Secretary a rebate that is equal to the amount specified in paragraph (3) for such drug for such quarter.

“(2) SECRETARIAL DUTIES.—

“(A) IN GENERAL.—For each calendar quarter, the Secretary shall, with respect to a rebatable single-dose vial drug of a manufacturer furnished during such quarter—

“(i) require, through use of a modifier such as the JW modifier used as of the date of enactment of this subsection (or any such successor code that includes such data as determined appropriate by the Secretary), an indication on a claim for such drug of the amount of such drug that was discarded after such drug was furnished, if any;

“(ii) determine the rebate amount (as defined in subparagraph (B)) with respect to such drug; and

“(iii) not later than 60 days after the end of such quarter, provide to such manufacturer notice of—

“(I) the total number of units of such drug discarded during such quarter (as determined by the Secretary based on the aggregate rebatable amount (as so defined) with respect to such drug for such quarter), if any; and

“(II) the rebate amount specified in paragraph (3) for such drug and such quarter.

“(B) REBATABLY AMOUNT.—The term ‘rebatable amount’ means, with respect to a rebatable single-dose vial drug of a manufacturer furnished during a quarter, 90 percent of the amount (if any) of such drug that was discarded as indicated pursuant to subparagraph (A)(i).

“(3) REBATE AMOUNT.—The amount of the rebate specified in this paragraph is, with respect to a rebatable single-dose vial drug of

a manufacturer furnished in a calendar quarter, an amount equal to the product of—

“(A) the total number of units of such drug discarded during such quarter as determined under paragraph (2)(A)(iii)(I); and

“(B) the lesser of—

“(i) the average sales price (as defined in section 1847A(c)(1)) for a unit of such drug for such quarter (or, in the case of a drug subject to an agreement with such manufacturer under section 340B of the Public Health Service Act, the price for a unit of such drug for such quarter under such agreement); or

“(ii) the wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) for a unit of such drug.

“(4) REBATE DEPOSITS.—Amounts paid as rebates pursuant to paragraph (1) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

“(5) ENFORCEMENT.—

“(A) AUDITS.—Each manufacturer of a rebatable single dose-vial drug that is required to provide a rebate under this subsection shall be subject to periodic audit with respect to such drug and such rebates by the Secretary.

“(B) CIVIL MONEY PENALTY.—

“(i) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer of a rebatable single dose-vial drug who has failed to comply with the requirement under paragraph (1) for such drug for a calendar quarter in an amount the Secretary determines is commensurate with the sum of—

“(I) the amount that the manufacturer would have paid under such paragraph with respect to such drug for such quarter; and

“(II) 25 percent of such amount.

“(ii) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

“(6) DEFINITIONS.—In this subsection:

“(A) REBATABLY SINGLE-DOSE VIAL DRUG.—The term ‘rebatable single-dose vial drug’ means a single source drug or biological (as defined in section 1847A(c)(6)(D)) paid for under this part and furnished on or after January 1, 2020, from a single-dose vial.

“(B) UNIT.—The term ‘unit’ has the meaning given such term in section 1847A(b)(2)(B).”.

(b) COLLECTION OF COINSURANCE ONLY FOR PORTION OF REBATABLY SINGLE-DOSE VIAL DRUG ADMINISTERED.—Section 1833(a) of the Social Security Act (42 U.S.C. 1395l) is amended—

(1) in subsection (a)(1)(S), by inserting subject to subsection (cc), before with respect to; and

(2) by adding at the end the following new subsection:

“(cc) COLLECTION OF COINSURANCE ONLY FOR PORTION OF REBATABLY SINGLE-DOSE VIAL DRUG ADMINISTERED.—When processing a claim for a rebatable single-dose vial drug (as defined in section 1834(w)(6)), the Secretary, acting through the relevant medicare administrative contractor with respect to such claim, shall only collect coinsurance from a beneficiary, taking into account any coverage under a Medicare supplemental policy certified under section 1882 or any other supplemental insurance coverage of the beneficiary, with respect to the portion of the drug administered (as indicated by the J-portion of the claim for the drug used as of the date of enactment of this subsection, or any successor code that includes such data as determined appropriate by the Secretary), in an amount equal to 20 percent of the amount of payment that would be made if payment for the claim was based only on the portion

of the drug administered (as so indicated). Nothing in the preceding sentence shall affect the amount paid to the provider of services or supplier with respect to the drug under this part (as determined based on the total amount of the drug for which the claim was submitted, including the portion of the drug administered and the portion discarded, as indicated by the J-portion of the claim and the JW modifier, respectively, used as of such date of enactment or any successor codes that include such data as determined appropriate by the Secretary).”.

AUTHORITY FOR COMMITTEES TO MEET

Mrs. FISCHER. Mr. President, I have a request for one committee to meet during today’s session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today’s session of the Senate:

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Monday, February 25, 2019, at 5 p.m., to conduct a closed hearing.

BIENNIAL REPORT OF BOARD OF DIRECTORS OF CONGRESSIONAL WORKPLACE RIGHTS

U.S. CONGRESS, OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS,

Washington, DC, February 25, 2019.

Hon. CHARLES GRASSLEY,
President Pro Tempore, U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: Section 102(b) of the Congressional Accountability Act of 1995 (CAA) requires the Board of Directors of the Office of Congressional Workplace Rights (OCWR) to biennially submit a report containing recommendations regarding Federal workplace rights, safety and health, and public access laws and regulations that should be made applicable to Congress and its agencies. The purpose of this report is to ensure that the rights afforded by the CAA to legislative branch employees and visitors to Capitol Hill and district offices remain equivalent to those in the private sector and the executive branch of the Federal government. As such, these recommendations support the intent of Congress to keep pace with advances in workplace rights and public access laws.

Accompanying this letter is a copy of our section 102(b) report—titled “Recommendations for Improvements to the Congressional Accountability Act”—for consideration by the 116th Congress. We welcome discussion on these issues and urge that Congress act on these important recommendations.

Your office is receiving this initial copy prior to it being uploaded to our public website. On March 4, 2019, this report will be disseminated to the larger Congressional community and available on www.ocwr.gov. As required by the Congressional Accountability Act, 2 U.S.C. §1302(b), I request that this publication be printed in the Congressional Record, and referred to the committees of the House of Representatives and Senate with jurisdiction.

Sincerely,

SUSAN TSUI GRUNDMANN,
Executive Director.