S. 1436

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

SECTION 1. TECHNICAL CORRECTIONS TO COMPUTATION OF AVERAGE PAY UNDER PUBLIC LAW 110–279.

(a) IN GENERAL.—Section 1(c)(2)(A) of Public Law 110–279 (2 U.S.C. 2051(c)(2)(A)) is amended—

(1) by striking ''For purposes of'' and all that follows through ''(i) any period'' and inserting the following:

''(i) TREATMENT OF SERVICE.—For purposes of chapters 83, 84, and 87 of title 5, United States Code, any period'';

(2) in clause (i), by striking ''; and'' and inserting a period; and

(3) in clause (ii)—

(A) by inserting ''TREATMENT OF PAY.—For purposes of chapter 87 of title 5, United States Code,'' before ''the rate of basic pay''; and

(B) by striking ''the covered'' and inserting ''a covered''.

(b) REGULATIONS.—

(1) IN GENERAL.—The Director of the Office of Personnel Management shall promulgate regulations to carry out this section.

(2) EFFECTIVE DATE.—The regulations promulgated under paragraph (1) shall take effect not later than 180 days after the date of enactment of this Act.

(c) APPLICABILITY OF AMENDMENTS.—

(1) DEFINITIONS.—In this subsection, the terms ''contractor'', ''covered individual'', and ''food services contract'' have the meanings given those terms in section 1(a) of Public Law 110–279 (2 U.S.C. 2051(a)).

(2) APPLICABILITY.—The amendments made by this section shall apply with respect to—

(A) a covered individual who separates from service as an employee of a contractor performing services under the food services contract before, on, or after the date of enactment of this Act; and

(B) each payment to a covered individual under chapter 83 or 84 of title 5, United States Code, made on or after the effective date of the regulations promulgated under subsection (b).

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. KING, and Mr. ALEXANDER):

S. 1437. A bill to amend title XI of the Social Security Act to require that direct-to-consumer advertisements for prescription drugs and biological products include truthful and non-misleading pricing information; 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. 1437

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 ''Drug-price Transparency in Communications (DTC) Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Direct-to-consumer advertising of prescription pharmaceuticals is legally permitted in only 2 developed countries, the United States and New Zealand.

(2) In 2018, pharmaceutical ad spending exceeded $6,046,000,000, a 4.8-percent increase over 2017, resulting in the average American seeing 9 drug advertisements per day.

(3) In 2015, pharmaceutical companies spent more than $100,000,000 on advertising with respect to each of the 16 most advertised brand-name drugs and biological products, primarily new and relatively high-cost medications.

(4) The 10 most commonly advertised drugs have list prices ranging from $535 to $11,000 per 30-day supply or usual course of therapy.

(5) According to a 2011 Congressional Budget Office report, direct-to-consumer advertising is used to promote only a small set of specific drugs, typically the expensive, brand-name medications. And the top-selling drugs in any given year are frequently among the drugs with the largest expenditures for direct-to-consumer advertising.

(6) According to a 2011 Congressional Budget Office report, pharmaceutical manufacturers advertise their products directly to consumers in an attempt to boost demand for their products and thereby raise the price that consumers are willing to pay, increase the quantity of drugs sold, or achieve some combination of the two.

(7) Studies show that patients are more likely to ask their doctor for a specific medication and for the doctor to write a prescription for it, if a patient has seen an advertisement for such medication, regardless of whether the medication is clinically appropriate for the patient or whether a lower-cost generic may be available.

(8) According to a 2011 Congressional Budget Office report, the average number of prescriptions written for newly approved brand-name drugs with direct-to-consumer advertising was 9 times greater than the average number of prescriptions written for newly approved brand-name drugs without direct-to-consumer advertising.

(9) Approximately half of Americans have high-deductible health plans, under which they often pay the list price of a drug until their insurance deductible is met. All of the top Medicare prescription drug plans use coinsurance rather than fixed-dollar copayments for medications on nonpreferred drug tiers.

(10) The Centers for Medicare & Medicaid Services is the single largest drug payer in the Nation. Drug price inflation accounts for a significant portion of the 22-percent, 32-percent, and 42-percent growth in Medicare parts D and B and Medicaid expenditures, respectively, on a per beneficiary basis between 2013 and 2016.

(11) The 20 most advertised drugs on television cost Medicare and Medicaid a combined $24,000,000,000 in 2017.

(12) Price shopping is the mark of rational economic behavior, and markets operate more efficiently when consumers have relevant information about a product, including its price, before making an informed decision about whether to buy that product.

(13) The American Medical Association has passed resolutions supporting the requirement for price transparency in any direct-to-consumer advertising.

(14) The Kaiser Family Foundation found that 88 percent of the public favors the Federal Government requiring prescription drug advertisements to include a statement on how much the drug costs.

(15) Pursuant to its existing authority under sections 1102 and 1871 of the Social Security Act, on May 10, 2019, the Centers for Medicare & Medicaid Services published regulations (subpart L of part 403 of title 42, Code of Federal Regulations) to require direct-to-consumer television advertisements of prescription drugs and biological products for which payment is available through or under Medicare or Medicaid to include the wholesale acquisition cost of that drug or biological product.

(16) To support the permanence and clarity of this policy, and to facilitate future planning, Congress finds a benefit to codifying such regulation.

SEC. 3. REQUIREMENT THAT DIRECT-TO-CONSUMER ADVERTISEMENTS FOR PRESCRIPTION DRUGS AND BIOLOGICAL PRODUCTS INCLUDE TRUTHFUL AND NON-MISLEADING PRICING INFORMATION.

Part A of title XI of the Social Security Act is amended by adding at the end the following new section:

''REQUIREMENT THAT DIRECT-TO-CONSUMER ADVERTISEMENTS FOR PRESCRIPTION DRUGS AND BIOLOGICAL PRODUCTS INCLUDE TRUTHFUL AND NON-MISLEADING PRICING INFORMATION

''SEC. 1150C. (a) IN GENERAL..—The Secretary shall require that each direct-to-consumer advertisement for a prescription drug or biological product for which payment is available under title XVIII or XIX includes an appropriate disclosure of truthful and non-misleading pricing information with respect to the drug or product.

''(b) DETERMINATION BY CMS.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall determine the components of the requirement under subsection (a), such as the forms of advertising, the manner of disclosure, the price point listing, and the price information for disclosure.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 201—HONORING THE 65TH ANNIVERSARY ON MAY 17, 2019, OF THE LANDMARK DECISION OF THE SUPREME COURT IN BROWN V. BOARD OF EDUCATION, 347 U.S. 483 (1954)

Mr. ROBERTS (for himself and Mr. MORAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 201

Whereas in 1950, 9-year-old Linda Brown, the daughter of Oliver L. Brown, was denied entry into the all-white Sumner Elementary School in Topeka, Kansas, and forced to attend the all-black Monroe Elementary School in Topeka, Kansas;

Whereas on February 28, 1951, the complaint in Brown v. Board of Education was filed with the United States District Court for the District of Kansas, with Oliver L. Brown as the lead plaintiff;

Whereas the plaintiffs in Brown v. Board of Education appealed the ruling of the district court to the Supreme Court;

Whereas, at the Supreme Court, the case of Brown v. Board of Education was combined with other cases from South Carolina, Delaware, Virginia, and the District of Columbia regarding segregation in public schools;

Whereas Thurgood Marshall argued the case of Brown v. Board of Education before the Supreme Court as lead counsel for the appellants;

Whereas on May 17, 1954, the Supreme Court delivered a unanimous opinion holding that—

(1) separate educational facilities are inherently unequal; and

(2) the ''separate but equal'' doctrine violated the 14th Amendment to the Constitution of the United States, which states that no citizen may be denied equal protection under the law;

Whereas Brown v. Board of Education, 347 U.S. 483 (1954)—

(1) overruled the 1896 decision in Plessy v. Ferguson, 163 U.S. 537 (1896);

(2) ended discriminatory Jim Crow laws; and

(3) invalidated the ''separate but equal'' doctrine, ending segregated classrooms in Kansas and across the United States;

Whereas, in a second opinion issued on May 31, 1955, the Supreme Court decreed that schools should be desegregated with all deliberate speed;

Whereas, because of the role that Linda Brown played in ending racial segregation in the United States, Linda Brown became a civil rights icon and continued to be a voice for school desegregation in Topeka, Kansas;

Whereas Linda Brown passed away on March 27, 2018, at the age of 75 in Topeka, Kansas; and

Whereas Congress established the Brown v. Board of Education National Historic Site, which is located at Monroe Elementary School in Topeka, Kansas, the school that Linda Brown attended: Now, therefore, be it

Resolved, That the Senate recognizes and celebrates—

(1) the 65th anniversary on May 17, 2019, of the landmark decision of the Supreme Court in Brown v. Board of Education, 347 U.S. 483 (1954); and

(2) the contribution the decision has made to—

(A) equal education; and

(B) equal justice under the law, which is recognized in the Declaration of Independence and guaranteed by the Constitution of the United States.

SENATE RESOLUTION 202—CONGRATULATING THE STUDENTS, PARENTS, TEACHERS, AND LEADERS OF CHARTER SCHOOLS ACROSS THE UNITED STATES FOR MAKING ONGOING CONTRIBUTIONS TO EDUCATION, AND SUPPORTING THE IDEALS AND GOALS OF THE 20TH ANNUAL NATIONAL CHARTER SCHOOLS WEEK, TO BE HELD ON MAY 12 THROUGH MAY 18, 2019

Mr. ALEXANDER (for himself, Mr. BENNET, Mr. BOOKER, Mr. BOOZMAN, Mr. BRAUN, Mr. BURR, Mr. CARPER, Mr. CASSIDY, Mr. COONS, Mr. CORNYN, Mr. CRUZ, Mrs. FEINSTEIN, Mrs. HYDE-SMITH, Mr. ISAKSON, Mr. JOHNSON, Mr. PERDUE, Mr. RUBIO, Mr. SCOTT of South Carolina, Mr. TOOMEY, Mr. WICKER, Mr. YOUNG, Mr. LANKFORD, and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 202

Whereas charter schools are public schools that do not charge tuition and enroll any student who wants to attend, often through a random lottery when the demand for enrollment is outmatched by the supply of available charter school seats;

Whereas high-performing public charter schools deliver a high-quality public education and challenge each student to reach the student's potential for academic success;

Whereas public charter schools promote innovation and excellence in public education;

Whereas public charter schools throughout the United States provide millions of families with diverse and innovative educational options for their children;

Whereas high-performing public charter schools and charter management organizations are increasing student achievement and attendance rates at institutions of higher education;

Whereas public charter schools are authorized by a designated entity and—

(1) respond to the needs of communities, families, and students in the United States; and

(2) promote the principles of quality, accountability, choice, high performance, and innovation;

Whereas, in exchange for flexibility and autonomy, public charter schools are held accountable by the authorizers of the charter schools for improving student achievement and for sound financial and operational management;

Whereas public charter schools are required to meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) in the same manner as traditional public schools;

Whereas public charter schools often set higher expectations for students, beyond the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), to ensure that the charter schools are of high quality and truly accountable to the public;

Whereas 44 States, the District of Columbia, and Puerto Rico have enacted laws authorizing public charter schools;

Whereas, as of the 2017–2018 school year, more than 7,000 public charter schools served approximately 3,200,000 children;

Whereas enrollment in public charter schools grew from approximately 400,000 students in 2001 to approximately 3,200,000 students in 2019, an eightfold increase in 18 years;

Whereas, in the United States—

(1) in 214 school districts, more than 10 percent of public school students are enrolled in public charter schools; and

(2) in 21 school districts, more than 30 percent of public school students are enrolled in public charter schools;

Whereas public charter schools improve the achievement of students enrolled in the charter schools and collaborate with traditional public schools to improve public education for all students;

Whereas public charter schools—

(1) give parents the freedom to choose public schools;

(2) routinely measure parental satisfaction levels; and

(3) must prove the ongoing success of the charter schools to parents, policymakers, and the communities served by the charter schools or risk closure;

Whereas a 2015 report from the Center for Research on Education Outcomes at Stanford University found significant improvements for students at urban charter schools, and compared to peers of traditional public schools, each year those students completed the equivalent of 28 more days of learning in reading and 40 more days of learning in math;

Whereas parental demand for charter schools is high, and there was an estimated 5 percent growth in charter school enrollment between the 2016–2017 and 2017–2018 school years; and

Whereas the 20th annual National Charter Schools Week is scheduled to be celebrated the week of May 12 through May 18, 2019: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the students, families, teachers, leaders, and staff of public charter schools across the United States for—

(A) making ongoing contributions to public education;

(B) making impressive strides in closing the academic achievement gap in schools in the United States, particularly in schools with some of the most disadvantaged students in both rural and urban communities; and

(C) improving and strengthening the public school system throughout the United States;

(2) supports the ideals and goals of the 20th annual National Charter Schools Week, a week-long celebration to be held May 12 through May 18, 2019, in communities throughout the United States; and

(3) encourages the people of the United States to hold appropriate programs, ceremonies, and activities during National Charter Schools Week to demonstrate support for public charter schools.

SENATE RESOLUTION 203—RECOGNIZING THE 80TH ANNIVERSARY OF THE AIRCRAFT OWNERS AND PILOTS ASSOCIATION

Mr. INHOFE (for himself, Ms. DUCKWORTH, Mr. CRAMER, Mr. MORAN, Mr. ROBERTS, Mr. WYDEN, Mr. DAINES, Mr. BOOZMAN, Mr. SULLIVAN, and Mr. VAN HOLLEN) submitted the following resolution; which was considered and agreed to:

S. RES. 203

Whereas on May 15, 2019, the Aircraft Owners and Pilots Association (referred to in this preamble as ''AOPA''), will celebrate 80 years of successfully representing the interests of general aviation pilots and private aircraft ownership across the United States;

Whereas AOPA was formed on May 15, 1939, in Philadelphia, Pennsylvania, in the years leading up to the entry of the United States into World War II;

Whereas AOPA has grown into the largest aviation association in the world;

Whereas AOPA has an ongoing legacy of successfully representing the interests of general aviation pilots and private aircraft owners across the United States;

Whereas general aviation plays an important role in the economic vitality of communities across the United States, creating jobs and opportunities for growth throughout the United States;

Whereas approximately 5,000 public-use airports and 15,000 other landing facilities support the United States general aviation fleet of nearly 200,000 aircraft and approximately 600,000 pilots;

Whereas AOPA tirelessly advocates for and contributes to improving the safety of aviation;

Whereas AOPA is committed to growing the pilot population by introducing young people to career opportunities and welcoming more women and minorities into aviation;

Whereas in the 80 years since AOPA was formed the organization has been led by only 5 presidents: Joseph B. ''Doc'' Hartranft, John L. Baker, Philip B. Boyer, Craig L. Fuller, and Mark R. Baker; and

Whereas AOPA remains committed to protecting and promoting aviation in the United States: Now, therefore, be it

Resolved, That the Senate, on the occasion of the 80th anniversary of the Aircraft Owners and Pilots Association, recognizes the efforts of the association in—

(1) helping to ensure the freedom to fly; and

(2) leaving a lasting legacy for future generations of aviators.

SENATE RESOLUTION 204—TO RETURN TO THE PRESIDENT OF THE UNITED STATES THE ARMS TRADE TREATY

Mr. PAUL submitted the following resolution; which was referred to the Committee on Foreign Relations: