

S. 3078. A bill to amend title XVIII of the Social Security Act to improve the efficiency of the Medicare appeals process, and for other purposes; to the Committee on Finance.

By Mr. WICKER:

S. 3079. A bill to amend title 49, United States Code, to provide family and medical leave to employees of the Federal Aviation Administration and the Transportation Security Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SHELBY (for himself and Mr. JONES):

S. Res. 456. A resolution recognizing and celebrating the 200th anniversary of the entry of Alabama into the Union as the 22d State; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 117

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 117, a bill to prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes.

S. 120

At the request of Ms. DUCKWORTH, her name was added as a cosponsor of S. 120, a bill to protect victims of stalking from gun violence.

S. 133

At the request of Ms. MURKOWSKI, the names of the Senator from Arizona (Ms. MCSALLY) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 133, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 153

At the request of Mr. RUBIO, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 153, a bill to promote veteran involvement in STEM education, computer science, and scientific research, and for other purposes.

S. 178

At the request of Mr. MENENDEZ, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 178, a bill to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China.

S. 182

At the request of Mr. KENNEDY, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 182, a bill to prohibit discrimination against the unborn on the basis of sex, and for other purposes.

S. 191

At the request of Mr. BENNET, his name 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. 430

At the request of Mr. CRAPO, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 430, a bill to extend the Secure Rural Schools and Community Self-Determination Act of 2000.

S. 460

At the request of Mr. WARNER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 460, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion for employer-provided education assistance to employer payments of student loans.

S. 479

At the request of Mr. TOOMEY, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Alabama (Mr. JONES) were added as cosponsors of S. 479, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 641

At the request of Mr. GARDNER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 641, a bill to update the map of, and modify the maximum acreage available for inclusion in, the Yucca House National Monument.

S. 692

At the request of Mr. TOOMEY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 692, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 803

At the request of Mr. TOOMEY, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 803, a bill to amend the Internal Revenue Code of 1986 to restore incentives for investments in qualified improvement property.

S. 877

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 877, a bill to prohibit the sale of shark fins, and for other purposes.

S. 1007

At the request of Mr. WARNER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1007, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 1253

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri

(Mr. BLUNT) was added as a cosponsor of S. 1253, a bill to apply requirements relating to delivery sales of cigarettes to delivery sales of electronic nicotine delivery systems, and for other purposes.

S. 1301

At the request of Mr. MERKLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1301, a bill to prohibit the use of the poisons sodium fluoracetate (known as "Compound 1080") and sodium cyanide for predator control.

S. 1394

At the request of Ms. BALDWIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 1394, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1590

At the request of Mr. MERKLEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1590, a bill to amend the State Department Basic Authorities Act of 1956 to authorize rewards for thwarting wildlife trafficking linked to transnational organized crime, and for other purposes.

S. 1627

At the request of Mrs. CAPITO, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes.

S. 1657

At the request of Ms. COLLINS, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1657, a bill to provide assistance to combat the escalating burden of Lyme disease and other tick and vector-borne diseases and disorders.

S. 1700

At the request of Mr. KENNEDY, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 1700, a bill to provide a temporary safe harbor for publishers of online content to collectively negotiate with dominant online platforms regarding the terms on which content may be distributed.

S. 1757

At the request of Ms. ERNST, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1757, a bill to award a Congressional Gold Medal, collectively, to the United States Army Rangers Veterans of World War II in recognition of their extraordinary service during World War II.

S. 1816

At the request of Ms. DUCKWORTH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1816, a bill to prohibit the manufacture for sale, offer for sale, distribution in commerce, or importation

into the United States of any crib bumper, and for other purposes.

S. 1989

At the request of Mr. SCOTT of South Carolina, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1989, a bill to amend title XVIII of the Social Security Act to provide for transparency of Medicare secondary payer reporting information, and for other purposes.

S. 2001

At the request of Ms. STABENOW, the names of the Senator from Nevada (Ms. ROSEN), the Senator from Maine (Mr. KING) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2001, a bill to award a Congressional Gold Medal to Willie O'Ree, in recognition of his extraordinary contributions and commitment to hockey, inclusion, and recreational opportunity.

S. 2085

At the request of Ms. ROSEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2085, a bill to authorize the Secretary of Education to award grants to eligible entities to carry out educational programs about the Holocaust, and for other purposes.

S. 2103

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 2103, a bill to improve access to affordable insulin.

S. 2282

At the request of Ms. SMITH, the name of the Senator from Arizona (Ms. MCSALLY) was added as a cosponsor of S. 2282, a bill to amend the McKinney-Vento Homeless Assistance Act to enable Indian Tribes and tribally designated housing entities to apply for, receive, and administer grants and subgrants under the Continuum of Care Program of the Department of Housing and Urban Development.

S. 2321

At the request of Mr. BLUNT, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Mexico (Mr. UDALL), the Senator from Connecticut (Mr. MURPHY), the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint a coin in commemoration of the 100th anniversary of the establishment of Negro Leagues baseball.

S. 2570

At the request of Ms. SINEMA, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Oregon (Mr. MERKLEY), the Senator from Oregon (Mr. WYDEN) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 2570, a bill to award a Congressional Gold Medal to Greg LeMond in recognition of his service to the United States as an athlete, activist, role model, and community leader.

S. 2627

At the request of Ms. CORTEZ MASTO, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2627, a bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with civil claim awards.

S. 2661

At the request of Mr. GARDNER, the names of the Senator from Tennessee (Mrs. BLACKBURN) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 2661, a bill to amend the Communications Act of 1934 to designate 9-8-8 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline and through the Veterans Crisis Line, and for other purposes.

S. 2680

At the request of Mr. RUBIO, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2680, a bill to impose sanctions with respect to foreign support for Palestinian terrorism, and for other purposes.

S. 2693

At the request of Mr. SCHATZ, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2693, a bill to improve oversight by the Federal Communications Commission of the wireless and broadcast emergency alert systems.

S. 2754

At the request of Mr. KENNEDY, the names of the Senator from Mississippi (Mrs. HYDE-SMITH) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 2754, a bill to create jobs and drive innovation and economic growth in the United States by supporting and promoting the manufacture of next-generation technologies, including refrigerants, solvents, fire suppressants, foam blowing agents, aerosols, and propellants.

S. 2815

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2815, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Purple Heart Honor Mission.

S. 2821

At the request of Ms. DUCKWORTH, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2821, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to allow a veteran to receive a full year supply of contraceptive pills, transdermal patches, and vaginal rings, and for other purposes.

S. 2826

At the request of Mr. YOUNG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2826, a bill to require a global eco-

nomics security strategy, and for other purposes.

S. 2869

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 2869, a bill to amend the Immigration and Nationality Act to provide for extensions of detention of certain aliens ordered removed, and for other purposes.

S. 2898

At the request of Mr. INHOFE, the names of the Senator from Colorado (Mr. GARDNER) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 2898, a bill to amend title 5, United States Code, to provide for a full annuity supplement for certain air traffic controllers.

S. 2920

At the request of Ms. ERNST, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 2920, a bill to reauthorize the Violence Against Women Act of 1994, and for other purposes.

S. 2941

At the request of Mr. PORTMAN, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2941, a bill to require the Administrator of the Environmental Protection Agency to establish a consumer recycling education and outreach grant program, and for other purposes.

S. 2949

At the request of Mrs. FISCHER, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 2949, a bill to direct the Secretary of Veterans Affairs to make grants to eligible organizations to provide service dogs to veterans with severe post-traumatic stress disorder, and for other purposes.

S. 2970

At the request of Ms. ERNST, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 2970, a bill to improve the fielding of newest generations of personal protective equipment to the Armed Forces, and for other purposes.

S. 2998

At the request of Mr. BRAUN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2998, a bill to amend the Internal Revenue Code of 1986 to clarify that payment of taxes on deferred foreign income in installments shall not prevent credit or refund of overpayments or increase estimated taxes.

S. 3004

At the request of Mr. MARKEY, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 3004, a bill to protect human rights and enhance opportunities for LGBTI people around the world, and for other purposes.

S. 3029

At the request of Mr. MENENDEZ, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 3029, a bill to amend titles XVIII and XIX of the Social Security Act to make premium and cost-sharing subsidies available to low-income Medicare part D beneficiaries who reside in Puerto Rico or another territory of the United States.

S. 3031

At the request of Mr. COTTON, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 3031, a bill to amend the Immigration and Nationality Act to add membership in a significant transnational criminal organization to the list of grounds of inadmissibility and to prohibit the provision of material support or resources to such organizations.

S. 3043

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3043, a bill to modernize training programs at aviation maintenance technician schools, and for other purposes.

S. 3051

At the request of Mr. BARRASSO, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 3051, a bill to improve protections for wildlife, and for other purposes.

S. 3056

At the request of Mr. DURBIN, the names of the Senator from Nevada (Ms. ROSEN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 3056, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. RES. 343

At the request of Mrs. SHAHEEN, the names of the Senator from Idaho (Mr. RISCH) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. Res. 343, a resolution congratulating the people of the Czech Republic and the people of the Slovak Republic on the 30th anniversary of the Velvet Revolution, the 26th anniversary of the formation of the Czech Republic and the Slovak Republic, and the 101st anniversary of the declaration of independence of Czechoslovakia.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. DURBIN, and Mrs. CAPITO):

S. 3070. A bill to modify reporting requirements under the Controlled Substances Act; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise with my colleagues, Senators GRASSLEY, CAPITO, and DURBIN to introduce the Preventing Pill Mills Through Data Sharing Act.

Millions of pills flooded small communities throughout the Nation to fuel the opioid epidemic we are facing today.

Despite the fact that opioid manufacturers and distributors were required to keep complete and accurate records relating to the sale, delivery, or disposal of opioids through the Automated Reports and Consolidated Ordering System, often referred to as ARCOS, and to detect and disclose suspicious orders of opioids to the Drug Enforcement Administration (DEA), these substances still reached our streets.

That is why my colleagues and I previously introduced the “Using Data to Prevent Opioid Diversion Act,” which was enacted as part of the “SUPPORT Act” in 2018. As a result of that law, DEA is now required to provide to opioid manufacturers and distributors anonymized information related to the number of distributors serving a single pharmacy or practitioner, and the quantity and type of opioids being delivered to each.

This information, coupled with the internal controls that these companies already use in their efforts to determine the legitimacy of opioid orders, is assisting manufacturers and distributors in their efforts to better prevent these substances from being diverted to someone other than the intended recipient who has a lawful prescription.

That law also strengthened accountability by establishing civil and criminal fines for drug manufacturers and distributors who fail to consider ARCOS data when determining whether an order for opioids is suspicious. Additionally, it increased existing civil fines for drug manufacturers and distributors who fail to report suspicious orders and keep accurate records tenfold, and doubled existing criminal fines.

Finally, our legislation required the United States Attorney General to share standardized reports with state officials, including regulatory, licensing, attorneys general, and law enforcement agencies, related to the distribution patterns collected by the ARCOS database on a semi-annual basis.

This law has ensured that opioid manufacturers and distributors have a clear picture of how many pills are going to each pharmacy, thereby helping to eradicate pill mills.

To strengthen this law, my colleagues and I are introducing the “Preventing Pill Mills Through Data Sharing Act.” This new legislation is largely based on recommendations included in the October 2019 U.S. Department of Justice (DOJ) Office of the Inspector General (OIG) report related to the DEA’s response to the opioid epidemic. In that report, the DOJ OIG noted two shortcomings associated with the ARCOS system. First, not all registrants input data into the ARCOS system at the same intervals.

While both opioid manufacturers and distributors are required to input data

on a quarterly basis, manufacturers often input the data monthly, while distributors do so quarterly. This means that when the DEA provides the quarterly reports that drug manufacturers and distributors must use to determine whether orders are suspicious, they don’t have the most up to date information. Our legislation addresses this problem by requiring all registrants to input data on a monthly basis.

Second, the database only captures information for Schedule I and II drugs. As a result, addictive drugs in other schedules, which are also diverted, are not captured. This includes nine combination opioid products.

For this reason, our legislation expands the reporting requirements to include controlled substances in all schedules. Our legislation also closes an existing loophole.

The DEA has informed my staff that, under current law, one pharmacy is able to transfer up to five percent of its inventory of controlled substances to another pharmacy without having to immediately report to the DEA.

Because these transfers are not automatically reported to the DEA through the ARCOS system, it creates a blind spot for the DEA, as well as for drug manufacturers and distributors who are required to consider data from the anonymized reports generated from the ARCOS database when determining whether an order for controlled substances is suspicious.

Moreover, because pharmacies are not currently required to check the ARCOS reports provided by DEA before transferring a controlled substance to another pharmacy, they could be inadvertently supplying a pharmacy with excess amounts of pills that could easily end up on the black market.

That is why our legislation applies the same reporting requirements and penalties to pharmacies transferring controlled substances, except in the limited circumstance of a transfer made for a specific patient need, as those that are applied to drug manufacturers and distributors.

In 2018, we lost almost 70,000 individuals to drug overdose deaths in our country. Nearly 48,000 of these were opioid-related.

Drug manufacturers, distributors, and pharmacies all play a critical role in preventing future overdose deaths.

The “Using Data to Prevent Opioid Diversion Act” has been successful.

The “Preventing Pill Mills Through Data Sharing Act” builds on that success and will close existing loopholes in order reduce the diversion of controlled substances that are contributing to the massive number of overdose deaths in the United States.

I urge my colleagues to support this legislation and look forward to its passage.

Thank you, Mr. President. I yield the floor.

By Mr. DURBIN (for himself, Mr. BLUMENTHAL, Ms. DUCKWORTH,