

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

S. 5040. A bill to provide for the regulation of certain communications regarding prescription drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Ms. WARREN, Mr. BLUMENTHAL, Mr. DURBIN, and Mr. BOOKER):

S. 5041. A bill to provide grants to local educational agencies to help public schools reduce class size in the early elementary grades, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MORAN (for himself and Mr. MARSHALL):

S. 5042. A bill to amend the Federal Power Act to prohibit the use of Federal funds for the exercise of eminent domain for the construction or modification of electric transmission facilities and to protect State control over the siting of electric transmission facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. RUBIO (for himself and Mr. MERKLEY):

S. 5043. A bill to require coordination among Federal agencies that administer sanctions lists with respect to the inclusion of individuals and entities on such lists; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. SHAHEEN (for herself, Mr. GRASSLEY, and Ms. BUTLER):

S. 5044. A bill to authorize grants to implement school-community partnerships for preventing substance use and misuse among youth; to the Committee on the Judiciary.

By Mr. CRUZ (for himself, Mrs. BLACKBURN, Mr. BUDD, Mrs. CAPITO, Mrs. FISCHER, Ms. LUMMIS, Mr. MORAN, Mr. SULLIVAN, Mr. YOUNG, and Mr. WICKER):

S. 5045. A bill to amend title 49, United States Code, to modify a provision relating to criminal penalties for damaging or destroying pipeline facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOOKER (for himself, Mr. SCHMITT, Mr. PAUL, Mr. KING, Mr. BRAUN, Mr. WHITEHOUSE, Mr. KENNEDY, Mr. LUJAN, and Mr. BLUMENTHAL):

S. 5046. A bill to require the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to publish a final rule relating to nonclinical testing methods; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE (for himself, Mr. VAN HOLLEN, Mr. WELCH, Mr. PADILLA, Ms. WARREN, Mr. HEINRICH, Mr. SCHATZ, and Mr. MARKEY):

S. 5047. A bill to require carbon scoring by the Congressional Budget Office; to the Committee on the Budget.

By Mr. WELCH:

S. 5048. A bill to establish the use of ranked choice voting in elections for the offices of Senator and Representative in Congress, and for other purposes; to the Committee on Rules and Administration.

By Ms. BALDWIN (for herself, Ms. SMITH, and Ms. KLOBUCHAR):

S. 5049. A bill to modify the definition of disaster in the Small Business Act to include low or no snowfall amounts, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DAINES:

S. 5050. A bill to prohibit the importation of certain minerals from the Russian Federation; to the Committee on Finance.

By Mr. FETTERMAN (for himself, Mr. KAINE, and Mr. WARNER):

S. 5051. A bill to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating Washington's Trail—1753 as a national historic trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 5052. A bill to prohibit the importation of critical minerals from the Russian Federation; to the Committee on Finance.

By Mr. COONS (for himself, Mr. CASIDY, Mr. REED, Mr. WICKER, Mr. HEINRICH, and Mrs. HYDE-SMITH):

S. 5053. A bill to reauthorize the national service laws, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VAN HOLLEN (for himself, Mr. SANDERS, Ms. WARREN, Mr. MARKEY, Mr. MERKLEY, and Mr. WHITEHOUSE):

S. 5054. A bill to impose an assessment related to fossil fuel emissions, to establish the Polluters Pay Climate Fund, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. HASSAN (for herself, Mrs. CAPITO, Mr. CASEY, and Mr. MULLIN):

S. Res. 812. A resolution supporting the designation of September 20, 2024, as "National Concussion Awareness Day"; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself and Mr. RISCH):

S. Res. 813. A resolution honoring the life of Steven D. Symms, former United States Senator for the State of Idaho; considered and agreed to.

By Mr. REED (for himself, Mr. CASIDY, Mr. VAN HOLLEN, Mrs. BLACKBURN, Mr. BRAUN, Mrs. BRITT, Mrs. CAPITO, Ms. COLLINS, Mr. DURBIN, Mr. HEINRICH, Mrs. HYDE-SMITH, Mr. KING, Mr. LANKFORD, Mr. ROMNEY, Mr. SANDERS, Mr. SCOTT of South Carolina, Mr. TUBERVILLE, Mr. WHITEHOUSE, Mr. WICKER, and Mr. CORNYN):

S. Res. 814. A resolution designating September 2024 as "National Literacy Month"; considered and agreed to.

By Mr. PADILLA (for himself, Mr. CORNYN, Mr. BENNET, Mr. BOOKER, Mr. BROWN, Ms. BUTLER, Ms. CANTWELL, Mr. CARDIN, Ms. DUCKWORTH, Mr. DURBIN, Mr. FETTERMAN, Mr. HAGERTY, Mr. KELLY, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LUJAN, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mr. VAN HOLLEN, Mr. WARNOCK, Ms. WARREN, Mr. WYDEN, Ms. CORTEZ MASTO, Mr. CASEY, and Mr. HEINRICH):

S. Res. 815. A resolution designating the week beginning on September 9, 2024, as "National Hispanic-Serving Institutions Week"; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RICKETTS (for himself, Mr. COONS, Mr. SCOTT of Florida, Mr. KAINE, Mr. CRUZ, Mrs. SHAHEEN, Mr. WICKER, Mr. SCHATZ, and Mr. ROMNEY):

S. Res. 816. A resolution recognizing the 73rd anniversary of the signing of the Mutual Defense Treaty between the United States and the Philippines and the strong bilateral security alliance between our two nations in the wake of persistent and escalating aggres-

sion by the People's Republic of China in the South China Sea; to the Committee on Foreign Relations.

By Mr. PAUL:

S. Con. Res. 41. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2025 and setting forth the appropriate budgetary levels for fiscal years 2026 through 2034; placed on the calendar.

ADDITIONAL COSPONSORS

S. 141

At the request of Mr. MORAN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 141, a bill to amend title 38, United States Code, to improve certain programs of the Department of Veterans Affairs for home and community based services for veterans, and for other purposes.

S. 633

At the request of Mr. PADILLA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 633, a bill to award a Congressional Gold Medal to Everett Alvarez, Jr., in recognition of his service to the United States.

S. 656

At the request of Mrs. FISCHER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 656, a bill to amend title 38, United States Code, to revise the rules for approval by the Secretary of Veterans Affairs of commercial driver education programs for purposes of veterans educational assistance, and for other purposes.

S. 711

At the request of Mr. BUDD, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Utah (Mr. ROMNEY) were added as cosponsors of S. 711, a bill to require the Secretary of the Treasury to mint coins in commemoration of the invaluable service that working dogs provide to society.

S. 1007

At the request of Mr. MARKEY, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1007, a bill to establish in the Bureau of Democracy, Human Rights, and Labor of the Department of State a Special Envoy for the Human Rights of LGBTQI+ Peoples, and for other purposes.

S. 1185

At the request of Mr. DAINES, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1185, a bill to prohibit the Secretary of the Interior and the Secretary of Agriculture from prohibiting the use of lead ammunition or tackle on certain Federal land or water under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture, and for other purposes.

S. 1274

At the request of Mrs. FISCHER, the name of the Senator from Connecticut

(Mr. BLUMENTHAL) was added as a cosponsor of S. 1274, a bill to permanently exempt payments made from the Railroad Unemployment Insurance Account from sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985.

S. 1669

At the request of Mr. MARKEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1669, a bill to require the Secretary of Transportation to issue a rule requiring access to AM broadcast stations in motor vehicles, and for other purposes.

S. 1960

At the request of Mrs. SHAHEEN, the names of the Senator from California (Mr. PADILLA) and the Senator from California (Ms. BUTLER) were added as cosponsors of S. 1960, a bill to impose sanctions with respect to foreign persons responsible for violations of the human rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, and for other purposes.

S. 1998

At the request of Mr. PETERS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1998, a bill to amend the Food Security Act of 1985 to include Indian Tribes in certain provisions relating to priority resource concerns.

S. 2311

At the request of Mr. PADILLA, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2311, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 2028 Olympic and Paralympic Games in Los Angeles, California.

S. 2897

At the request of Mr. BENNET, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 2897, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to molecularly targeted pediatric cancer investigations, and for other purposes.

S. 3125

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. WELCH) was added as a cosponsor of S. 3125, a bill to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 3236

At the request of Mr. WELCH, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3236, a bill to amend title XVIII of the Social Security Act to provide Medicare coverage of ambulance services that do not include transportation.

S. 3525

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. HELMY) was added as a cosponsor of S. 3525, a bill to require the Secretary of Health and Human Services to maintain a peer-to-peer support line to provide emotional support, information, brief intervention, and mental

health resources to youth who are experiencing stress or who are at risk of, or affected by, mental health disorders, and to establish a grant program for local educational agencies to employ school-based mental health coordinators.

S. 3532

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. HELMY) was added as a cosponsor of S. 3532, a bill to amend the Public Health Service Act to provide for the establishment of a Task Force on Youth Mental Health Data Integration.

S. 3751

At the request of Mr. OSSOFF, the name of the Senator from Nebraska (Mr. RICKETTS) was added as a cosponsor of S. 3751, a bill to expand and modify the grant program of the Department of Veterans Affairs to provide innovative transportation options to veterans in highly rural areas, and for other purposes.

S. 3812

At the request of Mrs. HYDE-SMITH, her name was added as a cosponsor of S. 3812, a bill to provide firearm licenses an opportunity to correct statutory and regulatory violations, and for other purposes.

S. 4075

At the request of Mr. HAGERTY, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Arkansas (Mr. COTTON) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 4075, a bill to prohibit payment card networks and covered entities from requiring the use of or assigning merchant category codes that distinguish a firearms retailer from a general merchandise retailer or sporting goods retailer, and for other purposes.

S. 4141

At the request of Mr. YOUNG, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from Texas (Mr. CORNYN) and the Senator from Missouri (Mr. HAWLEY) were added as cosponsors of S. 4141, a bill to require the Secretary of the Treasury to mint coins in commemoration of the FIFA World Cup 2026, and for other purposes.

S. 4285

At the request of Mr. PETERS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 4285, a bill to amend the National Defense Authorization Act for Fiscal Year 2016 to improve cooperation between the United States and Israel on anti-tunnel defense capabilities.

S. 4363

At the request of Ms. HIRONO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 4363, a bill to secure the rights of public employees to organize, act concertedly, and bargain collectively, which safeguard the public interest and

promote the free and unobstructed flow of commerce, and for other purposes.

S. 4426

At the request of Mr. BRAUN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 4426, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish a time-limited conditional approval pathway, subject to specific obligations, for certain drugs and biological products, and for other purposes.

S. 4832

At the request of Mrs. BRITT, the name of the Senator from Nebraska (Mr. RICKETTS) was added as a cosponsor of S. 4832, a bill to require the Federal Communications Commission to amend the rules of the Commission to include a shark attack as an event for which a wireless emergency alert may be transmitted, and for other purposes.

S. 4919

At the request of Mr. LEE, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 4919, a bill to establish a regulatory sandbox program under which agencies may provide waivers of agency rules and guidance, and for other purposes.

S. 5023

At the request of Mr. KING, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 5023, a bill to amend the Older Americans Act of 1965 to improve falls prevention research and activities, and for other purposes.

S.J. RES. 39

At the request of Mrs. GILLIBRAND, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S.J. Res. 39, a joint resolution expressing the sense of Congress that the article of amendment commonly known as the "Equal Rights Amendment" has been validly ratified and is enforceable as the 28th Amendment to the Constitution of the United States, and the Archivist of the United States must certify and publish the Equal Rights Amendment as the 28th Amendment without delay.

S.J. RES. 87

At the request of Mr. MANCHIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 87, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Treasury relating to "Clean Vehicle Credits Under Sections 25E and 30D; Transfer of Credits; Critical Minerals and Battery Components; Foreign Entities of Concern".

S.J. RES. 93

At the request of Mr. HAGERTY, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S.J. Res. 93, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Commerce relating to "Revision of Firearms License Requirements".

S.J. RES. 96

At the request of Mrs. HYDE-SMITH, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S.J. Res. 96, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance".

S.J. RES. 103

At the request of Mrs. BLACKBURN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S.J. Res. 103, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Communications Commission relating to "Safeguarding and Securing the Open Internet; Restoring Internet Freedom".

S. RES. 669

At the request of Mrs. BLACKBURN, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. HAWLEY) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. Res. 669, a resolution designating October 10, 2024, as "American Girls in Sports Day".

S. RES. 687

At the request of Mr. RISCH, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. Res. 687, a resolution expressing the sense of the Senate regarding United Nations General Assembly Resolution 2758 (XXVI) and the harmful conflation of China's "One China Principle" and the United States "One China Policy".

AMENDMENT NO. 3138

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of amendment No. 3138 intended to be proposed to S. 4638, a bill to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3177

At the request of Mr. RUBIO, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of amendment No. 3177 intended to be proposed to S. 4638, a bill to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3189

At the request of Mr. BOOKER, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a co-

sponsor of amendment No. 3189 intended to be proposed to S. 4638, a bill to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3262

At the request of Mr. HICKENLOOPER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 3262 intended to be proposed to S. 4638, a bill to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 5040. A bill to provide for the regulation of certain communications regarding prescription drugs; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Madam 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. 5040

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 "Protecting Patients from Deceptive Drug Ads Online Act".

SEC. 2. REGULATION OF CERTAIN COMMUNICATIONS REGARDING PRESCRIPTION DRUGS.

(a) REGULATION OF COMMUNICATIONS.—

(1) IN GENERAL.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

"(h)(1) In the case of a social media influencer or health care provider who makes false or misleading communications regarding a drug approved under section 505 or licensed under section 351 of the Public Health Service Act, and subject to section 503(b), shall be liable to the United States for a civil penalty in an amount described in paragraph (g)(1), in accordance with a process similar to the process described in paragraph (g)(2).

"(2) For purposes of this paragraph—

"(A) the term 'false or misleading communications'—

"(i) means advertisements or promotional communications on a social media platform from which there is a financial benefit to the person engaging in such communications regarding such drug—

"(I)(aa) that are made knowingly or recklessly; and

"(bb) contain a false or inaccurate statement or material omission of fact regarding a drug described in subparagraph (1); or

"(II) fail to include information in brief summary relating to side effects, contra-

indications, and effectiveness of the drug in the same manner and to the same extent as such information is required in prescription drug advertisements pursuant to section 502(n); and

"(ii) does not include—

"(I) statements that take place in the course of bona fide patient care or medical research that are made by professionals engaged in such patient care or medical research; or

"(II) statements that describe the person's own experience, opinion, or value judgment; and

"(B) the term 'social media influencer' means a private individual who has perceived credibility or popularity and who expresses their opinions, beliefs, findings, recommendations, or experience on social media platforms to an audience, including in a manner conveying trust or expertise on a topic, for the purpose to promoting or advertising certain information or products or inducing behavior by the audience."

(2) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall issue guidance on how the Secretary will administer paragraph (h) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as added by paragraph (1), including with respect to the factors that will be considered in determining whether a communication is false or misleading communication, as defined in such paragraph (h), including—

(A) the various types of statements or omission of facts regarding a prescription drug that would constitute false or misleading, such as statements or omissions related to safety, efficacy, approved or unapproved uses, directions for use from the label approved by the Food and Drug Administration, scientific information, or other similar attributes;

(B) whether the inclusion of the information in brief summary described in paragraph (h)(2)(A)(i)(III) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as added by paragraph (1), alone is sufficient in each circumstance to avoid such a determination;

(C) actions taken by the social media influencer, health care provider, or other person to demonstrate compliance with such paragraph (h); and

(D) characteristics specific to various social media platforms, and the speed of dissemination of the content on such platform.

(3) ADDITIONAL REQUIREMENTS FOR TELEHEALTH PROVIDERS.—

(A) IN GENERAL.—Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) is amended by adding at the end the following: "For purposes of this paragraph, 'manufacturer, packer, or distributor' includes a person who issues or causes to be issued an advertisement or other descriptive printed matter with respect to a specific drug subject to section 503(b)(1) and who directly or indirectly offers to bring together a potential patient and a prescriber or dispenser through use of electronic information and telecommunication technologies to engage in prescribing or dispensing of any drug subject to section 503(b)(1). Nothing in this paragraph shall apply to a private communication between a practitioner licensed by law to prescribe or dispense a prescription drug (or an individual under the direct supervision of such a practitioner) and an individual patient or their representative."

(B) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall update the regulations promulgated to carry out section 502(n) of the Federal Food, Drug, and Cosmetic Act (21