

Each of these statistics represents tragedy: people with stories, families, loved ones left behind and dreams shattered. A recent CNN report, for example, analyzed all the gun incidents that occurred in America on a day picked at random—July 12, 2014. Their research found on that day alone, at least 83 gun incidents occurred in our country. At 3:20 a.m., a 23-year-old man was shot and killed at an apartment complex in Tallahassee, FL. At 11:01 a.m., in Ohio, officers responding to a domestic violence complaint arrived to a firefight that ended when the gunman turned his weapon on himself. At 6:20 p.m. an elderly man mistakenly shot and killed his neighbor, whom he mistook for an intruder. At 8:40 p.m., in South Carolina, after an altercation at a party, a man sprayed bullets into the crowd, killing a 47-year-old man and injuring another. And these are just a few examples: in the report's words, "we are certain about one thing—we did not capture every gun incident."

Congress can take commonsense steps to make things better. We should pass a bill making background checks mandatory on all gun sales, a step that study after study has shown is supported by 90 percent of the American people, as well as 95 percent of American internists and 55.4 percent of gun dealers and pawnbrokers. We should pass legislation to ban military style assault weapons, so as to stop the flood of these weapons into our neighborhoods and streets. The bottom line is that law enforcement personnel who put their lives on the line every day need and deserve our support in their effort to ban assault weapons, require background checks and take other steps to reduce gun violence.

We recently observed the 2-year anniversary of the day when a deranged individual took the lives of 26 people, 20 of them children, at Sandy Hook Elementary School in Newtown, CT. The children were first graders, 6- and 7-year-olds. Today, they would have been 8- and 9-year-olds, third graders, celebrating birthdays, learning about fractions and decimals, and reading books. Instead, we can only honor their memory and rededicate ourselves to the work of preventing these tragedies in the future.

So I must ask the question again, Are we willing to say that enough is enough? After so many years and so much senseless death, injury and pain, when will we come together to stop this violence?

I am still hopeful. I am hopeful that Congress will finally answer the question in the affirmative "Enough is enough." I am hopeful that Congress will listen to our communities, our educators, and clergy, our law enforcement officials and businesspeople, our families and loved ones and join them in saying "enough is enough." And I am hopeful that one day soon, Congress will pay victims and survivors of American gun violence the highest tribute that it can: legislation to stop the

bloodshed, and to make this country that we love better and safer for generations to come.

#### GENERIC DRUG REPORT AND STUDY REQUEST

Mr. NELSON. Madam President, today I wish to call attention to a report released by the Senate Special Committee on Aging, "Medicare Part D Prescription Drug Benefit: Increasing Use and Access of Affordable Prescription Drugs." I have long been an advocate in the fight for affordable prescription drugs for our seniors—in fact, when this body was considering the legislation that created the Medicare Part D benefit, I voiced concerns that we did not go far enough to ensure that every senior had access to the life-saving and life-sustaining treatments they need.

During the debate in the Senate on the Affordable Care Act, I fought to eliminate the so-called Medicare Part D doughnut hole because no senior should have their drug coverage disappear when they need it most. I believe that closing the prescription drug doughnut hole was one of the best things we did in the Affordable Care Act, and in my State alone seniors have saved more than \$756 million on their drugs since the law was passed.

Over the past 2 years, the Aging Committee has held hearings, drafted legislation, solicited multiple reports from the Government Accountability Office, GAO, and the Department of Health and Human Services Office of the Inspector General, OIG, on selected topics, and met with industry and beneficiary stakeholders. I requested a study by the GAO on the Part D plan finder tool's accuracy of information on plans and drug pricing.

I chaired a hearing to commemorate the 10th anniversary of the creation of Medicare Part D. During that hearing, witnesses raised issues of specialty drug costs, coverage denial, and customer service issues. As a result, Senator COLLINS and I introduced the Part D Beneficiary Appeals Fairness Act, S. 1365, to give beneficiaries the right to appeal for a lower copayment for drugs on the specialty tier, the tier on which the most expensive drugs are. I have worked hard with my colleagues to rectify issues with the Medicare Part D appeals process when I learned that seniors were still having difficulty when coverage for needed medications was denied. I also requested a thorough review by the OIG into beneficiaries' access to generic drugs in Medicare Part D plans, the results of which are in the report submitted today, as well as a continued review of the differences in prices for drugs in the Medicaid Program as compared with the Medicare Program.

I will continue to improve the Medicare Part D Program, and that is why my colleagues and I issued this committee report to inform the full Senate on innovative ways to use the tools

within the Part D program to better control drug costs for seniors and taxpayers.

This report is the culmination of 2 years of work by the Senate Special Committee on Aging to assess the status of the Part D program and recommend improvements.

One undeniable factor that keeps costs down in the Part D program is the use of generic drugs. Competition in the generic drug market translates into real savings for both taxpayers and beneficiaries. The Congressional Budget Office, CBO, estimated in 2010 that the use of generic drugs in the Part D program saved beneficiaries and taxpayers approximately \$33 billion; approximately 72 percent—\$24 billion—of those savings accrued to the Medicare program and 28 percent—\$9 billion—went to beneficiaries. CBO estimates that such savings are shared by beneficiaries and the Part D program through a combination of lower copayments and lower premiums than would have been charged otherwise.

While the proportion of generic drug use has increased over time, certain high-cost beneficiary groups continue to miss savings. The committee's report finds four areas for improvement that should be addressed in order to continue to improve on value-based prescription drug use. These include:

Incentivizing and supporting plan sponsors to not only include generic drugs on plan formularies but also to proactively promote the maximum use of generic alternatives where appropriate. Currently, most plan sponsors offer a full array of generic alternatives, but they are not required to do so, leaving a small number of plan formularies that do not maximize generic offerings. In addition, there are no mechanisms that reward or incentivize plan sponsors that have undertaken successful strategies to further increase generics use. Encouraging value in Part D plans as much as possible will be increasingly important in coming years.

Finding ways to increase the adoption of generic drugs among beneficiaries that receive low income subsidy, LIS, benefits. Generally, insurance companies have been successful at encouraging enrollees to use generic alternatives when available in part because there are large differences in copays between brand and generic drugs. However, in the LIS population, these cost differences do not exist; their copays are set by statute. Innovative methods to improve use of generic drugs in this population, while still ensuring full access for this vulnerable population, must be explored.

Improving education among beneficiaries and health professionals. There continues to be a need to educate beneficiaries and health professionals on the efficacy of generic medications and incentivizing them to substitute brand-name drugs for generic drugs, when appropriate.

Maximizing program integrity efforts at pharmacies. In some situations,

questionable pharmacy billing practices could thwart efforts that have been made to incentivize generics. HHS OIG, GAO, and others have identified important program controls in the Part D program that could be improved.

While the report deals only with those levers in the Part D program that can be adjusted to incentivize the less-costly drug option where appropriate, it is undeniable that recent reports indicate certain situations where the price of a selected generic drug dramatically increases. This trend—and the factors that contribute to this disturbing trend—must be better understood. Generics have been critical to overall fiscal sustainability of the health care system, and we must understand and address volatility that results in inexplicable price spikes for patients and taxpayers. I believe this is a hugely complex and recent phenomenon but one that must be studied further. That is why today, in addition to releasing this important and timely report, I intend to request an investigation by the GAO into those factors that underlie the recent price increases of certain generic drugs.

It is my hope that these actions, taken together, are efforts that both sides can agree to and will inform us on the best way to move forward to achieve the maximum drug savings possible and provide better, more affordable care for our seniors in coming years.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 15, 2014, she had presented to the President of the United States the following enrolled bills:

S. 1353. An act to provide for an ongoing, voluntary public-private partnership to improve cybersecurity, and to strengthen cybersecurity research and development, workforce development and education, and public awareness and preparedness, and for other purposes.

S. 1474. An act to amend the Violence Against Women Reauthorization Act of 2013 to repeal a special rule for the State of Alaska, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8191. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's annual report on the performance evaluation of FDA-approved mammography quality standards accreditation bodies; to the Committee on Health, Education, Labor, and Pensions.

EC-8192. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Uniform Compliance Date

for Food Labeling Regulations" (Docket No. FDA-2000-N-0011, formerly Docket No. 2000N-1596) received in the Office of the President of the Senate on December 12, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC-8193. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department of Housing and Urban Development Semiannual Report of the Inspector General for the period from April 1, 2014, through September 30, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-8194. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-79; Introduction" (FAC 2005-79) received in the Office of the President of the Senate on December 12, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-8195. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Establishing a Minimum Wage for Contractors" ((RIN9000-AM82) (FAC 2005-79)) received in the Office of the President of the Senate on December 12, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-8196. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Prohibition on Contracting with Inverted Domestic Corporations" ((RIN9000-AM70) (FAC 2005-79)) received in the Office of the President of the Senate on December 12, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-8197. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-79; Small Entity Compliance Guide" (FAC 2005-79) received in the Office of the President of the Senate on December 12, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-8198. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral David H. Buss, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-8199. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the Department of Defense Response to the Government Accountability Office report relative to detainee transfers; to the Committee on Armed Services.

EC-8200. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; English Station Emergency Environmental Response; Mill River; New Haven, CT" ((RIN1625-AA00) (Docket No. USCG-2014-0917)) received in the Office of the President of the Senate on December 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-8201. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's tenth annual report on ethanol mar-

ket concentration; to the Committee on Commerce, Science, and Transportation.

#### ADDITIONAL COSPONSORS

S. 2762

At the request of Mr. FRANKEN, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2762, a bill to prevent future propane shortages, and for other purposes.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4120. Mr. WALSH (for Mr. JOHANNES) proposed an amendment to the bill H.R. 2866, to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

#### TEXT OF AMENDMENTS

SA 4120. Mr. WALSH (for Mr. JOHANNES) proposed an amendment to the bill H.R. 2866, to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes; as follows:

On page 7, strike lines 8 through 10, and insert the following: "shall be paid to the United States Treasury for the purposes of reducing the national debt."

#### PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Jonathan Merkley, be granted privileges of the floor through Thursday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 1084

Mr. WALSH. Madam President, I ask unanimous consent that following disposition of Calendar No. 635, Rose, that there be 3 hours of debate equally divided in the usual form on the motion to invoke cloture on Calendar No. 1084, Saldana; and further, that the time from 2:15 p.m. to 2:30 p.m. be equally divided in the usual form, with all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. WALSH. I ask unanimous consent that the Senate proceed to executive session to consider all nominations placed on the Secretary's desk in the Foreign Service; that the nominations be confirmed en bloc; that the motions to reconsider be considered