

North Carolina (Mr. TILLIS) 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. 2461

At the request of Mr. MARKEY, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2461, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 2741

At the request of Mr. SCHATZ, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from South Carolina (Mr. SCOTT) were added as cosponsors of S. 2741, a bill to amend title XVIII of the Social Security Act to expand access to telehealth services, and for other purposes.

S. 2779

At the request of Mr. JOHNSON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2779, a bill to establish the Federal Clearinghouse on School Safety Best Practices, and for other purposes.

S. 2842

At the request of Mrs. CAPITO, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 2842, a bill to amend title XVIII of the Social Security Act and the Bipartisan Budget Act of 2018 to expand and expedite access to cardiac rehabilitation programs and pulmonary rehabilitation programs under the Medicare program, and for other purposes.

S. 2892

At the request of Ms. HASSAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2892, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions to help combat the opioid crisis.

S. 2931

At the request of Mr. CORNYN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2931, a bill to establish a process for obtaining a Federal certificate of rehabilitation, and for other purposes.

S. 2936

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2936, a bill to provide for the admission and protection of refugees, asylum seekers, and other vulnerable individuals, to provide for the processing of refugees and asylum seekers in the Western Hemisphere, and to modify certain special immigrant visa programs, and for other purposes.

S. 2989

At the request of Mr. WYDEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a co-

sponsor of S. 2989, a bill to amend title XI of the Social Security Act to clarify the mailing requirement relating to social security account statements.

S. 3043

At the request of Mr. HOEVEN, his name was added as a cosponsor of S. 3043, a bill to modernize training programs at aviation maintenance technician schools, and for other purposes.

S. 3173

At the request of Mr. LEE, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 3173, a bill to amend the Internal Revenue Code of 1986 to provide that amounts paid for an abortion are not taken into account for purposes of the deduction for medical expenses.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. GRAHAM (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. GRASSLEY, Ms. HASSAN, Mr. CORNYN, and Mr. MENENDEZ):

S. 3201. A bill to extend the temporary scheduling order for fentanyl-related substances, and for other purposes; considered and passed.

S. 3201

*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 "Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act".

#### SEC. 2. EXTENSION OF TEMPORARY ORDER FOR FENTANYL-RELATED SUBSTANCES.

Notwithstanding any other provision of law, section 1308.11(h)(30) of title 21, Code of Federal Regulations, shall remain in effect until May 6, 2021.

#### SEC. 3. STUDY AND REPORT ON IMPACTS OF CLASSWIDE SCHEDULING.

(a) DEFINITION.—In this section, the term "fentanyl-related substance" has the meaning given the term in section 1308.11(h)(30)(i) of title 21, Code of Federal Regulations.

(b) GAO REPORT.—The Comptroller General of the United States shall—

(1) conduct a study of the classification of fentanyl-related substances as schedule I controlled substances under the Controlled Substances Act (21 U.S.C. 801 et seq.), research on fentanyl-related substances, and the importation of fentanyl-related substances into the United States; and

(2) not later than 1 year after the date of enactment of this Act, submit a report on the results of the study conducted under paragraph (1) to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Caucus on International Narcotics Control of the Senate;

(D) the Committee on the Judiciary of the House of Representatives; and

(E) the Committee on Energy and Commerce of the House of Representatives.

(c) REQUIREMENTS.—The Comptroller General, in conducting the study and developing the report required under subsection (b), shall—

(1) evaluate class control of fentanyl-related substances, including—

(A) the definition of the class of fentanyl-related substances in section 1308.11(h)(30)(i)

of title 21, Code of Federal Regulations, including the process by which the definition was formulated;

(B) the potential for classifying fentanyl-related substances with no, or low, abuse potential, or potential accepted medical use, as schedule I controlled substances when scheduled as a class; and

(C) any known classification of fentanyl-related substances with no, or low, abuse potential, or potential accepted medical use, as schedule I controlled substances that has resulted from the scheduling action of the Drug Enforcement Administration that added paragraph (h)(30) to section 1308.11 of title 21, Code of Federal Regulations;

(2) review the impact or potential impact of controls on fentanyl-related substances on public health and safety, including on—

(A) diversion risks, overdose deaths, and law enforcement encounters with fentanyl-related substances; and

(B) Federal law enforcement investigations and prosecutions of offenses relating to fentanyl-related substances;

(3) review the impact of international regulatory controls on fentanyl-related substances on the supply of such substances to the United States, including by the Government of the People's Republic of China;

(4) review the impact or potential impact of screening and other interdiction efforts at points of entry into the United States on the importation of fentanyl-related substances into the United States;

(5) recommend best practices for accurate, swift, and permanent control of fentanyl-related substances, including—

(A) how to quickly remove from the schedules under the Controlled Substances Act substances that are determined, upon discovery, to have no abuse potential; and

(B) how to reschedule substances that are determined, upon discovery, to have a low abuse potential or potential accepted medical use;

(6) review the impact or potential impact of fentanyl-related controls by class on scientific and biomedical research; and

(7) evaluate the processes used to obtain or modify Federal authorization to conduct research with fentanyl-related substances, including by—

(A) identifying opportunities to reduce unnecessary burdens on persons seeking to research fentanyl-related substances;

(B) identifying opportunities to reduce any redundancies in the responsibilities of Federal agencies;

(C) identifying opportunities to reduce any inefficiencies related to the processes used to obtain or modify Federal authorization to conduct research with fentanyl-related substances;

(D) identifying opportunities to improve the protocol review and approval process conducted by Federal agencies; and

(E) evaluating the degree, if any, to which establishing processes to obtain or modify a Federal authorization to conduct research with a fentanyl-related substance that are separate from the applicable processes for other schedule I controlled substances could exacerbate burdens or lead to confusion among persons seeking to research fentanyl-related substances or other schedule I controlled substances.

(d) INPUT FROM CERTAIN FEDERAL AGENCIES.—In conducting the study and developing the report under subsection (b), the Comptroller General shall consider the views of the Department of Health and Human Services and the Department of Justice.

(e) INFORMATION FROM FEDERAL AGENCIES.—Each Federal department or agency

shall, in accordance with applicable procedures for the appropriate handling of classified information, promptly provide reasonable access to documents, statistical data, and any other information that the Comptroller General determines is necessary to conduct the study and develop the report required under subsection (b).

(f) INPUT FROM CERTAIN NON-FEDERAL ENTITIES.—In conducting the study and developing the report under subsection (b), the Comptroller General shall consider the views of experts from certain non-Federal entities, including experts from—

(1) the scientific and medical research community;

(2) the State and local law enforcement community; and

(3) the civil rights and criminal justice reform communities.

Mrs. FEINSTEIN. Mr. President, I am pleased to join my Judiciary Committee colleagues, Chairman GRAHAM and Senator DURBIN, as the lead cosponsor of the “Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act.”

This bill will ensure that fentanyl-related substances remain in Schedule I and will help deter the manufacture of fentanyl-related substances responsible for overdose deaths.

In 2018, the number of fentanyl-related deaths in the United States increased from 28,000 to 32,000.

This is more than double the number of heroin-related overdose deaths. It is a staggering number of lives lost that we simply cannot accept.

To address the increasing deaths, the Drug Enforcement Administration (DEA) issued a temporary order to control fentanyl-related substances, or fentanyl analogues, as a class.

That order is set to expire on February 6th.

Based on the information my office has received from the DEA and the Centers for Disease Control and Prevention, it is clear that this order has been effective.

The number of law enforcement encounters of new fentanyl analogues has decreased from 8 to 2. That is significant and means that the order has reduced the supply of new fentanyl analogues by 75 percent.

This decrease in supply has reduced the need for widespread prosecutions of fentanyl-related offenses. In fact, since the DEA’s order went into effect, it is my understanding that there has only been two related prosecutions.

Additionally, although the number of fentanyl-related overdose deaths has continued to increase, the rate at which these deaths has increased has declined significantly.

For example, between the 12 month periods ending January 2017 and January 2018, fentanyl deaths increased by nearly 36 percent.

Comparatively, between the 12 month periods ending May 2018 and May 2019, which is the latest data available, the rate of fentanyl deaths only increased by just over 9 percent.

I would have preferred a long-term solution to addressing this problem that can garner strong bipartisan support, and I am eager to continue working with my colleagues on such a solution.

However, given the limited amount of time that we have before the DEA’s temporary order expires, we cannot sit idly by and do nothing.

For these reasons, I urge my colleagues to join me in supporting this legislation. Given the staggering number of overdose deaths associated with fentanyl-related substances, inaction is not an option.

By Mr. KAINÉ (for himself and Ms. MURKOWSKI):

S. 3203. A bill to amend title 38, United States Code, to codify the requirements for appointment, qualifications, and pay for therapeutic medical physicists of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans’ Affairs.

Mr. KAINÉ. Mr. President. Physicians at the Department of Veterans Affairs depend on Therapeutic Medical Physicists to help plan and deliver critical radiation treatment to patients. Inadequate support from these medical professionals can place veterans at risk for radiation injury or inappropriate treatment. As radiation therapy has become more sophisticated and more common over the past fifteen years, the Department has struggled to recruit and retain Therapeutic Medical Physicists. The average salary in the private sector for a PhD board certified Therapeutic Medical Physicists with ten to fourteen years of work experience is approximately \$190,000, but current law limits salaries for these employees at the Department to \$166,500, inhibiting the Department’s ability to recruit qualified individuals to fill these positions.

When faced with Therapeutic Medical Physicist shortages, the Department outsources this work to expensive contractors. Consequently, the Department substantially overspends on these services, which could be done more reliably in-house and at a much lower cost. Furthermore, contracts for TMP services are awarded for a short period, which results in frequent turnover that can be potentially dangerous from the perspective of quality care and patient safety.

Today, I am pleased to introduce the Department of Veterans Affairs Therapeutic Medical Physicist Pay Cap Relief Act with my colleague Senator MURKOWSKI. This legislation would improve the recruitment and retention of Therapeutic Medical Physicists by allowing the Department to pay these professionals at rates competitive with the private sector. This bill would also improve the quality of care for veterans by reducing the turnover of Therapeutic Medical Physicists, and lead to lower total costs for the De-

partment by eliminating the use of expensive contractors. With these savings, the Department could raise salaries and hire more Therapeutic Medical Physicists.

This commonsense, bipartisan legislation is an opportunity to invest in professionals who treat those who have sacrificed for our nation, and improve the standard of care we provide to our veterans. I look forward to working with my colleagues to swiftly implementing the provisions of the Department of Veterans Affairs Therapeutic Medical Physicist Pay Cap Relief Act.

Thank you, Mr. President.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 474—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF MARTIN F. MCMAHON V. SENATOR TED CRUZ, ET AL

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 474

Whereas, Senators Ted Cruz, Lindsey Graham, Mitch McConnell, and Rand Paul have been named as defendants in the case of *Martin F. McMahon v. Senator Ted Cruz, et al.*, Case No. 1:19-cv-03774-TSC, currently pending in the United States District Court for the District of Columbia;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Senators Ted Cruz, Lindsey Graham, Mitch McConnell, and Rand Paul, and any other Member who may be named as a defendant in the case of *Martin F. McMahon v. Senator Ted Cruz, et al.*

Mr. SCHUMER. Mr. President, I send to the desk a resolution authorizing representation by the Senate Legal Counsel and ask for its immediate consideration.

Mr. President, this resolution concerns a pro se lawsuit recently filed in Federal court in the District of Columbia against Senators CRUZ, GRAHAM, MCCONNELL, and PAUL. In this lawsuit, plaintiff seeks to obtain judicial supervision over the upcoming impeachment trial of the President under the Ninth Amendment. Plaintiffs suit is subject to dismissal on jurisdictional grounds as the Constitution grants the Senate the sole power to try impeachments, and the Judicial Branch has no power to oversee the actions and participation of Senators in an impeachment trial. This resolution would authorize the Senate Legal Counsel to represent the named defendant Senators in order to seek dismissal of the claims against them.