

U.S.C. 352(n)) in accordance with the amendments made by subparagraph (A).

(4) **RULE OF CONSTRUCTION.**—Nothing in this subsection, including the amendments made by this subsection, precludes a drug manufacturer from taking any corrective action to mitigate the potential for patient harm from false or misleading communications described in paragraph (h)(2)(A) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353), as added by paragraph (1).

(5) **EFFECTIVE DATE.**—The amendments made by paragraphs (1) and (3) shall take effect 180 days after the date on which the regulations described in paragraph (3)(B) are finalized.

(b) **REPORTING REQUIREMENT.**—

(1) **IN GENERAL.**—Any payment described in paragraph (2) with respect to the promotion of, or communications regarding, a covered drug shall be treated as a payment from an applicable manufacturer to a covered recipient for purposes of section 1128G of the Social Security Act (42 U.S.C. 1320a-7h), and shall be reported to the Secretary of Health and Human Services by the drug manufacturer or health care provider making the payment and made publicly available by the Secretary in accordance with such section 1128G.

(2) **PAYMENTS DESCRIBED.**—A payment described in this paragraph is—

(A) a payment by a drug manufacturer to a health care provider, including a telehealth company or other similar entity, or social media influencer; or

(B) a payment by a health care provider, including a telehealth provider or other similar entity, to a social media influencer.

(3) **DEFINITIONS.**—In this subsection—

(A) the terms “applicable manufacturer” and “covered recipient” have the meanings given such terms in section 1128G(e) of the Social Security Act (42 U.S.C. 1320a-7h); and

(B) the term “covered drug” means any drug, including a biological product (as defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i))), for which payment is available under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or a State plan under title XIX or XXI of such Act (42 U.S.C. 1396 et seq.; 42 U.S.C. 1397aa et seq.) (or a waiver of such a plan).

(c) **MARKET SURVEILLANCE OF PRESCRIPTION DRUG ADVERTISING OR PROMOTION.**—

(1) **IN GENERAL.**—The Secretary may conduct market surveillance activities regarding any promotion of prescription drugs on social media platforms. The activities under this section may include—

(A) activities, carried out directly or by contract, relating to—

(i) aggregating and analysis of public communications (which may involve the use of artificial intelligence applications), including to establish any relationship between a manufacturer of a prescription drug and individuals engaging in communications about such drug;

(ii) analytical tools to review submissions of promotional communications;

(iii) engagement with representatives of social media platforms on strategies and opportunities to address false or misleading promotion of prescription drugs, including through methods of technology or functionality to identify and assess false or misleading communications;

(iv) developing and disseminating public facing communications and educational materials and programs for prescription drug manufacturers, social media platforms, and the public, which may include communications and educational materials and programs regarding the Bad Ad program of the Food and Drug Administration;

(B) hiring additional staff for the Office of Prescription Drug Promotion of the Center

for Drug Evaluation and Research and the Advertising and Promotional Labeling Branch of the Center for Biologics Evaluation and Research for the review of advertising or promotion of prescription drugs on digital platforms, such as social media, and such other purposes as the Secretary determines appropriate; and

(C) establishing a task force, jointly with the Federal Trade Commission, to coordinate and enhance communication between the Federal Trade Commission and the Food and Drug Administration related to monitoring of, and compliance activities relating to, prescription drug advertising or promotion.

(2) **RULE OF CONSTRUCTION.**—Nothing in paragraph (1) shall be construed to affect the authority of the Secretary to carry out activities described in such paragraph pursuant to other provisions of law.

(3) **FDA NOTICE TO MANUFACTURERS.**—The Secretary may establish a process for providing information to the holder of an approved application of a prescription drug under section 505 of this Act or section 351 of the Public Health Service Act for the purpose of notifying such holder of instances of communications by health care providers or social media influencers that fail to include information in brief summary relating to side effects, contraindications, 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) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)).

(4) **REPORTING.**—The Secretary shall—

(A) not later than 2 years after the date of enactment of this Act, submit to Congress a report on the activities carried out under this subsection;

(B) not later than 4 years after the date of enactment of this Act, submit to Congress, and make publicly available, a report on the activities carried out under this subsection; and

(C) make publicly available on the website of the Food and Drug Administration notice of all enforcement actions taken under paragraph (h) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as added by subsection (a).

(5) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this subsection, there are authorized to be appropriated \$15,000,000 for each of fiscal years 2025 through 2029.

(d) **SOCIAL MEDIA INFLUENCER.**—In this section, the term “social media influencer” has the meaning given such term in paragraph (h) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as added by subsection (a).

(e) **SEVERABILITY.**—If any provision of this Act or of any amendment made by this Act, or the application of such provision or amendment to any person or circumstance, is held to be invalid, the remainder of the provisions of this Act and of the amendments made by this Act and the remainder of the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and the application of any such provision or amendment to other persons not similarly situated or to other circumstances, shall not be affected.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 812—SUPPORTING THE DESIGNATION OF SEPTEMBER 20, 2024, AS “NATIONAL CONCUSSION AWARENESS DAY”

Ms. HASSAN (for herself, Mrs. CAPITO, Mr. CASEY, and Mr. MULLIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 812

Whereas mild traumatic brain injury, otherwise known as a concussion, is an important health concern for children, teens, and adults;

Whereas, according to information from the Centers for Disease Control and Prevention—

(1) there are as many as 1,600,000 to 3,800,000 sports-related concussions annually;

(2) as many as 5,300,000 individuals live with the long-term effects of a traumatic brain injury;

(3) between 2010 and 2016, an estimated 2,000,000 children under age 18 visited an emergency department because of a traumatic brain injury sustained during sports- or recreation-related activities;

(4) each year an estimated 283,000 children seek care in emergency departments in the United States for a sports- or recreation-related traumatic brain injury, with traumatic brain injuries sustained in contact sports accounting for approximately 45 percent of those visits;

(5) research suggests that many children with a traumatic brain injury do not seek care in emergency departments or do not seek care at all, resulting in a significant underestimate of prevalence; and

(6) approximately 15 percent of all high school students in the United States self-reported 1 or more sports- or recreation-related concussions within the preceding 12 months;

Whereas the seriousness of concussions should not be minimized in athletics, and return-to-play and return-to-learn protocols can help ensure recovery;

Whereas concussions can affect physical, mental, and social health, and a greater awareness and understanding of proper diagnosis and management of concussions is critical to improved outcomes; and

Whereas the Senate can raise awareness about concussions among the medical community and the public: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of September 20, 2024, as “National Concussion Awareness Day”;

(2) recognizes that mild traumatic brain injury, otherwise known as a concussion, is an important health concern;

(3) commends the organizations and individuals that raise awareness about mild traumatic brain injury;

(4) encourages Federal, State, and local policymakers to work together—

(A) to raise awareness about the effects of concussions; and

(B) to improve the understanding of proper diagnosis and management of concussions; and

(5) encourages further research and prevention efforts to ensure that fewer individuals experience the most adverse effects of mild traumatic brain injury.

SENATE RESOLUTION 813—HONORING THE LIFE OF STEVEN D. SYMMS, FORMER UNITED STATES SENATOR FOR THE STATE OF IDAHO

Mr. CRAPO (for himself and Mr. RISCHE) submitted the following resolution; which was considered and agreed to:

S. RES. 813

Whereas Steven D. Symms—

(1) was born in Nampa, Idaho, in 1938; and
(2) graduated from the University of Idaho, in Moscow, Idaho, in 1960 with a Bachelor of Science in Horticulture;

Whereas Steven D. Symms served proudly in the United States Marine Corps, achieving the rank of First Lieutenant;

Whereas, after his military service, Steven D. Symms returned to Symms Fruit Ranch to build the family business;

Whereas Steven D. Symms was elected to the United States House of Representatives in 1972, and was reelected in 1974, 1976, and 1978;

Whereas Steven D. Symms was elected to the United States Senate in 1980, and was reelected in 1986;

Whereas, during the tenure of Steven D. Symms in the United States Senate, he—

(1) served on the Committee on Finance, the Committee on the Budget, the Committee on Armed Services, the Joint Economic Committee, and chaired the Subcommittee on Transportation and Infrastructure of the Committee on Environment and Public Works

(2) helped shape and enact the 1981 Reagan tax cuts;

(3) worked to enact legislation that enhanced the highway infrastructure system of the United States; and

(4) advanced improvements for Mountain Home Air Force Base, Gowen Field, and the Idaho National Laboratory;

Whereas, after retiring from the United States Senate in 1992, Steven D. Symms worked as a consultant and later joined the partnership of Perry, Romani, DeConcini, and Symms in Washington, D.C., where he was respected by colleagues across the political spectrum;

Whereas Steven D. Symms received the “Iron Mike” award from the United States Marine Corps League for his contributions to the United States and the Marine Corps;

Whereas Steven D. Symms received the Idaho Statesman of the Year Award from Idaho State University, recognizing his steady leadership in political circles;

Whereas Steven D. Symms worked across the aisle for the betterment of Idaho and our country, as he bravely defended our freedoms;

Whereas Steven D. Symms was predeceased by his—

(1) wife, Loretta Fuller Symms;
(2) former wife, Frances Stockdale Symms;
(3) son, Daniel Thomas Symms;
(4) brother, R.A. “Dick” Symms; and
(5) his sister, Shirley Maggard Ickes; and
Whereas Steven D. Symms is survived by his—

(1) sister, Ginger Kleweno (Gilbert);
(2) sister-in-law, Nancy Symms;
(3) cousins Jim and Kathy Mertz and Roger and Jan Bacon;

(4) daughters Susan Stauffer (Darris), Amy Crabtree (Charles), and Katy Senkus (Stephen);

(5) stepchildren Vickie Fuller (Jeff), Jodi Fuller (Diane), Brad Fuller (Jeffrey); and

(6) many loving grandchildren, great-grandchildren, nieces, and nephews: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of Steven D. Symms, former Member of the Senate;

(2) the Senate directs the Secretary of the Senate to—

(A) communicate this resolution to the House of Representatives; and

(B) transmit an enrolled copy of this resolution to the family of Steven D. Symms; and

(3) when the Senate adjourns today, it stands adjourned as a further mark of respect to the memory of the late Steven D. Symms.

SENATE RESOLUTION 814—DESIGNATING SEPTEMBER 2024 AS “NATIONAL LITERACY MONTH”

Mr. REED (for himself, Mr. CASSIDY, 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) submitted the following resolution; which was considered and agreed to:

S. RES. 814

Whereas reading is a cornerstone for personal growth, economic opportunity, and a strong society;

Whereas recent assessments, such as the National Assessment of Educational Progress, report unacceptably poor student reading proficiency, highlighting the need for effective literacy instruction;

Whereas the Program for the International Assessment of Adult Competencies estimates that 48,000,000 adults in the United States cannot read above a third-grade level;

Whereas educational disparities persist among students in various States and districts, particularly impacting students of color, those from low-income backgrounds, and English learners;

Whereas citizens who struggle to achieve reading proficiency are less likely to graduate high school or be employed and are more likely to be incarcerated;

Whereas the interim report by the National Reading Panel found that the cost to taxpayers of adult illiteracy is \$224,000,000,000 per year and that United States companies lost nearly \$40,000,000,000 annually because of illiteracy;

Whereas reading proficiency is linked to economic mobility and overall life success;

Whereas an interdisciplinary body of research, known as the science of reading, demonstrates the effectiveness of evidence-based reading strategies in improving literacy outcomes;

Whereas access to print reading materials and robust content knowledge is essential for literacy success, with disparities affecting millions of children, particularly those from low-income households and communities of color;

Whereas evidence-based reading strategies include reading instruction and interventions based on rigorous scientific research that have demonstrated effectiveness in improving literacy development and skills in phonemic awareness, phonics, fluency, vocabulary, and comprehension; and

Whereas the Federal Government currently invests in literacy education through programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.), and the

Museum and Library Services Act (20 U.S.C. 9101 et seq.): Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2024 as “National Literacy Month”; and

(2) calls on the Federal Government, States, localities, schools, libraries, non-profit organizations, businesses, and the people of the United States to observe National Literacy Month with appropriate programs and activities.

SENATE RESOLUTION 815—DESIGNATING THE WEEK BEGINNING ON SEPTEMBER 9, 2024, AS “NATIONAL HISPANIC-SERVING INSTITUTIONS WEEK”

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. LUJÁN, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mr. VAN HOLLEN, Mr. WARNOCK, Ms. WARREN, Mr. WYDEN, Ms. CORTEZ MASTO, Mr. CASEY, and Mr. HEINRICH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 815

Whereas Hispanic-serving institutions are degree-granting institutions that have a full-time equivalent undergraduate enrollment of at least 25 percent Hispanic students;

Whereas Hispanic-serving institutions play an important role in educating many low-income and underserved students and creating opportunities and increasing access to higher education for such students;

Whereas, in the 2022–2023 academic year, 600 Hispanic-serving institutions operated in the United States, the District of Columbia, and Puerto Rico, enrolling more than 5,200,000 students;

Whereas Hispanic-serving institutions are engines of economic mobility and a major contributor to the economic prosperity of the United States;

Whereas Hispanic-serving institutions represent 20 percent of all institutions of higher education, yet serve 31.7 percent of all undergraduate students and 66.2 percent of all Hispanic undergraduate students;

Whereas Hispanic-serving institutions are located in 28 States, the District of Columbia, and Puerto Rico;

Whereas the number of emerging Hispanic-serving institutions, defined as institutions that do not yet meet the threshold of 25 percent Hispanic full-time equivalent enrollment but serve a Hispanic student population of between 15 and 24.9 percent, stands at 412 institutions operating in 43 States and the District of Columbia;

Whereas Hispanic-serving institutions are actively involved in empowering and improving the communities in which the institutions are located;

Whereas Hispanic-serving institutions are leading efforts to increase Hispanic participation in science, technology, engineering, and mathematics (commonly known as “STEM”);

Whereas 9 of the top 10 institutions of higher education ranked by the Social Mobility Index were Hispanic-serving institutions;

Whereas celebrating the vast contributions of Hispanic-serving institutions strengthens the culture of the United States; and