



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, THURSDAY, JANUARY 8, 2015

No. 3

## Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Eternal God, we thank You and praise Your Name because of Your goodness and mercy to us and our Nation. You are robed in majesty, and we look to You to establish us and keep us strong.

Today, provide our lawmakers with Your guidance so that they will accomplish Your will. May they never presume upon Your generous provisions or live as if they are independent of You. Lord, infuse them with Your love, wisdom, and power as they seek to speak words of healing and hope.

Today we ask You to extend Your mercy to the people of France as they deal with the tragic terror attack.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### KEYSTONE XL PIPELINE ACT— MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S. 1.

The PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 1, S. 1, a bill to approve the Keystone XL Pipeline.

UNANIMOUS CONSENT AGREEMENT—H.R. 26

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following leader remarks the Senate proceed to the consideration of H.R. 26, the House-passed TRIA bill; further, that the only amendment in order be an amendment to be proposed by Senator WARREN, which is at the desk, with the time until 1:45 p.m. equally divided in the usual form. I further ask that no other amendments or motions be in order, aside from budget points of order, if applicable, and that if a point of order is raised, the motion to waive be considered made. I further ask that following the use or yielding back of time and the disposition of any pending motions to waive, the Senate vote on adoption of the Warren amendment, the bill then be read a third time, followed by a vote on passage of the bill, as amended, if amended; and the votes on the Warren amendment and passage of the bill, as amended, if amended, be at a 60-vote affirmative threshold.

The PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. No objection.

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

### SCHEDULE

Mr. MCCONNELL. Mr. President, with this agreement we are able to complete some unfinished business from last Congress and reauthorize the Terrorism Risk Insurance Program. These votes will occur this afternoon at 1:45. The Energy Committee is meeting this morning to report out the Keystone bill. We will begin processing that bill next week. Those with amendments to Keystone should be working with Chairman MURKOWSKI and Ranking Member CANTWELL to schedule a time to come and offer them. I hope that our colleagues on the Democratic side will allow us to get on the bill and start with a fair and open amendment process on Monday or Tuesday of next week.

### KEYSTONE XL PIPELINE

Mr. President, the new Republican majority has pledged to run the Senate differently and to stop protecting the President from good ideas. That is why we look forward to the Senate beginning consideration of a bipartisan job-creating infrastructure project, the Keystone XL Pipeline. Right now the Keystone jobs bill is being considered by the committee. The Keystone jobs bill will then be subject to real debate and amendment on the floor of the Senate. Then we plan to send the Senate Keystone jobs bill to the President's desk with bipartisan support.

That may be a departure from what Senators have become used to, but for Members on both sides, I think the change will certainly be welcome. I think Senators in both parties are ready to have their voices and the voices of their constituents heard in the Senate. Senators understand that Keystone presents a real opportunity for Washington to finally prove to America that it can prioritize jobs for them over the demand of powerful special interests. That is what the voters told us they wanted just last November, and that is just exactly what Washington should aim for now by passing this bipartisan, job-creating infrastructure project.

As we consider the Keystone jobs bill, let's keep focused on the real issues at hand, such as jobs for the middle class and reliable energy costs for families. Let's also acknowledge that this is not really a debate about the environment. President Obama's own State Department has previously said that Keystone's impact on the environment would basically be negligible. So let's maintain our focus. Let's keep the voters in mind who sent us here and let's remember what they told us just last November.

One of the things they told us is they would like to see more team work across the aisle. So for a President who

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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said he would like to see more bipartisan cooperation, this, my colleagues, is a perfect opportunity.

A number of the many Democratic supporters of this bill have already written to the President urging him to choose jobs, economic development, and American energy security and approve this pipeline. We are asking the President again today to do that by working with us to end the gridlock and get this job-creating infrastructure project moving. Keystone has been studied endlessly from almost every possible angle, and the same basic conclusion seems to be coming back. The conclusion is: Build it. Build it. Keystone construction could support thousands of jobs. It could invest billions in our economy. That is why Democrats say build it, Republicans say build it, prominent labor unions say build it, and most importantly, the American people say build it.

The President has called for Congress to send him infrastructure projects to sign. Keystone is the largest shovel-ready infrastructure project in the country that makes sense. So we are going to send it to him, and we hope he will sign it. He may ultimately veto an infrastructure project that would increase workers' wages by \$2 billion, a project whose construction alone could, according to the President's own State Department, support many thousands of jobs. He may. Or he may decide to try and make divided government work. Either way, this Congress is determined to do what we can to pass bipartisan jobs legislation. That is what the American people asked us to do, and that is just what we are going to do.

RECOGNITION OF THE ACTING MINORITY LEADER

THE PRESIDING OFFICER (Mr. RUBIO). The assistant Democratic leader.

KEYSTONE PIPELINE

Mr. DURBIN. Mr. President, the majority leader has stated this morning that we have to stop protecting the President from good ideas and use this as his exhibit A—the Keystone Pipeline bill—which is likely to come up for debate before the Senate the beginning of next week. It is an important measure, an important issue that has been talked about over a long period of time, and the actual debate on the Senate floor will commence the beginning of next week.

The majority leader has moved a bill through the rule XIV process, which under the Senate rules is an effort to bring a bill directly to the floor and not through the committee. At the same time there is a parallel effort under way in the newly formed energy committee of the Senate—formed as of yesterday, I might add—to consider this bill, as well, to mark it up. So I am not sure which bill will come to the floor. Perhaps the effort will be merged at some point. But there is no delay from our point of view from any of the motions or objections that we have raised. We ask only that the committee

structures be established so that the bill could go through the orderly process of committee. That happened yesterday and now it is in the hands of the energy committee. If their markup is going to be perhaps later this week or next week, then we will be prepared to bring this measure to the floor after the regular order process of committee consideration of this bill.

This bill, of course, is going to be subject to the new approach of the new majority—amendments on the floor. I welcome that. I have been looking forward to that and a return to that for a long time. We have already said that although we plan on being in the minority for a short period of time, while in the minority we will not be obstructionist. We are going to do our best to work in a constructive fashion toward bipartisan solutions. There will come moments of disagreement, and Members will assert their rights and privileges as Members of the Senate and will follow the traditions in the rules of the Senate in that regard.

I will state that when this measure comes to the floor, there are some important questions that need to be answered. I listened to Republican Senators BLUNT and THUNE yesterday come to the floor and say something which puzzled me. I thought there was a question—at least a question was raised earlier—as to whether the oil that is flowing through this pipeline is ever going to be sold as a product in the United States. I don't know the answer to that as I stand here.

For the longest time, the companies that wanted to develop this pipeline and the refinery have not agreed that their product would be sold in the United States. Yet I have heard Senator after Senator come to the floor and say we have to have more oil in the United States.

Initially, as I understand it, this pipeline was to end at a refinery in Texas where it could be exported overseas, meaning that the actual oil product may not benefit American consumers of gasoline and diesel fuel.

So during the course of this debate on this Keystone Pipeline, amendments are going to be offered to give Members an opportunity to go on the record as to whether the ultimate product from the Keystone Pipeline is going to be sold in the United States and ultimately whether there will be jobs created in the United States as a result of it. These are worthy policy questions, and I think they will come up during the course of our amendments.

I also take exception to the majority leader's suggestion that this particular measure, the Keystone Pipeline, has been studied endlessly and stranded because of the efforts of the President. Let me say, as we stand here today discussing the Keystone Pipeline, the court system in the State of Nebraska is still trying to resolve some questions about the location of this pipeline—sensitive questions to our environment.

There is an aquifer in this area that they don't want to jeopardize by placing the pipeline in the wrong location. They are fighting it out in the courts of Nebraska as to the right location and the authority of officials in Nebraska to choose that location. That goes on as we debate it on the Senate floor. So to suggest that this is so-called shovel ready and all we need is a green light from Congress and the President to move forward oversimplifies and overstates the case. I wanted to clarify that for the record.

AFFORDABLE CARE ACT

Mr. President, there is an effort under way in the House of Representatives today to amend the Affordable Care Act. For those of us who voted for it and proudly support the Affordable Care Act, this is no surprise. Many of the people who did not vote for it and those on the other side of the aisle have opposed the Affordable Care Act since it was signed into law by President Obama. Some believe that opposition is grounded in this notion that this is President Obama's Affordable Care Act, the so-called ObamaCare. I would say that opposition is not grounded in the reality of what has happened since we passed the Affordable Care Act.

There are Members of the Senate—Republican Members—who have said they want to veto and eliminate every single word of the Affordable Care Act—every single word. One of the Senators from Texas on the Republican side said that the other day. Well, if they do this, it will be disastrous.

Let me state the record of the Affordable Care Act to date. The Affordable Care Act has given millions of Americans access to health insurance—many of them for the first time in their lives. I have met them in the city of Chicago and around my State. At the same time it has reined in insurance companies and has lowered health care cost increases. Because of this law a person no longer needs to stay in a job simply to have health insurance or be denied coverage because of a preexisting condition.

Who among us does not have a family member or friend with a preexisting condition? Almost anything qualifies as a preexisting condition under the old law. Under the Affordable Care Act you cannot be discriminated against because of a preexisting condition that you suffered from or someone in your family did. When the Republican Senator from Texas says he wants to repeal every single word of the Affordable Care Act, he is repealing the protection of those with preexisting conditions and families with children with preexisting conditions from having access to health insurance they can afford.

That was the reality of the situation facing America before the passage of this bill.

I might add that because of the Affordable Care Act, preventive care is free and the cost of prescription drugs

for senior citizens is substantially lower. Those who want to repeal the Affordable Care Act are really putting at risk preventive care, which eliminates some of the worst and most expensive medical conditions, and at the same time, they are suggesting that we ought to say to seniors: Pay more for your prescriptions.

If you repeal the Affordable Care Act, you will be repealing provisions that help make seniors' prescription drugs affordable.

Out of the gate, House Republicans are pursuing an extreme bill that they are considering this week that undermines the Affordable Care Act and that is likely to come to the Senate soon and we are told is a high priority by the new majority in the Senate.

According to the Congressional Budget Office, the House Republican bill would increase our Nation's deficit by \$45 billion. What happened to all these deficit hawks who have been preaching to us day after day and week after week about our Nation's deficit? Apparently, when it comes to the Affordable Care Act, they are going to ignore the reality that the bill being considered by the House will add \$45 billion to the Nation's deficit.

That bill would also cause 1 million people in America to lose their employer-based health insurance. The purpose of this effort on the Affordable Care Act was to give more people insurance coverage. The first action by the Republican Congress is to take up to 1 million people off of health care coverage from their own employers.

This action by House Republicans—soon to be brought to the floor of the Senate—would increase Medicaid and CHIP enrollment by 500,000 to 1 million people. It will take people off of their coverage where they work and move them into government health insurance programs. Does that sound consistent with what we are told over and over is the Republican philosophy? I don't think so.

We have had 8 million Americans enroll in private health insurance plans since October 1. That is the enrollment. Over 9 million people have gained coverage through Medicaid and CHIP. In Illinois more than 800,000 people now have health insurance because of the Affordable Care Act. Over 217,000 people purchased plans through the Illinois marketplace. My wife and I purchased our plan through a marketplace that was created by the Affordable Care Act. An additional 530,000 people have enrolled in Medicaid in my State.

In Illinois, 125,000 young adults have been able to join their parents' plan. Any parent with a child in college who is about to graduate knows that this change in the law is dramatic and helpful. Those of us who have had kids graduate from college and have worried about their health insurance coverage once they were out of school—this Affordable Care Act says these young people can stay on their parents' health insurance policy until they

reach the age of 26. While they are looking for a job—internships, travel, part-time jobs—they are covered by their parents. It is peace of mind for parents. When Republican Senators say they want to repeal every single word of the Affordable Care Act, they want to repeal this provision, which in my State is providing coverage for 125,000 young people who can stay under their parents' plan.

According to a Gallup poll released yesterday, the uninsured rate has dropped over 4 points since the Affordable Care Act went into effect a year ago. That was our goal—more and more people with health insurance coverage. The uninsured rate that they now report is 12.9 percent. That is the lowest point since Gallup began to track this measure of health insurance coverage.

The Affordable Care Act includes several changes that are meant to help slow the growth of health care costs, and they are working. Instead of paying hospitals for the services they provide—the old fee-for-service program—hospitals are paid on the basis of making patients better. If their patients have to go back into the hospital, the hospitals are paid less. There is an incentive to take care of people and to make sure that when they are finally released, they are ready to go home and not likely to return. Despite climbing readmission rates since 2007, those hospital readmission rates are now falling since the passage of the Affordable Care Act and our change in outlook when it comes to health care. Hospitals are responding in a positive way to the incentives in the Affordable Care Act, and more of their patients are going home in better and stronger condition and staying at home.

Health care spending per enrollee has slowed in the private insurance market, in Medicare, and in Medicaid. For the first time in years we are seeing the rate of growth in health care costs slow down. That is a dramatic increase in opportunity, not just for individuals and businesses that pay health insurance premiums, but it means less expense for our government. It helps to reduce our deficit.

The solvency of the Medicare Part A trust fund is now 13 years longer than it was prior to the passage of the Affordable Care Act, which the trustees in 2010 said had substantially improved the financial status of the trust fund.

As I mentioned earlier, the law is also helping seniors with the cost of their prescription drugs by closing the so-called doughnut hole. Remember that crazy provision? It said that if you are getting prescription drugs as a senior under Medicare, it would cover the purchase of drugs up to a certain point and then you had to pay out-of-pocket for a certain period of time and then it came back and covered again. We closed the so-called doughnut hole with the Affordable Care Act. The Republican Senators, who have vowed to repeal every single word of the Affordable Care Act, are going to reopen that

doughnut hole, which means seniors will have more out-of-pocket expenses for prescription drugs.

Despite all of the successes, some Governors have decided not to expand Medicaid under the Affordable Care Act, thereby denying health insurance coverage for millions of people in their States. The Affordable Care Act has already given about 9 million Americans access to Medicaid. By not expanding Medicaid in these other States, these Governors are leaving billions of dollars on the table that could be used to cover people in their States, dollars that could be used for health care for people who need it the most. I met those people. One of them is Ray Romanowski—a great Chicago name. He is a big, barrel-chested Polish musician who has played at wedding receptions and different events with his band all of his life. That is what he has done for a living. Until now he has never ever had health insurance. He qualifies for Medicaid. He has that coverage and carries it in his pocket proudly, and at age 62 he is glad to have it so he can deal with some of the issues that folks face as they get a little older.

Unfortunately, when these Governors decide not to expand Medicaid to cover people in their States, everybody pays. People who would otherwise qualify for Medicaid still need health care. They still get sick, they still show up in the emergency room, and basically they get the services at the hospital and the rest of us pay for it. Isn't it more responsible to say that individuals should have their own responsibility to have their own insurance and show up for preventive care to avoid terrible medical conditions?

One of the things I worry about is that the proposal before us, which Senator MCCONNELL has said is a high priority, will address one of the issues regarding when employers have to provide health insurance coverage. It is an issue which was addressed in the bill but has been controversial.

Senator MCCONNELL said: "Making the switch from 30 to 40 hours is at the top of the GOP's Obamacare priorities." This is a provision being considered by the House of Representatives now, and it is one we ought to reflect on for a moment. It may seem simple to some that if you raise the requirement to 40 hours of work before the employer has to pay for health insurance, that it will mean fewer people are going to be disadvantaged. Exactly the opposite is true. The workweek bill affects how many people are covered by the employer mandate—the requirement that an employer pay for health insurance which went into effect January 1 for businesses with 50 workers or more. These businesses with more than 50 workers have to offer insurance to 70 percent of their full-time workforce this year or pay penalties. Under the law, full time is defined as 30 hours.

Critics of this 30-hour rule say it will force employers to slash workers'

hours to escape the penalties. Many Democrats and even some prominent conservative policy experts say that the change being considered by the House of Representatives now will do more harm than good. Millions more people work a traditional 40-hour workweek than a 30-hour workweek, so putting the cutoff at 40 hours gives employers an incentive to game the hours of their workers—a much larger group of workers. In other words, if you are not required to provide health insurance unless an employee is working 40 hours, the House action creates an incentive for employers to avoid the mandate by reducing the hours worked by those who are currently working 40 hours.

The Cato Institute is no liberal think tank; it is one of the most conservative. Cato Institute scholar Michael Cannon wrote Wednesday that the bill now being considered by the House might lighten ObamaCare's business burden but drive up government spending by making more people eligible for health care subsidies. He wrote, "How is that a policy victory?" and added that it is a wrongheaded strategy. He said, "This proposed change would actually do a lot of harm, not just to the Affordable Care Act but to a substantial number of people across the country."

Our leader on this issue is Senator PATTY MURRAY. Senator MURRAY is the ranking member of the Senate HELP Committee, and she issued a statement this week which really is spot-on when it comes to the wrongheaded approach being considered by House Republicans and soon to be brought up here. The Senate HELP Committee may take up the bill as soon as the end of this month.

The Senate HELP Committee ranking Democrat, PATTY MURRAY, pledged to fight the change. Here is what she said:

It's deeply disappointing that as one of their first priorities, Republicans are putting forward a proposal that would not only hurt workers by denying them the health care coverage they depend on, but would actually encourage companies to cut many workers' hours across the country.

The independent Congressional Budget Office said Wednesday that the House bill would add \$53.2 billion to our Nation's deficit from 2015 to 2025 because fewer businesses would pay the fines and because some of the employees who would have been covered at work are now going to be covered by government programs. The CBO estimates that 1 million Americans would lose the health care coverage they currently have at work if the Republicans proposal prevails and up to 1 million will end up on government programs as result of it. This is the wrong approach.

I say to my friends in the retail and restaurant industry, the offer that I made and that I am sure many others have made is still there. Let's sit down on a bipartisan basis and find the right

solution. This effort to stop the progress of the Affordable Care Act, increase the deficit, push more people into government coverage, and eliminate health coverage for millions of Americans across the country is the wrong way to approach it at this point. I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 26, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 26) to extend the termination date of the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 1:45 p.m. will be equally divided in the usual form.

The President pro tempore.

#### KEYSTONE XL PIPELINE

Mr. HATCH. Mr. President, I rise to join my colleagues, both Democratic and Republican, to urge the swift passage of a bill in the Senate that would create jobs, strengthen our economy, and put more money in Americans' pocketbooks—the bipartisan Hoeven-Manchin bill to authorize the Keystone XL Pipeline. I will talk about that for a few minutes, and then I might have some remarks about what the assistant minority leader has said.

I wish to address the Keystone Pipeline project and why it is important, but first I will focus on how the Keystone debate reflects on the state of the Senate and on good governance more broadly. After all, this project is now in its sixth year of limbo, waiting for a single permit to be issued. This debate has gone on longer than an entire term of the Senate.

My colleague from Florida, Senator RUBIO, recently commented that the America public no longer has confidence that the Federal Government works anymore. He is right, and the American people are justified in their skepticism. He is right. This project is a perfect example of why.

A debate over the merits of and drawbacks to the pipeline—a debate that centers upon sound science and agreed-upon ground rules—is long overdue.

Such a debate represents the best traditions of the Senate—a meeting of minds where respect and tolerance shape the contours of debate. Such a debate is particularly valuable because a commonsense regulatory process is integral to a sound economy and the rule of law.

Time and again, President Obama has suggested that an issue such as this is too important to get bogged down in politics and that we should trust in the integrity of the regulatory process. To this I have two replies.

First, this is exactly the sort of debate we should be having in the Senate. This is the body that is supposed to debate the important issues of the day. When a project as important as this is stalled without meaningful justification for so long, our investment and involvement is even more important. In this case, we have sought to legislate according to the best traditions of this body, reaching across the aisle and taking all voices into account.

Second, curtailing debate on this issue has only had the result of turning the construction of what should be a commonsense infrastructure project into an abstraction, a political symbol that has little to do with the actual proposal under consideration. Without discussion of facts and evidence in this Chamber—all of which I believe counsel in favor of approving the project—the opposition has been able to obfuscate the facts and avoid having to defend their position. The Senate is a place where we can best accomplish good policymaking, not political grandstanding, especially on an issue of such importance as the Keystone Pipeline.

I was encouraged by yesterday's colloquy on the resolution to allow the Keystone Pipeline to move forward because it represents a return to the way we should talk about serious issues; that is, through actual debate. But that colloquy and the work we are doing today has been met with further resistance from the White House. Even before we consider any number of amendments from both sides of the aisle, the President has already threatened to veto our legislation calling for pipeline construction to move forward. This is an unfortunate way for any President to begin work with a new Congress.

Our country and North American energy security will greatly benefit from this project. It improves efficiency and energy infrastructure. It takes pressure off of moving oil by rail. It will increase our GDP by approximately \$3.4 billion annually. The State Department, which has provided clear-headed analysis of the benefits of this project, has found that Keystone will support roughly 42,000 jobs during the construction phase alone. It will provide refineries with up to 830,000 barrels a day of North American oil.

The Keystone Pipeline is an environmentally sound way to transport this oil. In fact, the State Department's extensive environmental impact statement concluded that building the pipeline would actually be better for the environment than not. We have to be clear: The oil is going to go to market no matter what—by truck or rail, if not by pipeline. Building this pipeline takes this oil off of the tracks, off of

the roads, and transports it in a way that is safer, more efficient, more environmentally sound, and better for creating good-paying American jobs.

At the end of the day, the Keystone Pipeline and so many other bureaucratic failures demonstrate that the regulatory process is broken. It should not take years and years navigating the Federal bureaucracy only to have the Federal Government decide not to make a decision. In this new Congress we are focused on helping to create jobs and getting our economy back on the right track, which is why regulatory reform will be a key part of our agenda over the next 2 years. I hope the President will change his mind and join us not only in approving this important project but also in preventing similar abuses from occurring in the future.

#### AFFORDABLE CARE ACT

Mr. President, having said that, I wish to make a few remarks about what the distinguished assistant minority leader had to say this morning about the Affordable Care Act. I have a great deal of admiration for him and his abilities, especially to articulate matters. I have to disagree with him on this issue, because after all of this hoopla, after all of the problems, after all of the costs, after all of the rising costs, after all of the many problems with the Affordable Care Act, we are still going to have about 30 million people who don't have insurance.

Think about it. That is why we passed the Affordable Care Act—or why the Democrats passed the Affordable Care Act—was to take care of those people. We have a great many people covered, but there is still going to be almost the same amount of people without health insurance that existed before.

A number of the provisions he finds so good about the health care bill, we would have included in a health care bill ourselves. Yes, there were needed changes, such as this business of putting children on the parents' policy until age 26 and some of the other provisions the distinguished Senator spoke to.

I have a great deal of admiration for the distinguished Senator from Illinois. He is a very bright guy. He is one of the most articulate Senators in this body. Having said that, I was a little disappointed in some of the statements he made.

Just this week Harvard University—these are professors who are pretty well paid—yes, it is an expensive jurisdiction, I know, because I have some family there. The fact is that at Harvard these professors are upset because their costs are going up, which they will have to pay out of their own pockets. My goodness gracious. If they think they are being hurt, with their high salaries—and most of it is covered by their insurance from Harvard—can we imagine how the average person is going to feel. They are going to have a rough time because they have held off

on a lot of the Affordable Care Act—I should say “Affordable Care Act”—they held off on this until after the election that just occurred, knowing the costs are going to continue to escalate and rise in ways that we can't even take care of them. If we don't do something about it now, it is going to be a doggone mess in this country that nobody—nobody—not my friends on the other side who voted for it or Republicans or anybody else can truly contemplate.

All I can say is that it is a mess. Most people are admitting it is a mess, except those who want to take us down this social path toward having the government control every aspect of our lives in health care. To be honest, I could talk all day on this issue, but we are on the Keystone Pipeline. I have to say, as somebody who helped put through some of the most important health care bills in history, ranging from the orphan drug bill to the Children's Health Insurance Program, many pharmaceutical bills and others as well, I have always been willing to sit down and try and work these matters out. I have to say that my dear colleague from Illinois, having chosen one Senator's comments about every word, doesn't represent everybody on this side. Any Senator is entitled to their viewpoint and opinion, but a lot of us believe there is a great deal of work that has to be done if we are going to have health care truly improve in this country and work the way it should work.

I could go on and on, but I just wanted to make a few of those comments. Even with the so-called 8 million they claim have health care—I don't know that that is true.

They have problems in every step of this program, and the reason is because it is a poorly written program that was forced through in ways that didn't allow the real process in the Senate to work. Whenever we have a bill that is that high off the floor, passed by only one side—in both Houses by only one side—we know it is a lousy bill. There is nothing that costs as much as this bill is going to cost.

I would challenge my friends on the other side—especially my friend from Illinois—to acknowledge that we need to work together to solve these problems because they are not going to go away. That bill is one of the lousiest pieces of legislation I have seen in the whole time I have been here, and that is why it was only supported in a totally partisan way.

I have talked long enough on this. I don't want to take more time away from the Keystone Pipeline because that also is extremely important. Right now we are down to 50 bucks a barrel or even below, but that isn't going to last a long time. The fact that we have oil now, that we are discovering oil now—something that wasn't allowed in years past—the fact that we are working to have this country be totally oil independent is terrific, and

the Keystone Pipeline will help us in that regard. It is hard for me to understand why my friends on the other side or at least some of them—and maybe the President, who has issued a veto threat which I found profoundly disappointing—continue to argue the way they do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, just for clarification, it is my understanding that H.R. 26 has been reported on the floor and we now have 2 hours of debate equally divided; is that correct?

The PRESIDING OFFICER. The time until 1:45 p.m. is equally divided.

Mr. CRAPO. Mr. President, it is my pleasure to rise to speak in favor of H.R. 26, the Terrorism Risk Insurance Program Reauthorization Act or what is more popularly known as the TRIA legislation.

During the last Congress my colleagues and I worked hard to put together a bipartisan bill that gained wide support. However, literally in the waning hours of the session, we were unable to complete our work at the end of the last Congress. I am very glad to see that this legislation has now been moved promptly by the House of Representatives and again promptly today in the Senate toward finalization and passage.

I particularly wish to thank the majority leader for bringing this bill to the floor so quickly because reauthorization of the TRIA Program is essential for the certainty we need in our insurance marketplace and for other important functions in our markets. I also wish to recognize some of the Senators who have been very heavily involved in this process in the past. There are many who could be named, but in particular I think we need to recognize Senator KIRK and Senator HELLER on the Republican side and Senator SCHUMER and Senator REED on the Democratic side, as well as Senator BROWN, our new ranking member on the Democratic side, and many others who have worked to help us move this legislation forward.

Additionally, I wish to give thanks to the former chairman of the banking committee, Senator JOHNSON and his staff, who deserve a great amount of thanks as they have worked with us very closely in moving this bill forward, and of course my own staff on the Republican side who have put in so much time and effort to make sure we got this important legislation moved over the finish line. Working together we developed a bill that was supported unanimously out of the banking committee in what was a very partisan environment that we can all recall from last Congress. We then approved it in the Senate by a vote of 93 to 4, showing the broad, bipartisan support that has been developed for this legislation.

Building on the Senate's framework, the House passed their own version of TRIA last Congress by an overwhelming vote of 417 to 7. Yesterday in

this new Congress the House again voted by a margin of 416 to 5 to extend the program another 6 years—the legislation that is currently before us in the Senate. These strong votes demonstrate the importance of this program.

Chairman HENSARLING, Representative NEUGEBAUER, Senator SCHUMER, and others deserve our thanks for bringing the differences to a focus and getting us to this point.

This bill requires the private insurance industry to absorb and cover the losses for all but the largest acts of terror—ones in which the Federal Government would almost certainly be forced to step in if this program were not in place.

The bill increases the insurance industry's aggregate retention level and the company coinsurance level, meaning that it increases the participation of the private sector in responding to the insurance issues created by an act of terrorism in the United States but still provides the stability the market needs to assure there is coverage and protection. Once it reaches that level, the recoupment will be indexed to the amount of insurer deductibles for all insurers participating in the program. This is a significant reduction in the potential exposure and cost to taxpayers.

Under this bill each company will take on a greater portion of losses above their deductible. This is done by increasing the coinsurance level from 15 percent to 20 percent and raising the level at which the program is triggered from \$100 million to \$200 million. As these levels are increased, the Federal share is reduced.

This bill maintains the amendment offered by Senator FLAKE to create an advisory committee focused on finding additional private sector solutions to lowering the Federal exposure to loss from a catastrophic terrorist incident in the United States. Getting terrorism risk insurance right is important in order to protect taxpayers and to limit the economic and physical impact of any future terrorist attack on the United States.

This bill will help us maintain a properly balanced terrorism risk insurance program that increases the Nation's economic resilience to terrorism.

The bill also includes separate legislation that will establish the National Association of Registered Agents and Brokers or what is commonly known as NARAB. I have been an original co-sponsor of this legislation in the past because it simplifies the process of agent licensing across State lines while preserving States rights—specifically, the authority of state insurance regulators.

The bill has broad support from the insurance community, including the National Association of Insurance Commissioners, Independent Insurance Agents and Brokers of America, the National Association of Insurance and Financial Advisors, and the Council of Insurance Agents and Brokers.

By reducing costs and increasing competition among insurance producers, we will generate lower costs and better service for consumers.

Importantly, NARAB II, this legislation, deals specifically with marketplace entry and would not impact the States' day-to-day authority over the insurance marketplaces. State regulators will serve on the board of NARAB with the same objectives they have as insurance commissions—to protect the public interest by promoting the fair and equitable treatment of insurance consumers. The idea for NARAB is now 14 years old, and I am very glad to see we are now going to get it across the finish line.

The final TRIA bill includes the Vitter amendment that was added in the Senate to require that the Federal Reserve Board have at least one member with experience working in or supervising community banks.

Finally, the bill also includes a very critical reform to the Dodd-Frank financial legislation. This commonly has been referred to as the end user amendment issue—a piece of legislation that historically has also received wide bipartisan support. This is a targeted fix I have been pushing for over 4 years. Ever since the Dodd-Frank conference, there has been a debate regarding whether nonfinancial end users were exempt from margin requirements. Most Americans won't really understand the details of these kinds of transactions if they aren't involved in the derivatives industry. But it is critical that we allow end users, those who produce products or provide services—those are the ones who are using the financial system and the benefits it can provide to provide productive additions to our economy—that they not be subjected to the rigorous requirements that were put into place to control financial sector dealings in derivatives.

Then-Chairman Dodd and Senator Lincoln acknowledged that the language for end users was not perfect and tried to clarify the intent of their language with a joint letter. In the letter, they stated:

The legislation does not authorize the regulators to impose margins on end-users, those exempt entities that use swaps to hedge or mitigate commercial risk. If regulators raise the costs of end-user transactions, they may create more risk. It is imperative that the regulators do not unnecessarily divert working capital from our economy into margin accounts, in a way that would discourage hedging by end-users or impair economic growth.

I might add to that quote from these Senators that it would also increase costs in the marketplace to consumers.

Stand-alone legislation passed the House to fix this problem last Congress with 411 votes—broad bipartisan support. In the Senate, legislation to deal with the end-user program was introduced originally by a bipartisan group of six Democrats and six Republicans. Congressional intent was to provide an explicit exemption from margin requirements for nonfinancial end users

that qualify for the clearing exemption, which this language accomplishes.

Unless Congress acts, the new regulations will make it more expensive for farmers, manufacturers, energy producers, and many small business owners across this country to manage their own unique business risks associated with their daily operations—an unintended and harmful consequence of the language in the Dodd-Frank legislation.

I mentioned in my earlier statement that this bill had the support of 93 Senators in the last Congress. The final bill before us today passed the House by an overwhelming vote of 416 to 5.

Again, I encourage all of the Senators to vote for the legislation we have before us today and help this first piece of legislation in the Senate in this Congress get a quick resolution so we can resolve one—in fact, two or three—of the critical issues facing our economy today, help strengthen our economy, promote jobs, and increase our movement along the pathway toward economic recovery.

Again, I thank Senator SCHUMER, Senator REED, Senator KIRK, and Senator HELLER for their partnership in bringing this bill forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I rise today to speak on H.R. 26, the Terrorism Risk Insurance Program. I thank Senator CRAPO, and I appreciate and enjoy the relationship we have had over the last 8 years since I joined the banking committee. He was already a relatively veteran member of that committee and very knowledgeable and very straightforward and fair. I appreciate his work, especially on this legislation.

I support the reauthorization of the Terrorism Risk Insurance Program, and I did not want it to expire in December. Many of us on both sides of the aisle in the Senate worked to try to get this reenacted in December. Unfortunately, because of partisan games in the House of Representatives, it didn't happen. But that is why I voted for TRIA reauthorization, S. 2244, in the banking committee last June. I supported the bill that the full Senate passed in July by a strong vote of 93 to 4. S. 2244 made important reforms to TRIA in order to gain bipartisan support, but it still provided long-term certainty in the marketplace.

What was unfortunate was that last fall the House Republicans were unable to embrace the Senate bill—similar to immigration, if you will—that had broad bipartisan support. They waited until the last days of the last Congress to engage the Senate in an effort to reauthorize TRIA. The situation could be dangerous if it is unauthorized. Fortunately, we will be able to move today and get this to the President pretty quickly and at least protect our cities and our communities and our people.



While the TRIA provisions the House and Senate eventually agreed on went further than I would have liked, they represent a compromise—something we obviously don't see enough around here these days. Ultimately, though, the swap end-user provision that was added by House leadership to the TRIA bill at the last moment was not a compromise. It was moving in a different direction. It was a weakening of Dodd-Frank. It was not the way this Congress or any Congress should enact legislation and should proceed. That end-user provision did not go through regular order in the Senate. The committee held no hearings and no mark-ups to consider its merits or its demerits. This bill was never brought to the Senate floor to be debated.

That is what people, whether in Florida or Idaho or Ohio, are unhappy about—legislation that needs to pass, things for which there is strong, bipartisan, across-the-board, almost unanimous support, and then special interest groups get provisions in that don't belong there that were not debated and never discussed.

Unlike TRIA, the swap end-user provision is controversial and overrides regulators' proposed rules. It prevents future regulatory flexibility. It allows another avenue for derivatives risk to build up in the financial system.

These actions of inserting this provision in legislation with overwhelming, almost unanimous support—adding these kinds of provisions simply doesn't work for our system. It is not the way we should be legislating. It begs the question, Did we learn nothing less than a decade ago? We know what happened to our financial system. The greed on Wall Street and the pain it caused on Main Street in Boise, Pocatello, Columbus, and Cleveland was pretty hard to measure.

The financial crisis exposed risks in all areas of the market, and the provisions in Wall Street reform target dangerous exposure in the system by strengthening protections using clearing and margin requirements.

Under Wall Street Reform, commercial end users are exempt from clearing requirements, and regulators have provided them with accommodations from margin requirements, recognizing the business-related need of the companies.

The end-user legislation added to the TRIA bill goes above and beyond the existing law and the existing rule-making and could tie regulators' hands in the future if excessive risks were to develop, thus exposing the financial system and taxpayers to more harm.

In just one example that this end-user provision could cut both ways, 2 days before Christmas Reuters reported that "major U.S. airlines including Delta and Southwest are rushing to finance losing bets on oil and revamp fuel hedges as tumbling crude prices leave them with billions of dollars in losses, according to people familiar with the hedging schemes."

We know most of us are thrilled with the price of gasoline at the pump going

significantly below \$2 a gallon. We know there are other people who are a little bit less thrilled, as this story illustrates with Delta and Southwest. We know the economy of Texas and North Dakota have had problems because oil revenues declined. We know all of that, but we also know that when you enact provisions such as this that aren't debated and aren't discussed, that haven't had hearings, there could be unforeseen consequences.

Less than 7 years after the financial crisis, we shouldn't forget the risks involved. Let's not forget the impact of the financial crisis on consumers, investors, taxpayers, and the financial system as a whole. What we do here has impact in Omaha and in Cleveland, and it is important that we really understand what we are doing by going through regular orders. Slipping this provision in the TRIA bill is just the latest Republican effort to roll back Wall Street reform.

In December, we know the same cast of characters attached an effective repeal of section 716, the Lincoln amendment, to the end-of-the-year spending bill. Yesterday they tried—and thankfully failed—to pass a bill consisting of 11 smaller bills that included attempts to weaken a number of important Dodd-Frank provisions.

I don't like the way this has been done today. I want to see TRIA pass. We have seen this movie before. We will keep seeing it over and over again. This seems to be the new Wall Street playbook. It seems to be the new Republican playbook. I hope it is not the Senate leadership's playbook, where you take a bill that most people like, that has pretty much overwhelming support, is a must-pass bill, and you help Wall Street and Wall Street lobbyists get provisions in, and they can weaken consumer protections. Consumer protections rules on Wall Street will keep Wall Street safer so we don't have to have another Federal bailout.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from New York.

Mr. SCHUMER. Madam President, first, I wish to thank my colleagues who were here today. This is Senator BROWN's first—just a day into the session as ranking member, and it is clear to all of us in the caucus that he is going to be a hard-working, conscientious ranking member, and I look forward to working with him and congratulate him on his new position. I thank my good friend Senator CRAPO, who will be leaving as ranking member. We have the new ranking member and the former ranking member. I wish that were not the case but so be it. Senator CRAPO has been a pleasure to work with on this bill and on so many other bills. I appreciate his hard work as well.

I rise today in support of reauthorizing the terrorism insurance program—a purpose that has brought me to the floor of this body several times in the last year. We all know what a

crucial piece of legislation TRIA is for our country. It should be reauthorized and reauthorized without political jockeying and attempts at point-scoring that we have seen through several months. But the good news is that TRIA will pass today and millions of Americans can breathe a sigh of relief, not just those who insure buildings and build buildings but people who work in buildings, office workers, restaurant workers, those who work at shopping centers, sports fans, those who care about having new stadiums. All of those depend on terrorism risk insurance.

We all know the history. After 9/11, when my city was devastated, people could not get financing to build new buildings. Insurance said the damage from terrorism, both loss of life and property damage, is so great that they were not going to insure without a Federal backstop.

In a bipartisan way we came together in 2002 and passed the TRIA bill. It helped propel the economy for the last decade. Because some on the other side are not sure this should be a government function, we could not make it permanent. It would be a lot better if we could, but we extended it for periods of years. It came to pass that it expired on December 31 of this last year, 2014.

In the Senate the bill I was proud to sponsor, helped by my cosponsors, Senators MURPHY, JACK REED, Tim Johnson, MENENDEZ, KIRK, HELLER, CRAPO, BLUNT, and Johanns, we anticipated no problem. The bill passed 93 to 4. Senators from BERNIE SANDERS to TED CRUZ voted for it.

Everyone thought it worked. It has not cost the government a nickel. It will pass easily. But unfortunately it got caught up in the machinations of the House. There were some on the House side who did not want terrorism insurance at all and some who were extremely reluctant. I will say this: I believe Speaker BOEHNER and Majority Leader MCCARTHY understood the importance of this. I worked with them in the latter months of last year to try and get a bill done. At the end of the day I was able to negotiate a bill with the chairman of the House banking committee who was at best a reluctant supporter of terrorism insurance and came up with a proposal that made some changes but kept the program intact.

It was a good compromise. It is the compromise that is before us today. It is a little different than the original bill. Instead of 7 years, it extends us for 6 years. The \$100 million limit has been raised to 200. But still, the program can function very well under these proposals. I am very glad we have brought it to the floor very early in this session. I am glad it passed the House. I am glad that hopefully by the end of today it will be moving to the President's desk.

But there is one sour note in all of this; that is, the attempt—and I agree completely with my colleague from

Ohio, the ranking member, Mr. BROWN, that the idea to add extraneous measures to this provision is a wrong one. In my view, Dodd-Frank has strengthened the financial system, the banking system, and this country. The loose regulatory regime that was in place before, everyone agreed, helped cause the worst financial collapse we have had since the Great Depression.

There are some on the other side I understand who disagree with that view. That is something that will obviously be subject to debate. But to attach a provision at the last minute, which is what the House did at the end of last year, put it on the bill and said take it or leave it, is wrong and unfair. I think every fairminded person, whatever their view of Dodd-Frank is, would feel that we should debate an important amendment, any amendment, that would roll back parts of Dodd-Frank, given the fact that most everyone who has looked at it has thought it has been a success.

So that, plus a change in the NARAB provision, which my colleagues have mentioned, led to some problems. We on this Democratic side, while we do not like the rollback of Dodd-Frank in the end user provision, even last year were not prepared to stop the bill from going forward.

But the change our House Republican colleagues made was blocked by a Republican, Senator Coburn, and at the last minute, in the waning hours of the session, it was stymied. Today Senator Coburn, my dear friend whom I miss—and I wish him the best of health—is not here. He will not be here. He will not be here to object to the unanimous consent request that was made in a bipartisan way. So we were voting on this bill.

But the bottom line is simple. Republicans monkeyed around with the bipartisan compromise to earn a pound of flesh in what they knew was a must-pass piece of legislation. I am glad it will not kill the bill, but it never should have been there to begin with. The amendment that will be proposed will allow many on this side of the aisle who believe in TRIA but did not want to see at the last minute a rollback of Dodd-Frank, albeit one of the smaller rollbacks that has been proposed, to ride on the back of the important antiterrorism proposal.

Using must-pass unrelated legislation to chip away at Dodd-Frank piece by piece, even small pieces such as the end user provision, without debate or even in the committee process, is not how we should go about the business of considering important regulations on financial services. I join Ranking Member BROWN in saying that should not happen in the future, and we should do everything to stop it from happening.

The good news is in this new session there were attempts by some on the Republican side to dilute the TRIA provisions further. From what I am told, Chairman HENSARLING wanted to dilute it further, despite the negotiations we

had. I thank our Republican leadership for not allowing that to happen, the Republican leadership in the House. So the same basic compromise that Chairman HENSARLING and I negotiated in the wee hours of the last year's session will be on the floor today. TRIA will not be weakened any further. I am proud of the compromise Congressman HENSARLING and I reached on the substance of TRIA. I am hopeful we can pass a bill without extraneous issues. I certainly believe TRIA should be signed into law as quickly as possible, because we all know that if we do not have terrorism insurance, it is going to greatly hurt our economy.

The damage has been minimized because most of the insurance clauses have 30- and 60-day notice provisions, so there has been no effect up to now. But if we dither any further, it will have serious effects on our rebounding economy, effects that I think no one who cares about jobs, who cares about working people, who cares about new construction in America would want to count.

I am glad TRIA will pass today. Our country needs it. I thank again all of my colleagues on both sides of the aisle in both Houses who worked hard to do this. I hope we will not find what happened today happening again, which is adding extraneous rollbacks to Dodd-Frank, without debate, without discussion, to future legislation.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAPO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Madam President, I do not see another speaker on our side so I would like to take a few minutes and just respond to some of the remarks of my colleagues.

First of all, let me say I am very pleased to see that we have strong support across the aisle on a bipartisan basis for two of the three key parts of this legislation, the reauthorization of TRIA—or the Terrorism Risk Insurance Program—and the NARAB provision for the insurance industry. It appears that the focus of the debate between us or disagreement between us is going to come down to that part of the bill that deals with the end user exemption under the Dodd-Frank legislation. So I would like to talk about that for a little bit, because in some of the arguments about this provision there has been the implication that this is an effort to help strengthen Wall Street at the expense of Main Street. The reality is just the reverse. This is an opportunity to try to stop unintended and bad legislative language from hammering Main Street under the guise that it was to protect us against Wall Street.

Let me explain what I mean. Derivatives are—I am reading right now from the summary of the House bill, which is the version of the language we are going to be voting on today. I will be reading and summarizing some. But derivatives are contracts whose value is linked to changes in another variable, such as the price of a physical commodity.

My colleague from Ohio, Senator BROWN, referenced Delta Airlines, which buys contracts for fuel for their airplanes. They do this in order to hedge the risk on the price of fuel. It is a critical part of their risk management for their business. Other businesses, farmers in Idaho, hedge their risks in their farming and ranching operations in the same way, by trying to make sure they have protected the price of certain commodities they need to utilize in the conduct of their business.

Derivatives have historically been used by large businesses, such as Delta, and small, such as the Idaho farmer, and everything in between, to manage the risk of their business. End users trade in derivatives to hedge business and economic risk. That is very important to understand because over time derivatives have grown and the use of an investment in derivatives has grown. Instead of just end users trying to manage risks in commodities for their products and for their physical needs and business needs, many derivatives, in fact probably most of the many—more than a majority of the derivatives that are invested in today are no longer based on a physical commodity but are linked to variables such as interest rates or stock prices or currency valuations or other factors such as that.

The market in derivatives has moved into areas that are similar to investments such as in the stock market. Because of that, Dodd-Frank sought to—and one of those kinds of activities was one of the big problems in the financial collapse. So Dodd-Frank tried to address that abuse of derivatives that was found during the time of the financial collapse.

But it was never intended to deal with the original utilization of the derivatives by end users—again, as I said earlier, those who produce a product such as a farmer or deliver a service such as airline transportation similar to Delta Airlines or others, those who utilize derivatives in their business to hedge a business risk and economic risk as opposed to those who invest in derivatives for speculation in a market. That distinction was very important.

I was on the conference committee when we did the conference committee on Dodd-Frank. We discussed this then. Everyone, literally all of us, including the two sponsors of the bill, Senator Dodd and Representative Frank, agreed that end users were not intended to be covered.

In fact, I will quote again the language that Dodd—after the passage of



Dodd-Frank—put into a letter along with his then-colleague Senator Lincoln. This is Senator Dodd's language:

The legislation does not authorize the regulators to impose margins on end users, those exempt entities that use swaps to hedge or mitigate commercial risk. If regulators raise the cost of end user transactions, they may create more risk.

I am still quoting Senator Dodd—continuing: "It is imperative that the regulators do not unnecessarily divert working capital from our economy into margin accounts, in a way that would discourage hedging by end users or impair economic growth."

So it was not the intent, although it was a concern at the time that the language may have gone too far. But clearly the sponsors of the amendment—and I don't have the language in front of me, but Representative Frank has made similar comments that it was not intended for this to be covered by the legislation. But the language actually did go so far as to cover end users.

Now the regulators, in hearings before the banking committee, have uniformly told us they feel their hands are tied and that following the language of Dodd-Frank they have to start imposing margin requirements on end users, which will cause the kind of economic harm which I have discussed earlier. So it is necessary for Congress to respond and clarify that this exemption exists for end users in our financial system.

Now, one of the arguments that has been made—actually, before I move on to that, let me go back and give a couple of examples. This is, I believe, from testimony that was given in the House, where hearings have been held multiple times on this issue. It is true we haven't been able to get hearings in the Senate on this issue, but it doesn't mean the issue hasn't been raised in the Senate.

I personally, in 2011, brought an amendment to an appropriations bill to make this exemption part of the law and was stopped by the then-majority, who said they would not allow either a vote or a hearing on the issue. So it is true that we have not been able to engage in hearings or votes in the Senate on this issue, but it is not true that we have not been engaging in trying to get to this issue in the Senate.

In the House they were able to hold hearings. I wish to quote a couple of examples of testimony that were made in the House. This first one is from the CEO of MillerCoors, Craig Reiners, who gave this testimony said:

MillerCoors uses derivatives for the sole purpose of reducing commercial risk associated with our business. At MillerCoors, we brew beer, and our commitment to our customers is to produce the best beer in the United States and to deliver it at a competitive price. In order to achieve these goals, we must find a way to mitigate and prudently manage our inherent commodity risks.

This is what the end users do. The other example is Ball Corporation, which is a supplier of metal and plastic packaging to the beverage and food industries. In testimony in the House, the CFO of Ball stated:

A requirement for end-users to post margin would have a serious impact on our ability to invest in and grow our business. For example, Ball is currently investing significant amounts of capital in plant expansions in Texas, Indiana, California, and Colorado, totaling well in excess of \$150 million, and adding several hundred jobs when complete. Tying up capital for initial and variation margin could put those types of projects at risk at a time when our economy can ill afford it. The impact of posting initial margin for us can easily exceed \$100 million, while the change in value on our trades over time could easily surpass \$300 million. Diverting more than \$400 million of working capital into margin accounts would have a direct and adverse impact on our ability to grow our business and create and maintain jobs.

Again, my point is the end-user exemption must distinguish between those who invest in derivatives for speculation and those who invest in derivatives in order to control and hedge risk in their business—a critical distinction. Economists, experts, and regulators alike have said that imposing those extra margin requirements on the end user will have negative economic effects and not positive stabilizing economic effects.

Having said that, I want to move forward. Again, going back to the House report—and I am almost done—it says:

However, derivative end-users, the firms trying to manage their risk, rather than speculate for profits, do not pose a systemic risk. Furthermore, forcing end-users to post margin in the form of cash or government securities could cause harmful effects for the economy and consumers. If end-users are posting a margin, those funds are unavailable for investment in jobs and expansion.

That means we are pulling capital out of our economy unnecessarily and in a harmful way, in the very arena—not Wall Street but Main Street—the very arena where we need capital formation and need the kind of growth in our economy that would then cause us to generate greater jobs, strength, and stability.

The examples I have used were examples of companies that were dealing in hundreds of millions of dollars of issues. But as I said earlier, this is not just that. Small businesses, ranchers, farmers, and others, all utilize this in order to hedge their commodity risks and their business risks in our economy.

I want to reinforce the point and make it clear that this is something that was never intended to be in the law and that our regulators have said they have to do. In hearings before the Senate banking committee I have asked our regulators about this. In fact, frankly, that reminds me that we have actually had testimony in the Senate on this issue because I have raised it in multiple banking hearings with our financial regulators.

They have told us they believe this fix is a prudent fix. We have our regulators telling us they have to issue regulations they don't feel are needed or necessary and that a congressional fix would be helpful to our financial markets and to our business productivity in America.

We have those being regulated as end users pleading for relief from this harmful statutory language, and we have an opportunity today to correct that problem. I encourage all Senators to recognize the critical need to move forward rapidly on fixing this end-user exemption just as we need to move forward rapidly on reauthorizing TRIA and passing the NARAB legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I will be no more than 3 minutes.

I wish to make a short response to my friend from Idaho that the issue here is more about process than substance. We have slight disagreement on substance, partly from the delta issue. I understand the farmer and rancher in Idaho and the farmer in Ohio and the importance of managing risks.

I was also a bit amused by the examples he used of manufacturers, those same manufacturers who came in front of our committee that produce beer or soft drinks that were paying more for their metals, for their aluminum cans because of the overreach in some commodities from some Wall Street firms. But this is not the time to debate that.

The issue is really the process of this change. I was part of legislation with Senator COLLINS and with Senator JOHANNIS in the last session. It was a lengthy process. Senator CRAPO supported our efforts in committee and beyond.

It was a slight change to Dodd-Frank. It was a change that we did cautiously. We made agreements and compromises. We brought in Sheila Bair, who had helped in some of the crafting of the language with the Collins amendment.

We worked with her, we worked with Senator COLLINS, we worked with Senator JOHANNIS, and I started the process. Senator COLLINS became the lead sponsor of it—the compromise through hearings in both Houses and hearings in the Senate banking committee. There were discussions in both Houses. We eventually came to that agreement with a free-standing bill.

That is the way this should be done. I would be happy to have a debate on the end-user provision with Senator CRAPO, Senator SHELBY, and the rest of us. Then we come to a conclusion, we get compromise, and we move forward.

The lesson, before Senator COATS gives his comments, is let's do this in the future the way we did—Senator COLLINS, Senator BROWN, and Senator JOHANNIS last year, and do this right so all sides can be represented, we come to a compromise, and the stand-alone bill goes to the President.

That is the way this should have been done, and I am hopeful that is the way it will be done in the future.

I yield the floor to Senator CRAPO and Senator COATS.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, I yield 15 minutes or such time as he may consume to Senator COATS.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I thank the Senator from Idaho for yielding time. I don't anticipate using that much time.

I apologize to my colleague from Ohio whom I didn't see standing before I rose for recognition.

I very much appreciate comments made that support the legislation that is before us.

However, I wish to make a few remarks relative to the start of a new Congress and a new Senate in this new cycle.

This is a fresh start for us and an opportunity to reverse course after a very frustrating period of time of dysfunction in the Senate.

I am hopeful and I am optimistic that all of us—colleagues, both new and old, Republican and Democrat—will be able to work together to achieve serious and positive results on the many issues before our country that we face.

We have to put the days behind us when Congress careened from one cliff to the next, from one crisis to another, and fail to successfully bring forward positive legislation that addresses the problems we face. There are threats to our national security—including radical extremism such as ISIS, terrorists such as those responsible for the horrendous murders in Paris yesterday, cyber attacks, and inadequate border security. There are a number of foreign policy issues that also threaten the security of the United States.

Unfortunately, many of the administration's responses to these challenges have fallen short of what is needed to successfully address these threats.

Therefore, addressing these issues and protecting our homeland is paramount in this critical time. Congress has an important role to play in 2015. I want Hoosiers whom I represent to know that I will continue to engage fully in what I believe is this essential priority. Here on the home front, the 114th Congress must prioritize legislation that sets the conditions for economic growth. I consistently hear from Hoosiers at home who tell me that Washington needs to focus on building an economic climate that encourages job creation and expands opportunity for all who seek to work.

We have staggered through a very difficult period of time. I believe, personally—and I think it has been demonstrated by the results—that the policies of this administration have not successfully addressed this problem, falling far short of what is needed. These concerns must be addressed. They must be addressed now. There are several areas where Republicans can work with the President and work with our colleagues to grow our economy if the President is willing to work with us.

Many of these issues have bipartisan support in this Congress—items that we will be taking up very shortly, such as the Keystone Pipeline. Unfortu-

nately, the President has already issued a slap in the face to those of us who simply want to bring up something that is supported by nearly 70 percent of the American public and has been cleared of any kind of negative environmental impact. But it has been resisted over and over with less feeble and more and more feeble excuses from our President as to why we can't go forward.

Repealing the excise tax for medical devices is something with very significant bipartisan support. Seventy-nine Members of this body in the last cycle voted for repeal of this egregious tax on gross sales that has hampered growth of one of the most dynamic industries in our country and something that provides exports, revenue, and high-paying jobs that put people back to work and give them a good income.

Reforming Federal regulations, that are currently preventing businesses in my State from hiring and growing, opening more markets to American-made products, and reforming our Tax Code are just a few of the issues that have bipartisan support and can be addressed in this Senate. Hopefully the President will join us in that effort.

In addition to what I have listed, there are many other issues the 114th Congress must tackle. For example, just last week an employer survey revealed a majority of small businesses say Obamacare has reduced their profits, causing many of them to freeze or cut workers' wages or reduce other benefits. This survey affirms the constant flow of letters and emails I receive from Hoosiers who have seen their premiums and deductibles rise because of Obamacare.

We were promised by the President that premiums would not rise—not a penny, he said.

That has obviously not been the case. We have seen egregious and crippling increases in deductibles and premiums as a result of Obamacare.

Now, with a divided Federal Government and in order to achieve needed results, we have no other option but to work together on responsible legislative solutions to grow our economy, tackle our debt and deficit, and keep America's homeland safe from terrorist threats. That is the challenge that is before us. That is the challenge the American people want us to address.

So I look forward to rolling up my sleeves, redoubling my efforts, and getting to work on behalf of Hoosiers and the Nation, and I trust my colleagues will join in that effort and we can move forward in a way we haven't in the last few years.

With that, I thank my colleague for the time, and I yield back whatever time may be remaining.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. I yield 10 minutes or such time as he may consume to Senator HELLER.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Madam President, I rise to speak on TRIA, the Terrorism Risk Insurance Program. Before I get started with my remarks, I thank my friend from Idaho for his hard work and efforts on behalf of all of America on this issue. I think his efforts to educate us in our conference and others on both sides of the aisle speak volumes to his ability to lead on an issue such as this. As a member of the banking committee and a coauthor of the Senate TRIA reauthorization bill, this is a critical issue I have worked on closely with my colleagues for nearly 1 year.

Terrorism is a real threat to both rural and urban areas, whether it is north, south, east or west, and that is why I have been so involved with trying to get TRIA extended. When we think of terrorism, we think of Los Angeles, we think of New York, we think of Chicago, and some of these bigger cities. But as I have said before, and I will say again, in my home State Las Vegas is considered to be one of the leading international business and visitor destination cities in the world. Southern Nevada welcomes 40 million visitors annually and has a population of nearly 2 million people. We have 35 major hotels along the Las Vegas strip, many of which have 15,000 occupants at once. If a terrorist attack were to occur in Las Vegas, our entire State economy would be devastated without TRIA.

But it is not just about Las Vegas. In northern Nevada our visitor and gaming industry is one of the largest employers in Washoe County, which includes the city of Reno. They know unless they have access to affordable terrorism coverage they will have difficulty starting new capital projects and creating new jobs. TRIA has helped many hotels, helped hospitals. It has helped office complexes, shopping centers. Colleges and universities have access to terrorism insurance coverage, and I want that to continue.

While I was disappointed we could not reach agreement before TRIA expired at the end of 2014, I am pleased this legislation has been brought to the floor so quickly by the majority leader. This bill before us is a good bill. Yesterday it passed the House with 416 votes. Let me repeat that: 416 Members of the House, both Republicans and Democrats, supported this legislation.

I strongly support this bill, and I urge all my colleagues to support passage of this bill.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRAPO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CRAPO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. I ask unanimous consent that during the quorum calls all time that elapses be allocated equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMENDING POPE FRANCIS

Mr. DURBIN. Madam President, a little over 5 years ago a USAID worker named Alan Gross—a contractor with USAID—went to Havana, Cuba. He took with him some Internet equipment he was going to leave at a small synagogue that has survived for decades in Havana, Cuba. He checked in at the airport when he arrived, took all of the equipment he had brought and put it right through Customs for inspection by the Cuban Government. Shortly thereafter he was arrested and charged with spy activities and the like and imprisoned for 5 years—Alan Gross of Maryland.

I am happy to report that just before we adjourned for the holiday recess we were greeted with the great news that Alan Gross, who had been jailed in Cuba for 5 years, was finally on his way home.

I met with Alan in Havana at his holding area in a prison hospital several years ago. I couldn't understand how this man could survive day after weary day of being imprisoned for trumped-up charges that truly bore no relationship to reality. He was given a 15-year sentence for simply bringing Internet equipment to the Cuban people.

When I saw Alan, he had lost more than 100 pounds and had been unable to visit back home with his mother, who later passed away. Amid their own enormous pain, the Gross family remained tirelessly committed to ensuring his well-being and return to the United States.

Many Members of the Senate and House of Representatives visited him in Havana, when they had the chance, to keep his spirits up. We tried everything imaginable with the Cuban Government and with our own government and others to secure his release. Tragically, Alan's detention was yet another obstacle in trying to turn the page on what I considered a decades-old failed foreign policy toward Cuba.

Many people helped make Alan's joyous homecoming a reality; notably, President Barack Obama and many Members of the Senate. Senators MIKULSKI and CARDIN, from his home State of Maryland, helped to lead our efforts; CHRIS VAN HOLLEN, Congressman from the State of Maryland as well; and I can't leave out Senator PAT

LEAHY, who truly took a personal interest, as his staff did, in trying to help.

President Obama was the one who helped to finally engineer his release, but I think the President would be the first to say he could not have achieved this goal without the able assistance of an amazing man, who has millions of fans around the world, named Pope Francis.

Pope Francis urged both sides—the United States and Cuba—to meet and talk with one another, to work to find a solution for the release of Alan Gross and try to resolve other humanitarian issues between our two nations. Writing personally to both President Obama and Cuban President Raul Castro, Pope Francis played an important role in finally bringing these sides together after decades of separation.

Over 18 months quiet talks moved forward, including a critical one late last year hosted by the Vatican. Pope Francis said to a group of new Vatican Ambassadors the day after the release of Alan Gross:

The work of an ambassador lies in small steps, small things, but they always end up making peace, bringing closer the hearts of people, sowing brotherhood among people. . . . And today we're happy because we saw how two peoples, who had been apart for so many years, took a step closer yesterday.

What wise and beautiful words from this impressive new Pope Francis—the first Pope from Latin America and one widely recognized for his humility, his dedication to the poor, and his commitment to dialogue and reconciliation. He is clearly continuing the role of the Vatican in pursuing peace and freedom, whether it be the role of Pope Paul II in helping to encourage the Solidarity movement in Poland or the Vatican's help in diffusing a border standoff between Chile and Argentina in the 1970s and a 2007 dispute between Britain and Iran over hostages.

That is why Senators LEAHY, FLAKE, CARDIN, MIKULSKI, ENZI, COLLINS, UDALL, and BROWN will join me in submitting a resolution that praises Pope Francis's role in securing Alan Gross's release and fostering dialogue between the United States and Cuba.

The resolution's message is simple and straightforward. It extends its gratitude to Pope Francis for his extraordinary efforts in helping to secure the release of Alan Gross; it commends His Holiness for his role in encouraging improved relationships between the United States and Cuba; and it warmly welcomes home Alan Gross to the United States.

I know that Cuba itself elicits many strong and passionate political feelings here in the Senate and across America. I respect the differences many of us have on this issue. I am certainly no fan of the Castro regime, neither Fidel nor Raul, and I have pursued accountability and progress on human rights violations on that island, including the suspicious death of Cuban patriot and democracy activist Oswaldo Paya.

While many of us may disagree on the best path forward in seeing democratic change in Cuba, I think and I hope we can all agree that Pope Francis deserves special thanks and praise for his role in bringing Alan Gross home.

I will submit this resolution. I ask any of my colleagues of either party who would like to join in cosponsoring it—if they would like to, I would be honored to have them. I will try to move this resolution in a timely fashion, but I hope we can at least go on record in the Senate commending the Pope's efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I thank the Democratic whip for his comments. I was part of a group, with Senator LEAHY, Senator WHITEHOUSE, and Senator FLAKE, who worked on this. The credit overwhelmingly goes to Congressman VAN HOLLEN and Senator DURBIN and Senator LEAHY in the negotiations and discussions the administration had. It was so important.

I also appreciate the opportunity to be a cosponsor of Senator DURBIN's resolution. I mentioned to him that one of the most intriguing and most admirable things Pope Francis has said as he travels the world and ministers to the poor and talks to his flock—one day he exhorted his parish priests to go out and smell like the flock—a good admonition to all of us to make sure to go out and know how people live their lives so that we can minister to them and govern this country better. So I appreciate Senator DURBIN's words.

Mr. DURBIN. If the Senator would yield for a moment, I failed to mention Congressman JIM MCGOVERN. Congressman VAN HOLLEN and Congressman JIM MCGOVERN were both very committed to Alan Gross's release.

Mr. BROWN. Senator DURBIN is right about that.

Madam President, before putting us in a quorum call, I ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING REVEREND MICHAEL C. MURPHY

Ms. STABENOW. Madam President, I rise today to pay special tribute to Rev. Michael C. Murphy, a dear friend of mine, a man of great faith who for decades inspired the people in Lansing, MI, and who passed away recently in Washington, DC, a city where he had only just begun to make his mark.

Reverend Murphy talked often about being called—being called in the spiritual sense—into service. In the spiritual sense of the word, he followed that calling at pivotal moments in his life, and we are all better for it. For instance, even though he was born and grew up in Chicago, Reverend Murphy felt a calling not long after he arrived in Mid-Michigan. While enrolled at Michigan State University in pursuit of a master's degree in counseling, he got a job at the Michigan Consumers Council. As he learned about the legislative process and how public policy affects families and individuals and communities, he decided he wanted to devote himself to that kind of important work. Yet at the same time he felt a spiritual call to the ministry, which led him back to a seminary in Chicago. For some time he drove back and forth from Lansing to Chicago, balancing a public service mission with a mission that was more personal and spiritual.

Ultimately, in 1987 my friend Mike Murphy, as a recently ordained minister, founded St. Stephen's Community Church in Lansing. It would belong to the United Church of Christ, a denomination that appealed to Reverend Murphy because it was multicultural, committed to social justice and human rights, just like Reverend Mike Murphy himself. For the next 22 years these causes were consistent themes of Reverend Murphy's sermons.

Even as the minister of a growing congregation, however, Reverend Murphy felt the calling to serve a broader public, a broader community beyond his church. In the mid-1990s he won election to the Lansing City Council, and then in 2000 he won a seat in the Michigan Legislature. I was honored that year to be on the ballot with Reverend Murphy, as I came to the U.S. Senate at the same time.

During Reverend Murphy's three terms in the Michigan house, he was a champion for improving education, enhancing access to health care for all citizens, and policies that would promote job growth in his great district and all across Michigan.

More than anything, though, Reverend Murphy's constituents knew that when times were tough, he would be their champion. In May 2003 a 13-year-old middle school student named Jasmine Miles was struck by a car and killed. She was walking home from school on a road that didn't even have sidewalks. Reverend Murphy decided that the best way to help Jasmine's family was to prevent any other family from being devastated in the same way, so he gave Jasmine's family a role in the bill he sponsored in the Michigan house to require crossing guards, skywalks, and other safety enhancements at crossings used by schoolchildren. Since the Jasmine Miles School Children Safety Act became law—and with his leadership, it is law—there is no telling how many young lives have been saved. That was one of so many ways his actions im-

pacted the people in Lansing and in Michigan.

Even after he stepped down due to term limits, he continued working with the State as an activist who offered tips on how transportation officials could improve the safety of walking routes for children across Michigan. He also continued to be a force for bringing neighbors closer together.

Lansing never felt more vibrant than it did on the day of the Capital City African American Parade—a great celebration, an annual event Reverend Murphy founded. There were marching bands, floats, delicious foods, music, and dancing.

About 5 years ago Reverend Murphy was called again, and this time he was called to come to Washington, DC, where he would become pastor of the Peoples Congregational United Church of Christ.

We tend to find comfort in knowing that a person we loved passed away while doing the thing he or she was most passionate about, and that is certainly most true about Reverend Murphy. He spent his final moments in prayer preparing for one of those wonderful sermons he always gave that were uplifting to everyone who was fortunate enough to listen. He brought his spirituality into his service to the community, and his service to the community is what strengthened his spirituality. He was a wonderful man who touched so many lives, including mine, in very powerful ways.

To Reverend Murphy's son Brandon, his daughter Rachel, and all of his family, we will keep you in our thoughts and prayers. We are grateful to you for sharing your father's gifts with us, and we will dearly miss him.

Thank you, and I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Nebraska.

#### TRIBUTE TO MIKE HYBL

Mrs. FISCHER. Mr. President, if I may, I would like to begin my remarks by expressing my deep gratitude to a hard-working public servant and loyal friend, Mike Hybl. Mike and I have known each other for more than 10 years. I was so grateful that after I was elected to the Senate his wife Chris gave her blessing so he could come to Washington to serve as my chief of staff.

Mike has had a long career of public service working for his fellow Nebraskans, including two decades in the Nebraska legislature, where he provided policy and legal advice to a number of our State's top leaders. In this role and in the private sector, Mike has brought a wealth of experience on a range of issues. Before coming to the Senate, he also served as executive director of the Nebraska Public Service Commission for nearly 6 years. When I chaired the Nebraska Legislature's Transportation and Telecommunications Committee, I had the chance to work closely with Mike to improve infrastructure across our State. When the time came for me to choose a chief of staff, I had exactly

one name in mind, and that was Mike Hybl. His integrity, his level head, and his tireless work have served him well in Washington.

Anyone who has ever opened a Senate office from the ground up appreciates the unique challenges that come with being a chief of staff and being a chief of staff for a freshman Senator. A wide range of skills are required to hire staff, establish operations, and even to pick out paint samples. Through it all Mike was patient, he was persistent, and he worked closely with me to always ensure that the interests of Nebraskans were and remain the top priority.

He never lost his sense of purpose. He always kept us laughing with those deadpan one-liners.

After 2 years on the job, Mike will be returning home to God's country, the State of Nebraska, which we both love so much.

I have no doubt that in whatever path Mike chooses next, he will continue to work for the people of Nebraska. I thank his family, his wife Chris, his son Patrick, his daughter Emma, for letting me have him and letting the State have him here for 2 more years. I know they are looking forward to spending more time with Mike as he moves back home in the coming weeks.

On behalf of all Nebraskans, I do thank Mike Hybl for his many years of service to our State and for his leadership as my chief of staff for the last 2 years. I thank him for his counsel, his candor, and his leadership.

Mike, you are going to be missed, but know you have made a difference.

#### WELCOMING NEW COLLEAGUES

Mr. President, I would also like to welcome our new colleagues to a new year and a new Congress and to the Presiding Officer as well.

#### GREAT CHALLENGES FOR OUR NATION

Our Nation is facing many great challenges from threats to our national security to a languishing economy that is starting to show signs of revival. We have been granted a sacred trust by the people we represent to decrease barriers to opportunity and growth, and we have been entrusted by voters to alleviate the burdens that misguided policies have placed on the backs of hardworking American families. I have been honored to serve as the voice for Nebraska in the Senate for the past 2 years, and I am excited to take on the important issues we face in this new Congress.

As we begin this new year, I wish to share some of the priorities I am going to be focusing on. Congress's first duty is to defend this Nation. As a member of the Senate Armed Services Committee, I am committed to working to neutralize the growing threats to our homeland, to our allies, and to destroy our enemies. We must maintain our presence as a powerful force for good. Peace through strength is a proven strategy. However, it also requires us to meet the changing demands and

needs of our military, including the need for a more robust strategy to counter increased cyber warfare.

At the same time, providing for a strong defense abroad also requires a robust economy here at home. In my home State of Nebraska people have faced an onslaught of Washington red-tape—from middle-class families struggling with Obamacare's broken promises to community banks that are forced to meet impossible new standards. Moreover each new day seems to bring about costly new Federal regulations from agencies such as EPA.

Washington's invasive reach is unending. Now we have bureaucracies at the EPA attempting to regulate everything from farm ditches to backyard ponds. This overregulation is killing jobs, driving up consumer costs, and disproportionately hurting families who still feel too much economic pain. Far too often we focus on complex terms and big picture policies without looking at people and families and how they are impacted. From a mother working multiple jobs to put her children through school to a young woman who is a college graduate hoping to start a career, millions of people are being impacted by policies that are hampering our growth and our potential.

Similar to most Nebraskans, I believe we need to do more to promote innovation and economic growth so there are more opportunities and greater options. That means a simpler, fairer Tax Code, more regulatory certainty for job creators and modern rules for new technology. We must help and not hold back innovators and small businesses so they can grow, expand, and invest in the people who make them great. Tackling any of these problems must begin by shining the light on the waste, fraud, and abuse occurring in our Federal Government.

The American people have sent a clear message to Washington this past November. They have had enough. They have had enough of a do-nothing Senate. They have had enough of the White House side-stepping Congress and running roughshod with Executive orders.

The American people are demanding accountability and now with this Congress that is going to happen. There is much to be done and it starts with keeping the priorities of our middle class at the forefront. I for one am excited to face these challenges each and every day in 2015, and I thank Nebraskans for the privilege of serving as their voice in the Senate.

Thank you. I yield the floor.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I will speak for the last time on this bill, but I wish to also speak about an amendment that I expect will be brought forward by the Senator from Massachusetts in a few minutes. Because we are running out of time, I will respond to her amendment before she actually offers it, and then I expect she will offer it in the next few minutes.

Senator WARREN I expect will offer an amendment to strike the end-user provisions of the legislation before us today, and I have already discussed those to some extent so I will not get into too much detail about it, but I do wish to respond once again on the importance of keeping this end-user exemption in this legislation.

For those who did not hear the earlier debate, this provision would enable nonfinancial end users—these are organizations that are trying to manage their own economic risk in their businesses. This is not Wall Street. This is Main Street. These are farmers, ranchers, small businesses, and large businesses across this country. It would allow them to keep their limited funds and capital in play for their use for investment, growth, and for expansion and job development in our economy.

In recent months there has been an increased discussion by both sides of the aisle about the issues relating to the Dodd-Frank legislation and the need for fixes. Some of these fixes should not be controversial or political. There is bipartisan agreement that the Dodd-Frank rules go too far, and some of them need fixed, such as fixing the end-user exemption that is before us.

I have just been notified that there is only 5 minutes remaining. I expect I will only use about 5 minutes, but if I go longer, I ask unanimous consent to extend my time for a couple of minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAPO. The architects of the Dodd-Frank legislation itself—Senators Lincoln and Dodd on the Senate side—stated their intent to provide an explicit exemption from margin requirements for nonfinancial end users. I know that is a complicated issue to explain. I have explained it in detail already, so I will not do that again now. But acknowledging that the language for end users in the draft of Dodd-Frank was not perfect, they sent a letter, which I quoted from earlier, to then-Chairmen Frank and Peterson, stating that “[T]he legislation does not authorize the regulators to impose margins on end-users, those exempt entities that use swaps to hedge or mitigate commercial risk.”

Despite the clarity of their intent, Dodd-Frank was not fixed in conference and regulators had interpreted that in fact the statutory language does contain an ambiguity which they interpret requires them to impose margin requirements. It is not just current

or former Senators who have advocated for this clarity. Regulators have spoken out about it as well.

As I mentioned earlier, in February 2013 at a Humphrey-Hawkins hearing, then-Chairman of the Federal Reserve, Ben Bernanke, identified the end-user exemption as one of the specific Dodd-Frank provisions that Congress should reconsider. I specifically asked him about it.

I asked:

If we were able to achieve some bipartisan consensus on steps to improve Dodd-Frank, what are some of the provisions that you think need clarification, or improvement for reconsideration?

An end-user legislation reform was one of those he identified. I also asked former Chairman Bernanke about the role of end users in our economy and whether they posed a systemic risk.

He stated:

I certainly agree that nonfinancial end-users benefit, and that the economy benefits, from the use of derivatives. It seems to be the sense of a large portion of Congress that that [end-user] exemption should be made explicit. And speaking for the Federal Reserve, we're very comfortable with that proposal.

We attempted to address this issue in the last Congress. We introduced a Senate bill with six Republican and six Democratic sponsors, which ultimately grew to 20 sponsors, but were unable to get any consideration of it in this Congress.

Unless Congress acts, regulations based on the current statute will go into place which will make it more expensive for farmers, manufacturers, energy producers, and many small business owners across this country to manage their risks. There are many examples of other Members of Congress in the House and Senate, Republican and Democratic, who have spoken about the need for certainty and exemptions with respect to this provision.

I will conclude by reading from a letter sent out by a coalition of end users. These are businesses, as I said, large and small across this country, that are alarmed at the damage this current statutory language will do to their business operation. I gave several specific examples of this earlier in our debate.

The end-user coalition has said in a letter it sent to Congress that they represent hundreds of end-user companies that employ derivatives to manage their business risks; in other words, not to speculate in markets but to manage their business risks and that they strongly support this language.

Their point is that this language “would not help financial companies. It would not create any systemic risk. It would not reverse any regulatory policy. And it would not create an exemption that Congress did not intend. In fact, it fulfills the commitments made on the record to end-users by the committee chairs and sponsors of the Dodd-Frank Act at the time of its passage. The end-user language simply would

protect main street companies”—and I emphasize Main Street; we are not talking about Wall Street—“from harmful and unnecessary margin requirements and preserve jobs.”

A Coalition survey of chief financial officers and corporate treasurers released earlier this year underscores the need. . . .

Eighty-six percent of the survey of these companies responded “that fully collateralizing over-the-counter derivatives would adversely impact business investment, acquisitions, research & development and job creation. Another Coalition survey found that a 3% initial margin requirement could reduce capital spending by as much as \$5.1 to \$6.7 billion . . . and cost 100,000 to 130,000 jobs.”

The issue is not just fixing an issue because it is going to have a huge, damaging impact on companies across this country that need it for their business risk management, it is an issue for developing more robust economic development and jobs in our economy which badly needs it.

The idea for providing clarity to end users and regulators precedes the passage of Dodd-Frank, and I am hopeful that now we can get it across the finish line.

Including the end-user fix provides certainty for Main Street businesses that played no role in the financial crisis by establishing a clear exemption for excessive margin requirements on our economy.

Mrs. FEINSTEIN. Mr. President, I wish to express my strong support for the reauthorization of the Terrorism Risk Insurance Program.

This bill will ensure that communities and businesses will continue to have the insurance protection they need to quickly recover after major terrorist attacks.

You see, the September 11, 2001 attacks resulted in approximately \$32.5 billion in claims paid by insurers to terrorism risk insurance policyholders, which makes the deadly terrorist attack the second most costly insurance event in the history of the Nation.

Due to the catastrophic damage, the record breaking insurance payout, and the threat of future attacks, the private insurance industry stopped offering terrorism risk insurance. The aftermath of the September 11, 2001 attacks sent a shockwave through the insurance industry and the lack of the availability of terrorism risk insurance contributed to the economic recession that followed the attacks.

To address the issue, Congress established the Terrorism Risk Insurance Program in 2002. The program is federally backed so private insurers can continue to offer terrorism risk insurance. The Federal Government only pays out when damage from a terrorist attack exceeds \$100 million. The program is also designed so the Federal Government recoups any funds that it pays out. I also want to note that the Federal Government has not paid out a single dollar since the creation of the program in 2002.

Congress has created other federally backed insurance programs to address market failures where the risk of damage due to a disaster is so large it makes insurance unaffordable. The best example of this being done at the national level is the National Flood Insurance Program. At a State level, California created a State-backed program for earthquake insurance.

Since 2002, the Terrorism Risk Insurance Program has worked well to make sure the Nation, and California, is prepared to rebuild in the aftermath of a major terrorist attack.

Terrorism insurance is particularly important for California, due to my State's many large metropolitan areas, its public transit systems, and its many public events. The program makes sure communities and businesses across California are resilient and are prepared for the risk of a terrorist attack.

The recent World Series held in California, which drew over 40,000 fans to each game at the AT&T Park in San Francisco, is a prime example of how terrorism risk insurance works to protect California. The U.S. Bank Tower in Los Angeles, the tallest building west of the Mississippi River, is protected by the Terrorism Risk Insurance Program. Terrorism risk insurance provides workers' compensation protection to many of the 14.6 million members of California's labor force. California is also home to many major airports, tourist attractions, and sporting venues that all benefit from the Terrorism Risk Insurance Program.

The math is simple: terrorism risk insurance means businesses and local governments will have the resources to repair and rebuild should another major terrorist attack occur in the United States.

I also want to point out several positive changes in the reauthorization being considered on the floor today. First, this legislation will gradually increase the ceiling at which the Federal Government would provide payments after a terrorist attack from \$100 million to \$200 million. It will also increase the amount of money the Federal Government would recoup after any payout from 133 percent to 135 percent.

These smart reforms gradually place more risk in the hands of the private market. Due to these changes, the Congressional Budget Office actually estimates that the reauthorization of the program will save the government \$450 million over the next 10 years.

I do want to express my disappointment that a provision was included in the House-passed bill which would make changes to Dodd-Frank's approach to the regulation of the swaps market. Swaps, a kind of derivative instrument, played a key role in the financial crisis and we should tread carefully when considering any revisions to our swaps regulatory regime.

The provision in question prevents regulators like the Commodities Fu-

tures Trading Commission and the Securities and Exchange Commission from imposing collateral requirements on counterparties to swaps transactions with commercial end users. While I am sympathetic to the concerns of commercial end users, preventing regulators from acting to impose collateral requirements on their counterparties could result in more costly risks building up in our financial system. This is the wrong approach.

However, terrorism risk insurance is critically important to California and to the Nation. As such, I urge all of my colleagues to support the reauthorization of the Terrorism Risk Insurance Program.

Mr. CRAPO. I ask unanimous consent that all future quorum calls, in terms of time, be equally allocated between the two parties and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1

(Purpose: In the nature of a substitute.)

Ms. WARREN. Mr. President, I have an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts, [Ms. WARREN], for herself and Mr. SCHUMER, proposes an amendment numbered 1.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Ms. WARREN. Mr. President, after 9/11, Congress passed TRIA, the Terrorism Risk Insurance Act, to make sure commercial developers could afford the high costs of insuring their properties against the possibility of a devastating terrorist attack.

This is a bill for the people who own the tallest buildings in the world. TRIA is a critical program that helps drive economic development and create jobs.

Last July Senate Democrats were united in support of a bill that would reauthorize TRIA and establish a National Association of Registered Agents and Brokers, called NARAB.

The bill passed with 93 votes. Senate negotiators then reached a compromise with the House on both TRIA and NARAB, but at the eleventh hour House Republicans tacked on a provision that would roll back an unrelated provision in Dodd-Frank, and then they left town for the year, knowing the Senate would either have to swallow the change or let TRIA expire.

That same bill, the TRIA compromise with the extra Dodd-Frank



change attached to it, is currently being debated by the Senate.

We have seen this movie before. At the end of the last Congress, House Republicans tacked a rollback of a “no bailouts” provision in Dodd-Frank on to the must-pass funding bill. That rollback, which was literally written by lobbyists for the giant bank Citigroup, was a Wall Street giveaway—plain and simple. It made our financial system less safe, and it increased the chances of another taxpayer bailout—all so the biggest banks in the country could rake in more profits. But it passed the House and then the House left town, and the only way to stop it here in the Senate would have been to shut the government down.

Now, once again, the House has attached a Dodd-Frank change to a must-pass piece of legislation. Whatever one’s views are on the substance of that provision, none of us should endorse the tactics House Republicans have used to try to achieve this change. While some might find this particular Dodd-Frank change desirable or unobjectionable, that may not be the case with other changes that Republicans decide to strap on to important, must-pass bills. If we fail to challenge this cynical strategy now, it will only encourage Republicans to pull our financial regulations apart piece by piece.

Just over 4 years ago, every Democrat voted for Dodd-Frank as a necessary response to the worst financial crisis in generations. Republicans have not hidden their intention to try to undo these basic financial reforms. If Republicans want to try to roll back financial reforms, let’s have that debate on the merits of each proposal. But we cannot have that debate if we permit Republicans to attach financial reform rollbacks to must-pass pieces of legislation such as government funding bills and the TRIA reauthorization bill.

That is why Senator SCHUMER and I are offering a substitute amendment that reflects the original compromise between the House and the Senate—an amendment that includes the compromise language on TRIA and NARAB but omits the Dodd-Frank change.

A vote for this amendment is fully consistent with the vote that 93 Senators took last July—a vote in favor of a clean reauthorization of TRIA and establishment of NARAB. For that reason, I am hopeful it will pass, we can send the President a clean TRIA bill, and we can debate this Dodd-Frank provision separately.

I am also hopeful Senate Democrats in particular will support it on the principle that the Senate expects the House to honor the results of good-faith negotiations and will not support procedural tricks to tack on Dodd-Frank changes to unrelated, must-pass bills—no matter what those changes might be.

The Treasury Department supports this amendment. Here is what they said:

We support a long-term renewal of TRIA, given the important role it plays to our national security and economy, while making sensible reforms to further reduce taxpayer exposure. It is unfortunate that some are attempting to use TRIA legislation to modify the Wall Street Reform Act. We support the Warren substitute amendment which represents the bicameral, bipartisan TRIA compromise from last year that would have averted any lapse in the program.

I agree with the President.

I voted for TRIA in the banking committee, and I was one of 93 Senators who voted for it on the Senate floor. But I cannot support Wall Street reform rollbacks through these hostage tactics. So if we are unable to pass a clean TRIA amendment, then I will also vote no on the bill.

Mr. REED. Mr. President, today the Senate is considering the reauthorization of the Terrorism Risk Insurance Program, which I strongly support. As I have emphasized in the past, reauthorizing TRIA is vital. In addition to serving on the Banking Committee, I also now serve as the Ranking Member on the Armed Services Committee, and it is through this dual perspective, and from what we know of the significant terrorist threats our Nation still faces, that I am convinced that there is value in reauthorizing TRIA.

We must keep markets effectively operating in light of these threats. We must continue to have policies in place to make sure our economy stays on track in the event of another attack on our nation. In short, reauthorizing TRIA is not only a matter of economic security, it is also a matter of national security.

I believe most of my colleagues share this view, and it is one of the many reasons why the Senate in the last Congress was able to pass a TRIA reauthorization bill on an overwhelmingly bipartisan basis by a vote of 93 to 4 in July of last year. This did not happen by accident but through a concerted bipartisan effort in the Senate to steer clear of controversial and ideological demands on both sides of the aisle in an earnest attempt to work together in defense of our country and our economy.

We are here today because the House of Representatives did not abide by these same principles and insisted on including in the reauthorization bill an unrelated provision that would weaken the Dodd-Frank Wall Street Reform Act. This provision effectively prevents the banking regulators, Commodity Futures Trading Commission, CFTC, and the Securities and Exchange Commission, SEC, from calling for margin or collateral protections if they happen to notice excessive risk in derivatives transactions with commercial end users. In short, this bill would prevent our financial regulators from utilizing this tool to protect our markets.

Especially in the wake of the financial crisis, it would seem that we should be providing our regulators with all the necessary tools to limit excessive risk instead of limiting their abil-

ity to protect our markets. Indeed, the financial regulators have already been exercising the discretion we gave them in Dodd-Frank to exempt commercial end users from having to post margin through a proposed rule. But by passing this provision today, we eliminate this discretion to protect our markets through this particular tool even when the facts on the ground may call for its use in the name of market integrity.

For example, in December of last year, Reuters published an article that explained the unexpected risks that certain commercial end users are facing in light of falling oil prices. The article noted, “with oil prices tumbling faster and further than anyone had anticipated, the collar hedges left the airlines with insurance against high costs they no longer need and on the hook for protection they sold against a further slide, with potential liabilities on the rise.” In short, even commercial end users face risks, both expected and unexpected, in their derivatives transactions, and if the circumstances call for it, we should be giving our regulators the necessary tools to police and protect our markets; not further restricting them.

All of this goes back to the need for considering these very complicated and consequential bills that impact our financial markets in a deliberative manner, not through attaching them at the last minute to unrelated and must pass bills. I voted against the Omnibus Appropriations bill in the last Congress, in part, because it repealed section 716 of the Dodd-Frank Wall Street Reform Act, which sought to prevent bank subsidiaries that are covered by federal deposit insurance or that take advantage of Federal Reserve lending programs from engaging in the riskiest derivatives trades. In essence, the riskiest derivatives trades would have been pushed out from these subsidiaries in an effort to reduce systemic risk and provide greater assurances that Wall Street gambles would not be subsidized by taxpayers. Unfortunately, this provision was repealed before it even had the chance to be fully implemented by the regulators.

During my tenure as the then-chairman of the Banking Subcommittee on Securities, Insurance, and Investment, I spent many hours working on a bipartisan basis with Senator Gregg of New Hampshire to thoughtfully and carefully develop a derivatives compromise. While our effort was transformed during the conference on the Dodd-Frank Wall Street Reform Act, I am keenly aware of just how complicated derivatives can be, and I have come to see that even the most seemingly innocuous provisions can have devastating and unintended consequences.

Everyone should understand by now that the last thing Congress should be doing is passing derivatives legislation with little deliberation as part of any must pass legislation. This assault, bit by bit, on the Dodd-Frank Act must

stop. It is a disservice to the seriousness of this issue, to our constituents, and to our economy. Lately, my Republican colleagues have called for working cooperatively through the committee process, and I welcome this opportunity. While this did not happen with this particular derivatives provision, I hope my Republican colleagues will do so in the future.

For these reasons, I support the Warren amendment.

Mrs. FEINSTEIN. Mr. President, I am in strong support of Sen. WARREN's amendment to strike the unrelated swaps provision from this very important TRIA legislation.

While I am sympathetic to the concerns of commercial end users about increased transactions costs, it is simply the wrong approach to prevent regulators from acting, if needed, to protect our financial system from risky transactions.

We must afford our financial regulators with sufficient discretion to act to prevent more financial crises. The financial market regulators have already acted to provide relief for counterparties to swaps transactions with commercial end users. That makes the inclusion of this swaps provision in the TRIA legislation unnecessary. Sen. WARREN's amendment would preserve the current regulatory approach to uncleared swaps transactions with commercial end users, while also allowing for sufficient regulatory discretion to impose margin requirements on the counter parties to these transactions in the future should it become necessary to protect our financial system.

The inclusion of the swaps provision in this critically important terrorism risk insurance bill is a part of a disturbing trend. Some policymakers believe that Dodd-Frank should be undone. They believe that the derivatives reforms which for the first time regulated a market that contributed to the financial crisis should be dismantled piece by piece. Just last month, a major reform was repealed in a must pass appropriations bill, despite being an objectionable policy which would not have passed were it considered on its own merits. This is a troubling trend because the derivatives reforms are in place to protect our financial markets and protect the taxpayer.

Title VII of Dodd-Frank introduced historic reforms of the derivatives market establishing transparency and accountability. Those who would dismantle Dodd-Frank's derivatives reforms should explain to the American people why they should once again be on the hook for deep systemic losses caused in part by these high risk financial products. It does not make sense to undo this important set of reforms. I am pleased to stand with Senator WARREN and with any other Senator on either side of the aisle to defend these important reforms and defend the taxpayer.

Dodd-Frank's swaps reforms are critically important to addressing the

regulatory gaps in the swaps markets which contributed to the magnitude of the crisis and the costs of the response to it. We should not roll back these needed reforms. Regulators have already provided sufficient relief to counterparties on this matter and moving forward with the provision, as it creates new risks that are unnecessary and which we may one day regret. There is no need to tie their hands on this point.

I firmly support Senator WARREN's important amendment because it protects the critical swaps reforms made by Dodd-Frank at a time when financial stability is important in our economic recovery. I urge my colleagues to do the same.

Ms. WARREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Democrats have 5½ minutes remaining, and the majority has none.

Mr. BROWN. Mr. President, I yield to the Senator from New York. I thank him for his leadership for a number of years on this bill and the hard work he did leading up to December to try to get this passed before the unfortunate response of the Republican majority in the House of Representatives, and I thank him for his leadership.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, let me congratulate my friend from Ohio on his ascending to the ranking membership of the banking committee. I know he will do a very outstanding job there and we look forward to it.

Before we vote on the amendment before us, which I urge my colleagues to support, I wish to reiterate the importance of reauthorizing the TRIA program.

Undoubtedly, TRIA is a national priority, but it is particularly important to my home State of New York, one of the world's most targeted cities. After 9/11, I helped introduce and pass the program as a solution to what was a vexing problem in the insurance industry—how to calculate the risks associated with a terrorist attack. It was an issue we never had to deal with before. Construction and economic growth did not depend on whether developers could ensure their property against a terrorist attack. But, of course, 9/11 changed that as it changed so many things that day.

TRIA emerged as a responsible partnership between the public and private sector, with the government providing a backstop for private insurers. As far as new programs go, it has been extraordinarily successful.

Over the past decade, TRIA fueled the rebirth of Lower Manhattan. I see it every time I drive through it. One only needs to look at the skyline because we now have a new World Trade Center which has emerged from the shadow of the old towers. One need only ask the construction workers who have helped rebuild the area or look at the tens of thousands of jobs that came back after we rebuilt. The redevelopment of Lower Manhattan is first and foremost a symbol of our city and our Nation's resilience, but it is also a testament to how effective TRIA insurance has been at creating the right conditions for growing our economy and creating jobs in our cities. Passing TRIA today will keep the program alive and continue the remarkable growth we have seen in New York over the past several years. It will do the same for the skyscraper in Los Angeles, the stadium in Nebraska, the shopping center in Tennessee. So this program affects the whole country. Any large project depends on terrorism insurance.

I know there are some of my colleagues, particularly those in the House, who say this isn't the government's role. Well, government hasn't spent one nickel on this program. It has been fully reimbursed, and it is the government's role to foster jobs, to foster economic development, to step in not when the private sector can do the job well but when the private sector can't do the job. After 9/11 people weren't building, construction wasn't going forward not only in New York but in the country, because people could not get terrorism insurance. That is why I am glad TRIA will pass today so we can put the temporary expiration of the program behind us.

I am proud to say that attempts by the other body to either not pass the program or so limit it that it would be ineffective, which happened as recently as within the last few days, have failed. I thank my colleagues on both sides of the aisle. I thank MIKE CRAPO who was the ranking member of the banking committee, and I thank Speaker BOEHNER and Leader MCCARTHY for understanding the importance of passing this legislation. The negotiated bill between Chairman HENSARLING and me preserves the terrorism insurance program largely intact—just about fully intact—to what it was before and has successfully worked. We did not back off on what we had to do.

As I have said before, it is regrettable that extraneous measures were attached. They should be openly debated. That is why I will be fully supporting the amendment that has been offered by the Senator from Massachusetts. But terrorism insurance will be renewed, and I am very glad for that.

I thank Senator JOHNSON, the former chairman; I thank Senator BROWN, the present ranking member, and all of my colleagues on both sides of the aisle, particularly those who voted yes—from BERNIE SANDERS to TED CRUZ—who saw

the worthiness and the necessity of this program, which will now go forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question occurs on agreeing to amendment No. 1 offered by the Senator from Massachusetts, Ms. WARREN.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from West Virginia (Mrs. CAPITO).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Nevada (Mr. REID) are necessarily absent.

The PRESIDING OFFICER (Mr. HOEVEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 66, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—31

Baldwin	Hirono	Sanders
Blumenthal	Kaine	Schatz
Booker	Leahy	Schumer
Brown	Markey	Shaheen
Cantwell	Menendez	Udall
Cardin	Merkley	Warner
Coons	Mikulski	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Franken	Nelson	
Gillibrand	Reid	

NAYS—66

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Gardner	Paul
Bennet	Graham	Perdue
Blunt	Grassley	Peters
Boozman	Hatch	Portman
Burr	Heinrich	Risch
Carper	Heitkamp	Roberts
Casey	Heller	Rounds
Cassidy	Hoeven	Rubio
Coats	Inhofe	Sasse
Cochran	Isakson	Scott
Collins	Johnson	Sessions
Corker	King	Shelby
Cornyn	Kirk	Stabenow
Cotton	Klobuchar	Sullivan
Crapo	Lankford	Tester
Cruz	Lee	Thune
Daines	Manchin	Tillis
Donnelly	McCain	Toomey
Enzi	McCaskill	Vitter
Ernst	McConnell	Wicker

NOT VOTING—3

Boxer	Capito	Reid
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is rejected.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time the question is, Shall the bill pass?

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from West Virginia (Mrs. CAPITO).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Nevada (Mr. REID) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 4, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—93

Alexander	Flake	Murkowski
Ayotte	Franken	Murphy
Baldwin	Gardner	Murray
Barrasso	Gillibrand	Nelson
Bennet	Graham	Paul
Blumenthal	Grassley	Perdue
Blunt	Hatch	Peters
Booker	Heinrich	Portman
Boozman	Heitkamp	Reed
Brown	Heller	Risch
Burr	Hirono	Roberts
Cardin	Hoeven	Rounds
Carper	Inhofe	Sasse
Casey	Isakson	Schatz
Cassidy	Johnson	Schumer
Coats	Kaine	Scott
Cochran	King	Sessions
Collins	Kirk	Shaheen
Cooms	Klobuchar	Shelby
Corker	Lankford	Stabenow
Cornyn	Leahy	Sullivan
Cotton	Lee	Tester
Crapo	Manchin	Thune
Cruz	Markey	Tillis
Daines	McCain	Toomey
Donnelly	McCaskill	Udall
Durbin	McConnell	Vitter
Enzi	Menendez	Warner
Ernst	Merkley	Whitehouse
Feinstein	Mikulski	Wicker
Fischer	Moran	Wyden

NAYS—4

Cantwell	Sanders
Rubio	Warren

NOT VOTING—3

Boxer	Capito	Reid
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The PRESIDING OFFICER. The 60-vote threshold having been achieved, the bill (H.R. 26) is passed.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

KEYSTONE XL PIPELINE ACT—  
MOTION TO PROCEED—Continued

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 2 p.m. on Monday, January 12, the motion to proceed to the consideration of S. 1, a bill to approve the Keystone Pipeline, be agreed to, and that Senator MURKOWSKI be recognized to offer a sub-

stitute amendment that is the text of the committee-reported bill.

Before the Chair rules, for the information of all Senators, it is the intention of the chairman and the leadership on this side of the aisle to ask that the two bill managers or their designees offer amendments in an alternating fashion to allow for an open amendment process.

The PRESIDING OFFICER. Is there objection?

Mr. WHITEHOUSE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed to S. 1.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending motion to proceed to S. 1, a bill to approve the Keystone XL Pipeline.

Mitch McConnell, Lisa Murkowski, Chuck Grassley, Richard Burr, Tim Scott, John Boozman, Ron Johnson, Lindsey Graham, James Lankford, James M. Inhofe, Dean Heller, Rand Paul, Kelly Ayotte, Bill Cassidy, John Cornyn, David Vitter, John Hoeven.

Mr. MCCONNELL. I ask unanimous consent that, notwithstanding the provisions of rule XXII, the mandatory quorum be waived and the vote on the motion to invoke cloture occur at 5:30 p.m. on Monday, January 12.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Now, Mr. President, we had hoped to begin working on the bipartisan Hoeven Keystone jobs and infrastructure bill today. We had hoped to continue offering amendments tomorrow. Unfortunately, some of our colleagues across the aisle objected to proceeding to this bipartisan legislation so that forces a few changes to the schedule.

First, it means we will have to file cloture on the motion to proceed, which I just did; and then, as a result, it means under the rules of the Senate we won't be able to begin offering amendments until next week.

Frankly, it is unfortunate. Many Senators on both sides had hoped to use tomorrow to work on the bill, and I did as well. But we will work through this because we are determined to get bipartisan jobs legislation on the President's desk as soon as we can.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I know we are all concerned right now with the progress that is going to be made on the pipeline, and I would like to make a few comments about it.

I have three charts. Let us look at this one from Oklahoma. I want to remind everyone that we had a visitor to the State of Oklahoma—the only time, I understand, the President has been in Oklahoma. President Obama came to Cushing, OK.

Let me explain where Cushing, OK, is. It is in the central part of the State, and it is the hub of all the pipelines—all the way from Canada down to New Mexico. Of course this is the pipeline in question here that we have been talking about over and over now for months and months and months, and it is one we understand just how great it would be. So the President, knowing this is very popular—and this trip was, in fact, actually before the election—made a trip to Oklahoma and talked about how good—well, I will actually read the quote. Keep in mind this was in Cushing, OK, right in the middle of the hub of the pipelines going through. The President said he was directing his administration “to make this project a priority, to go ahead and get it done.”

That sounded real good. The problem was everyone in Oklahoma knew he wasn't telling the truth. I don't like to stand here and use the “L” word, because nothing really gets done by it, but he has done everything since that time to destroy the pipeline.

The President was making the statement then that he was not going to stand in the way of furthering the production of this pipeline to go down south through Texas. Well, there is good reason for that, because he couldn't do anything about it. It doesn't go across any international borders. But where he has blocked this is where he can do so, because it crosses the international border between Canada and the United States.

I want to mention that there is a person who has been very active in the political realm. His name is Tom Steyer. He has been very much involved. Quite frankly, I don't object to people who are right forward and honest about what their intentions are. This is the man—Tom Steyer, who is a billionaire—and he has had several meetings and said that he was going to put up \$50 million of his own money and raise an additional \$50 million—that is \$100 million—to put in races in the coming election, meaning this last November.

It is my understanding that, in the final analysis, he wasn't able to raise the extra money, but of his own money—and these are his words, not mine—he put in \$70 million. Mr. Steyer said:

It is true we expect to be heavily involved in the midterm elections . . . we are looking at a bunch of . . . races . . . My guess is that we'll end up being involved in 8 or even more races.

So we are talking about some \$70 million that was going to be involved, and I would say that wasn't a real good investment because he didn't win any of those 8 races and actually netted out a loss of 9 races.

So again, he has a stated goal to try to do two things with his influence and his money. Again, I don't criticize him for this. He believes in his cause. His two causes are No. 1, to try to stop any further development on Federal land—in other words, to try to do what he can with some of the suggested pollution and all these things that are supposed to go with it—and another thing is to stop the pipeline.

Again, he was the one who made the statement. He also has been very influential in this administration. It has been reported—this was about 2 weeks ago—that he had visited the Obama White House some 14 times, which led a member of the watchdog group Public Citizen to say: “Tom Steyer has not just got the ear of the President, but he clearly has the President's attention.”

Now, these White House meetings were often with President Obama's counselor and chief environmental adviser John Podesta. We all know John Podesta. We have known his background for a long time. Personally, I have known him. He has lobbied for Mr. Steyer to be the U.S. Secretary of Energy, saying, “I think he would be a fabulous choice for energy secretary, and I've let my friends in the administration know that.” The reports also show that Mr. Steyer and Mr. Podesta have met with George Soros, one of the liberal billionaires.

So this effort is going on, and I think it is necessary to remind the American people because it has probably been about 6 months since anyone has even talked about some of the obstacles we can look forward to that are in the way of getting the things done that need to be done.

The President tries to downplay the job numbers. We talk about the 42,000 jobs. The President said a couple days ago: Wait, those are just temporary jobs. Well, all jobs are temporary, but these jobs will be there for a number of years and will lead to others.

The President tries to downplay the numbers by using rhetoric that has earned his statements multiple Pinocchios. The Washington Post has a program where they check the facts, and several times he has been the recipient of these Pinocchio awards.

Unfortunately, his attitude toward construction and manufacturing jobs is one that would stop jobs for hard-working Americans.

So I ask my colleagues on both sides of the aisle—and this is very significant. We are talking about jobs. We are talking about important jobs. We are

talking about high-paying jobs. I am a little biased because in Cushing, OK, we are the hub of these pipelines going through America. So what is going to positively affect our economy nationwide will probably be even more in my State of Oklahoma.

The President has done a lot of talking about the transportation infrastructure. Of course, this pipeline is part of it. We think about transportation infrastructure as roads, highways, and bridges. I applaud every time I hear him saying we need to do something about our transportation infrastructure. Unfortunately, it is always just words. He never follows through. He had a program on two different occasions that was going to be very ambitious and was going to start constructing new highways. He was very specific about where they were going to go. But then that was the end of it. He got the word out there, and everyone heard about it and agreed that he must be for highways, but then he forgot about it.

I am pretty biased here because I chair the Environment and Public Works Committee that deals with all the infrastructure. I would say this: We are embarking on a very ambitious transportation reauthorization bill, and it is one that is going to include lots of modes of transportation. Of course, it would all be a part of this pipeline and the benefits that are coming through it. So I would say he does a lot of talking about that, but we are going to really have to get down and do it.

I often wonder what could have happened 6 years ago. Just to refresh our memories, the first thing this President did was his \$825 billion stimulus bill. How better could you stimulate the economy than having an ambitious transportation bill? I remember my colleague on the other side of the aisle, BARBARA BOXER, and I offered amendments on this amount. I, of course, vigorously opposed the \$825 billion—that was a checkbook given to the President in the opening months of his office. But the fact was that it was going to pass, and we knew they had the votes to pass it right down party lines—which it did—and then he was going to be in a position to say: We are now going to be doing these things. So BARBARA BOXER and I thought, well, let's get a percentage. I think our amendment was 8 percent would be reserved—a modest amount—for highways. If we really want to stimulate the economy, there is no better way to do it than that way.

That is kind of a background of what has been happening.

I really believe, now that we have a majority, that we are going to get busy and try to get this done and will be successful in doing it. We have a lot of critical infrastructure projects. This is supported by the chamber of commerce and by labor unions. Almost everyone out there is in support of this.

Yesterday, I think it was, in one of the committee hearings—I wanted to

make sure this was properly answered in the committee hearing because it was in a committee that I am not on, the energy committee.

One of my good friends on the Democratic side of the aisle made the statement: We are very proud of the President because our production has dramatically increased during the 6 years he has been President of the United States.

Yes, that is true, but it has been in spite of the President. Let me give a couple statistics that people are not aware of. In the shale revolution taking place in this country, we have increased, during that period of time, our production—we are really talking about shale production—by 61 percent. So 61 percent in 5 years. That is what it has been. But all 61 percent of that has been on private and State land. On Federal land—over which President Obama has jurisdiction and can stop it—while the rest has increased by 61 percent, it has decreased by 6 percent.

I think we need to make sure to remind people because we don't want the public thinking that somehow the President is not involved in a war on fossil fuels. He is definitely involved in a war on fossil fuels.

Let me mention one other thing about the shale revolution. Because of the Marcellus, what is happening back East—people have always historically thought about the West and the State of Oklahoma as being kind of where all the oil is and where the production is. That really was true for a long period of time, but with the Marcellus coming in, Pennsylvania, New York—the Northeast has been a heavy production area. In fact, I have heard figures that in Pennsylvania, the second largest employer right now is people involved in the shale production that is taking place there. I don't know that it is the second largest, but that has not yet been refuted.

So very important things are happening there, but the key to making all of this happen is the pipeline. We know that eventually we are going to be there, but there has already been a veto threat. We are going to pass a bill. I know we are going to pass a bill. It is going to pass the House and the Senate. The President will probably veto it. He said he would. I am inclined to think that a lot of my friends on the Democratic side are going to stop and think "Wait a minute, this is good for everyone," and there will be a bunch of people overriding a veto. I really believe something like that is going to happen, this is so significant.

People have said: The reason we don't want this is because it is dirty. This is up in Alberta, Canada. This is going to affect the environment.

First of all, it won't. People understand that is just not a true statement. But if it were true, it is something that is ridiculous because China is already making their deal. It has been made public that China wants to have transportation across Canada that would go

to the west coast and be able to be sent over to China. If that should happen, in terms of the pollution, since they don't have any safeguards over there, that would result in increasing, not decreasing, any pollution that would be associated with this production.

I know a lot of people want to talk about this. To give an idea of what all is there in moving this production around, this is a very significant chart because it shows what is out there today and what can be produced. A minute ago I talked about the Northeast. That is the Marcellus we are talking about. It is a huge benefit out there. Yet a lot of the people who represent that part of America are not even aware that this is not just the Western United States. Just look at that, and we can see.

We have an opportunity here. I feel very strongly that our friends up there with the pipeline coming down—everyone is going to benefit. We have seen the charts. Certainly the Presiding Officer has many times pulled out the charts that show the great benefits that are going to be there for the entire country, along with our rapid path to be totally independent of any other country in our ability to produce our own energy.

This is a win-win situation. We are eventually going to get it but the sooner the better. I applaud the Chair and others involved in the legislation we are going to be considering.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASIDY). Without objection, it is so ordered.

Mr. THUNE. Mr. President, we have begun the new year of the 114th Congress with a Republican majority and a fresh commitment to get Congress working again.

Overwhelmingly, Americans supported the progrowth ideas of the Republican Party in the polls in the November election, sending a strong message about their frustration with the gridlock we have experienced in the Democratic-led Senate.

So it is time to get to work, time to return to regular order and to debate openly legislation, to move bills through committee, to allow Members on both sides of the aisle to offer amendments, and to get the Senate back on track passing bills the way it should be. The American people deserve a Senate that works, and the new Republican majority intends to deliver.

That is why it is so disappointing that President Obama would threaten to veto the very first bill Republicans plan to bring to the Senate floor for a vote—a bipartisan vote to authorize the Keystone XL Pipeline, a bill that

was introduced here in the Senate with 60 cosponsors.

The Keystone XL Pipeline enjoys widespread public support, and that is not surprising. Polls have demonstrated that the American people are concerned about jobs and the economy, and they want to get the country working again and to strengthen our energy independence. The Keystone XL Pipeline will help do just that. Yet President Obama would rather hold the economy hostage to the far leftwing of his party than put American workers first. His war on energy runs counter to what this country needs—jobs and the affordable energy that will support them.

I have shared time and time again on the Senate floor what President Obama's own State Department has said about the project. The State Department has concluded the pipeline will not only support 42,000 jobs during construction, but it will do so without significant impact on the environment—and, I might add, without spending a cent of taxpayer money.

The Keystone XL Pipeline has been stuck in limbo for over 6 years and has become more than just an energy issue. In my own State of South Dakota, rail backlogs have caused tremendous delays for farmers trying to get their harvests to market. The Keystone XL Pipeline will help alleviate this backlog by taking 100,000 barrels of Montana and North Dakota oil off the rails, freeing up nearly two unit-trains per day of capacity that is sorely needed by other rail shippers.

The pipeline will also bring tax revenue to South Dakota. The State Department estimates that in my home State of South Dakota alone, the construction of the pipeline will support 3,000 to 4,000 jobs during construction and generate well over \$100 million in earnings. It will bring more than \$20 million in annual property taxes to South Dakota counties. Places like Jones County, where I grew up, could greatly benefit by having this added tax revenue for their schools.

The Keystone XL Pipeline will also decrease our reliance on oil from dangerous countries such as Venezuela. Yet President Obama and some Democrats continue to downplay all these benefits. They say the jobs are mostly temporary. Well, construction jobs are temporary by nature, but that doesn't mean they don't matter. Rather, it means we need to keep new projects such as Keystone XL coming to spur growth and to develop new infrastructure. By shutting down what would be a routine energy infrastructure project, President Obama is creating a difficult environment for future development and projects.

The far leftwing of the President's party claim the pipeline will increase greenhouse gases, but reports from the

President's own State Department undermine his claim. In its final supplemental environmental impact statement, the President's State Department noted that the Keystone XL Pipeline is "unlikely to significantly impact the rate of extraction in the oil sands or the continued demand for heavy crude oil at refineries in the United States."

In other words, the emissions associated with the oil sands extractions will not change whether or not the pipeline is built. While oil prices may impact the production rate of oil sands, the State Department also found that "the dominant drivers of oil sands development are more global than any single infrastructure project" and that "the industry's rate of expansion should not be conflated with the more limited effects of individual pipelines." And mind you, this is again from one of the five exhaustive reports we have seen from the State Department about this project.

In fact, the State Department's final environmental impact statement also compared the operational greenhouse emissions that would result from the pipeline to those that would result from various transportation alternatives such as rail, rail and pipeline, and rail and tanker. The report found that the annual emissions from these alternative transportation modes would be anywhere from 28 percent to 42 percent greater than if the oil were shipped through the pipeline. Plus, a pipeline is safer than truck or rail.

The American people have been clear on their feelings about this project. Poll after poll has shown their strong support for it. Republicans support the pipeline, Democrats in both Houses of Congress support the pipeline, and unions support the pipeline. The only people who seem to oppose it are President Obama and members of the far leftwing of the Democratic Party.

After the Senate passes the bill, it will have one final hurdle to clear—the President of the United States. I very much hope he will reconsider his veto threat and listen to the voices of American workers and the bipartisan majority in both Houses of Congress.

If the pipeline's economic benefits, the support of the American people, and five successful environmental reviews have not yet convinced the President to approve this project, I am pretty skeptical that he ever will approve it, but I hope I am wrong.

I hope even more Democrats here in the Senate will join us and send a message about their readiness to work with Republicans in this 114th Congress.

My colleagues can help show the American people that Congress has heard their demands for change in Washington and that their economic priorities will be addressed.

I am sorry American workers have had to wait years for this project, but I am hopeful we can resolve this issue once and for all. The new Republican

Senate majority is about creating jobs and economic opportunities for the American people, and it starts right here, right now with the Keystone XL Pipeline.

We hope Democrats and the President will join us.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, even during moments of intense polarization here in Washington, especially over the past 6 years, it is really kind of refreshing to find a topic—maybe a handful of topics—on which there appears to be bipartisan consensus, and that includes the topic du jour, the Keystone XL Pipeline. I wish to share a few reasons why I believe that is the case.

First, the Keystone XL Pipeline will be good for our economy, and it will be good because it will create jobs. I know there is some hairsplitting out there. Some people say: Well, these are not really good jobs; they are only temporary jobs or some such thing. But the truth is—I will tell you what the President's own administration said about that.

The State Department—President Obama's State Department—said that roughly 42,000 American jobs would be created directly and indirectly from the construction of the Keystone XL Pipeline.

Now, it is true that some of these would be temporary construction positions, but by their nature, construction positions are such that you go to work on one job, finish that job, and move on to the next job. If the President has a problem with that, I am not sure what he or anybody else can do about it. There are also other permanent jobs that will be created by this Keystone XL Pipeline related to refining and transporting this oil, and many of them will be in Texas.

As a matter of fact, this pipeline—which will go from Canada into North Dakota and across the United States—will end in southeast Texas, where we have most of our refining capacity here in the United States. It will then be refined into gasoline and other types of fuel.

By the way, one of the blessings of having a plentiful supply of oil as a result of what has happened here in the United States is lower gasoline prices. Boy, those came just in time for the Christmas holidays and put money in people's pockets. It was like a pay raise for hard-working American taxpayers.

The President has also tried to downplay the job-creation impact of the Keystone XL Pipeline by saying it would have a "nominal" impact on consumers and the Nation. I am curious. At a time when the national labor participation rate is hovering at its lowest point in three decades and we are coming off of the financial crisis that we have had since 2008—which has finally, after all of these years, recovered many of the lost jobs that were lost as result of that crisis—does the

President truly feel that any additional jobs—especially 42,000 additional jobs—are just nominal and not worth the candle? Well, for those people who don't work and are now able to find work, those jobs are not nominal. For the people who are working part time and want to work full time, those jobs will not be nominal. When we need to grow the economy so we create more opportunity for more hard-working taxpayers, no job, in my view, should be deprecated as just a nominal job and not worth having. That is what the President is saying.

I would also ask that the President visit the Texas leg of this pipeline. As a matter of fact, the President did go to Cushing, OK. The irony of that is, once again, the President seems to be taking credit for something he didn't have anything to do with because this domestic portion of the pipeline from Cushing, OK, down to southeast Texas didn't require his approval at all. But what does he do? He holds a press conference there. It is just like the President taking credit for this renaissance of American energy. He has had absolutely nothing to do with it. All of that has happened as a result of private investment on private lands and not on public lands.

As a matter of fact, the Federal Government continues to make it harder and harder to produce more American energy, which, again, according to the laws of supply and demand, as we have seen, will bring down gasoline prices for American consumers. At a time when wages have been stagnant for so long as a result of the policies of this administration, why wouldn't we do something to put more money into the pockets of hard-working American families? Why wouldn't we do that?

Well, I would ask the President to visit the Texas leg of the pipeline, which was constructed and went operational about a year ago this month and is already transporting about 400,000 barrels of oil a day to gulf coast refineries. Of course, again, this does not require his approval, but that didn't stop him from claiming credit for it. I think he would find it edifying and educational to go there.

In Texas alone more than 4,800 jobs were created to construct that gulf coast portion of the pipeline. That includes heavy equipment operators, welders, laborers, transportation operators, and supervisory personnel. When our friends across the aisle spend so much time and effort trying to argue for a minimum wage increase, they turn around at the same time and deny hard-working Americans from earning these high-paying wages and these high-paying jobs.

I was reading an article today about a welder in Texas who went to school to learn how to be a welder. Now, it was not a 4-year liberal arts education such as many of us have had. He didn't go to law school or medical school, but he is earning \$140,000 a year as a welder. Those are good jobs. Those are the



kinds of jobs we ought to encourage, and they are the kinds of jobs that the Keystone XL Pipeline would help pay for.

Well, perhaps these kinds of jobs don't count in the President's book because they are not funded by the taxpayer. In other words, they are not a result of stimulus funds. The President seems to believe that the only jobs worth having are those that are paid for by borrowing money, increasing the debt, and having the Federal Government pay for them. We have recently been down that road once before when we had the nearly \$1 trillion stimulus package. Remember that? The President said these were shovel-ready jobs.

I remember at the time Speaker PELOSI said they were targeted, temporary, and timely, I think it was. It was the three t's. The President came back later on—when the stimulus did not have the desired effect and the \$1 trillion of borrowed money, including interest, didn't create the kind of economic recovery he had hoped for—and said: Well, I guess shovel ready didn't really mean shovel ready, as if it were a joke.

Well, this Keystone XL Pipeline is paid for as a result of private investment and not as a result of tax dollars—your money and my money going into this pipeline. The Texas portion of the pipeline was a \$2.3 billion private sector investment. The taxpayer funded infrastructure project seemed to be the only kind of investment the President actually wants to see and encourage. There are many examples, and perhaps the most notorious of which was Solyndra, where the Federal taxpayer was asked to sink a bunch of money into a project that basically flopped because there was no market for what they were making. It was not economically viable. But that is the kind of investment the President wants to encourage while discouraging private investment that creates jobs.

Now, in Texas we are proud of that portion of the Keystone XL Pipeline, and like so much of what makes my State successful, it was not built by the government. I am proud of the fact that my State is doing better than the rest of the country. I wish the rest of the country would do as well when it comes to job creation and opportunity because I worry, as I think many parents worry, that we are somehow losing the hope and the aspiration for the American dream. When young men and women graduate from college and can't find jobs so they end up living with their parents, we here in Washington say, that is OK, because we will let your parents keep you on their health insurance coverage until you are 26, as if that is supposed to be some kind of answer to their inability to find work commensurate with their education and training.

Well, this is not a government solution. Of course, we all remember the President notoriously said to the private sector: Well, you didn't build that.

That certainly doesn't apply here because the private sector did build the Texas portion, and what we would like to do is complete the Canadian-U.S. portion so we can get even more of this oil down to Texas and refine it into gasoline so it is available to consumers here in the United States.

The President acts as though if we don't complete this pipeline, this oil is not going to be produced. That ismalarkey. We know that China is starved for natural resources, and Canada is not just going to sit on this valuable natural resource. They are going to build a pipeline to the Pacific Ocean, put it on a tanker, and send it to China or other countries that need those natural resources.

Well, I am beginning to think the one reason why the Texas leg of the Keystone XL Pipeline was so successful is because the Federal Government didn't have anything to do with it. That seems to be the test. If the Federal Government has something to do with it, it ends up not delivering as promised. But if the private sector does it, it has the potential of living up to expectations.

Well, we all know the President has continued to delay making a final decision on the Keystone XL Pipeline. I know last year the distinguished Presiding Officer sponsored the bill in the House that approved the Keystone XL Pipeline. Over here in the Senate, I remember the Senator from Louisiana, Ms. Landrieu, was urging—in almost desperate terms—that Senator HARRY REID allow a vote on the Keystone XL Pipeline after denying it for many months, even years.

Well, we know what happened. It failed because very few Democrats on that side of the aisle decided to support the Keystone XL Pipeline. Perhaps it was because even at that time the President said he was undecided whether to sign it or to veto it. There have been times when the President has said—of course, he says lots of things, but I have learned one thing around Washington, DC: We can't just listen to what people say, we have to watch what they do. The President indicated, with the start of this new Congress following the November 4 election, that he was looking forward to working with the new Congress in a constructive way. I just have to ask you, Mr. President: Is it constructive to issue a veto threat on a piece of legislation before it is even voted out of the energy committee and isn't even on the floor for consideration by the Senate?

The majority leader, Senator MCCONNELL, the senior Senator from Kentucky, has said we are going to have an open amendment process, a procedure many of our colleagues on the other side of the aisle, and actually many on this side of the aisle, haven't experienced under the former majority leader—an open amendment process. I anticipate there are going to be a number of amendments offered, some of which will succeed and some of which will not

succeed. I don't know anybody who can tell us right now exactly how this bill will leave the Senate, although I am confident it will pass since there are at least 63 Senators, on a bipartisan basis, who said they will vote for it. As we know, 60 is the magic number in the Senate, so we have a pretty good idea it will pass. But we don't know what other measures will be attached to it, some of which may command more Democratic votes, some of which may make the President more interested in taking another look at this legislation. So to prematurely issue a veto threat before the Keystone XL Pipeline is even voted out of committee, much less comes to the Senate floor, does not strike me as wanting to work with the Congress; just the opposite.

I say enough is enough. That is what we heard from the voters on November 4: Enough is enough. They are sick and tired of the dysfunction in Washington, DC. I heard that story daily back in Texas and around the country as I traveled: Enough is enough. We want Congress to function. We want our elected representatives to work together to find solutions to the problems facing our country, and the No. 1 problem is not enough jobs. There are not enough good jobs for hard-working Americans.

So now the President has, in spite of this, said: I am not going to sign that legislation once it reaches my desk. He said this before the Senate has even acted on it. It is just breathtaking. Is that within the President's authority under the Constitution? Yes, it is. The President can either sign legislation or he can veto legislation. The Constitution gives him that authority. But I think the President ought to have to explain to the American people his reasons for saying he will not sign this legislation. Again, this is the same project his own State Department said would create 42,000 jobs, again at a time when the percentage of people in the workforce is at a 30-year low. While unemployment is coming down, unfortunately a lot of it has to do with the fact that people are not looking for work and have dropped out of the workforce. They have given up. Hopefully, in spite of the Federal Government—and I say it is in spite of the Federal Government—the economy seems to be strong enough to be growing, finally, but we need to continue to have our economy grow. We need to continue to let this American economy create jobs for hard-working American taxpayers.

I say in closing that I hope the President makes his decision not wearing ideological blinders, not just listening to the hard left base of the Democratic Party that thinks we can somehow survive and prosper with only wind turbines and solar panels. By the way, Texas actually produces more electricity on wind energy than any other State in the Nation. We do believe in an "all of the above" policy. The President says he does but apparently does

not, at least his actions would so indicate.

So we are missing out on a golden opportunity to further enhance North American energy security with one of our strongest allies, and that is another very important reason for this. Why in the world would we continue to import oil from Saudi Arabia and other countries in the Middle East that have their own problems, in an unstable region of the world, when we could import that oil from our best ally and next-door neighbor, Canada, and in a way that benefits our economy and creates jobs.

I believe what the American people said on November 4 is they want effective, efficient, and accountable government and one that benefits all hard-working Americans and especially hard-working American taxpayers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

TRIBUTE TO JEANNE ATKINS

Mr. MERKLEY. Mr. President, I rise to recognize Jeanne Atkins, my Oregon State director, who is retiring from team Merkley this month. Jeanne is a long-serving member of my team, and she is an outstanding public servant, an individual who has dedicated her life to making the world a better place.

Jeanne Atkins and I first began working together a decade ago after I took up the post of Democratic leader in the Oregon State House. It was a challenging but exciting time as my leadership team worked to build our policy agenda and get our caucus operations up to speed. A key component of that effort, of course, was to hire a superb caucus director. Thus, it came to pass that four members of my leadership team were seated in the Old Wives' Tale restaurant brainstorming over candidates for the position. That group consisted, in addition to myself, of Diane Rosenbaum, who is now majority leader of the Oregon Senate; Dave Hunt, who became majority leader of the house and then speaker of the Oregon House; and Brad Avakian, who is now Oregon's labor commissioner. As we were brainstorming, Diane spoke up and said: I know someone who would be tremendous, but I am sure she would never take the position. Dave Hunt encouraged Diane to put the name forward anyway, and when Diane said the person is Jeanne Atkins, Brad Avakian responded: Jeanne? I know her, and she would be great.

We immediately called Jeanne, and by that evening I was sitting in her living room attempting to persuade her that she would be just the right person for the position and that, moreover, she would enjoy the challenge. Fortunately for us, Jeanne did take the position, and thus began a decade of close collaboration.

The leadership, conviction, and hard work Jeanne Atkins brought to our team allowed us to make a big impact as the minority party during the legislature and an even bigger impact when

we won the majority 2 years later. At that point I became speaker of the Oregon House and Jeanne became my chief of staff.

Few legislative sessions in Oregon history have seen the passage of as many major bills as that 2007 session, and no individual was more important to the success of that session than Jeanne Atkins.

We passed domestic partnerships and a broad-based civil rights bill that outlawed discrimination against LGBT Oregonians in employment, in housing, and in public accommodations.

We passed legislation setting ambitious renewable energy standards and making Oregon a national leader in the transition to green energy. We cracked down on predatory payday lenders that were bankrupting our working families. We passed the Access to Birth Control Act requiring insurance plans in Oregon to cover contraceptives just as they do other medication, a law that is now helping to shield Oregon women from the misguided Hobby Lobby decision.

Through this all, we worked across the aisle, encouraging bipartisan cooperation, and were able to put together a session that a major newspaper, *The Oregonian*, deemed the most productive in a generation.

After I was elected to the U.S. Senate and took that office in January of 2009, Jeanne stayed on in the Oregon House as chief of staff to the new speaker, Dave Hunt, who had helped to hire her 6 years earlier. In that role, Jeanne played a pivotal role in expanding health care to Oregon children. As Dave relates, after Oregonians rejected a ballot measure in 2008 that would have raised the cigarette tax to expand health care to low-income children, the Oregon Legislature was seeking an alternative strategy to fund that expansion. Jeanne was the key staff member who brought a contentious dialogue among legislators to a compromise funding strategy that was successfully passed into law. That achievement brought health care to an additional 90,000 children per year. Well done, Jeanne. That was an extraordinary accomplishment.

After the completion of that Oregon legislative session, I was hoping I would have the opportunity to bring Jeanne back onto team Merkley. The stars aligned and she became my Oregon State director in August of 2009.

Oregon's House loss was the U.S. Senate's gain. In her more than 5 years as State director, Jeanne has overseen hundreds of townhalls, thousands of meetings, and has made sure the millions of Americans who call Oregon home have a voice in the U.S. Senate. I wrote the day I hired her as Oregon State director that "Jeanne is greatly respected by Oregonians of all political stripes for her hard work and her dedication to this State." Today, that statement is even more true than 5 years ago.

Jeanne is known across the State as an honest broker who works hard to

bring the voices of all Oregonians into our office. She is a tough advocate for our State and has never hesitated to stand up for what she thinks is right and what she thinks is best for Oregon.

Of course, over the last 5 years, we have also had the chance to get into a few adventures—and a few misadventures—traveling around the State. On one memorable townhall swing, we were on our way between rural townhalls when I suggested an impromptu revision of our route. I thought it would be interesting to take a shortcut via a minor semipaved road. That road turned out to have been abandoned so long ago that after a few miles it was no longer even visible. So there we were traveling off-road in a van that was not designed for off-road navigation, wondering if we were choosing the right path through the field or between the trees. To make matters worse, we quickly lost cell phone communication and couldn't alert the advance team that we were going to be late to the townhall. In fact, we were wondering whether we might be out there in the woods for a night or two as we worked to walk our way out should we break an axle or blow a tire.

Through this all, though I could tell Jeanne's blood pressure and distress were elevating, she displayed the same unflappable demeanor that made her so effective in contentious policy dialogues with overwrought legislators. In that moment and in so many others, Jeanne was grace under pressure personified.

Jeanne is not someone who got into politics to be important or powerful. She got into policy and politics because she believed in public service and she believed that each person has the power to make a difference. It is one of the attributes I most value about having her on my team. It is an attribute that has allowed her to make a huge impact in many of the different positions she has held.

Today, as Jeanne looks forward to the next chapter of her life in retirement, it seems only appropriate to reflect back and look at the huge difference Jeanne has made not just in our office but over the course of her career. She has been a longtime advocate for women's rights. This comes from her childhood growing up in Bremerton, WA, in the 1960s. Her own experiences also shaped Jeanne's steadfast determination for equality.

She told me a story about her first job out of college as a bank teller in Seattle, WA. During that first job, the women in the bank, regardless of their position, were required to take turns making lunch for the entire bank every Friday. Jeanne worked hard to shine at this task, just as she worked hard to shine at all her other tasks, but she knew it was wrong that all the women in the office were treated differently than the men, and she carried her passion for that throughout her career.

Jeanne went to work for the Women's Equity Action League here in

Washington, DC, and when she and her husband John went back to Oregon she worked for the Oregon Women's Rights Coalition, the United Way of the Columbia/Willamette, Planned Parenthood of the Columbia Willamette, and then as manager of the Women's and Reproductive Health Section of the Department of Human Services. Her long and storied career has been powerfully connected to equality and an unshakable commitment to women's health.

Along the way, Jeanne also engaged in electoral politics. She ran for the Oregon house twice in the early 1990s, narrowly losing against a well-established incumbent in her second race. As Brad Avakian relates, in the process, she restored door-to-door canvassing and relationship building in Washington County as a political art form.

Jeanne Atkins is an Oregon gem. I wish her the best in retirement and know that she has many more adventures ahead and many more contributions to make.

Thank you, Jeanne, for working hard to make Oregon, our Nation, and our world a better place. We will miss you.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AFFORDABLE CARE ACT

Mr. COONS. Mr. President, I come to the floor today at the start of this new year and this new Congress to speak about how we can and why we must work together to improve the Affordable Care Act.

Since work on health care reform really began in earnest in 2009, debate in this Chamber and across this country has too often been defined by fantastic claims and fearmongering. In the midst of this division, I believe that too often the experiences of real people have been lost. While politicians on both sides cling to their sacred cows, too many Americans become casualties of our divided politics.

On few issues has this been more true than on health care. Critics of the Affordable Care Act seem locked into the belief that it will bring about America's demise—despite little evidence to support them. Too often they have been unable or unwilling to grapple with the reality of those whose lives the law has forever changed for the better.

Now, on the other side of the aisle, we—mostly Democrats—have often shied away from acknowledging some of the law's weaknesses. I know many of my colleagues have been eager and have offered fixes to the law. But without willing Republican partners, we have not made enough progress.

As I have spent time in my home State of Delaware in recent months lis-

tening to families and other folks who have been affected by the law—for better or for worse—it has become clear to me that this stalemate is unsustainable. On many days, I have met Delawareans who love the Affordable Care Act, whose lives have literally been saved by it. But in between those encounters, I have also met many, small business owners in particular, who want to offer health insurance to their workers and are struggling to afford it.

This much has become clear to me: No conversation about the Affordable Care Act and how to improve it can be complete without reconciling the reality of the millions of Americans it has helped and the many others for whom it falls short.

Michelle Reed is the Delawarean whom I have come to know and admire with breast cancer and who contacted me first about this issue last fall. She is an example of why the Affordable Care Act is so important. Michelle was first diagnosed with cancer back in 2008 and went through month after painful month of chemo and radiation therapy as well as surgery.

Over the next few years since her cancer nightmare began she faced problems that were sadly typical of how our health insurance system used to work. At the time she was first diagnosed, she and her husband received health insurance through her husband's employer. Her husband is an auto mechanic and worked for a small auto body shop. But though the insurance he got through his work was helpful for routine minor health care needs, it was a barebones insurance policy, as she explained it to me.

It left her and her husband with extremely high copays, straining their family budget. Naturally her husband began looking for a new job to provide better health insurance. But this ended up being much more difficult than it seemed, because transitioning to a new job often required accepting a large 3-month gap in coverage, a gap Michelle just could not afford, as insurance companies would then deny her care considering her cancer a preexisting condition.

At one point during Michelle's years of treatment, her husband's employer switched health care plans and in the process missed one premium payment. Suddenly, after months of having had steady, positive progress in her care, without any warning or notification, Michelle started getting bills—not just small bills but huge bills, a bill for \$23,000 for radiation.

It took her months of going back and forth between employer and insurance company, all the while as she is also trying to overcome her disease, before Michelle and her husband got a straight answer about why they were suddenly facing these huge costs.

Now, let's step back for a second. Just imagine where she was. Michelle has cancer. She is shuttling from chemo to radiation. Her husband is

working constantly to try to cover the high premiums, trying to get all of the overtime he can. During this, they are also going back and forth between employer and insurance company, trying to figure out where this new high charge they cannot afford had come from.

Meanwhile, Michelle's husband was out looking for a new job with better insurance, struggling to find one because Michelle would face discrimination and could not get coverage. The emotional strain on a family and a loved one battling cancer is enormous, almost unimaginable. But if you add to that the financial and the emotional stress caused by our relic of a health care insurance system of that time, that is unimaginable.

Yet this is the reality that Michelle and her family faced. Unfortunately, it is the reality that millions of Americans used to face before the Affordable Care Act. These problems all changed last year when the ACA exchanges came on line. As Michelle wrote to me: The ACA open enrollment began and we could not get signed up quick enough, although it did take her a little while because the administration's Web site had some problems. She persevered. As she said to me in her note: We have no problems now. We have what we need, and we need what we have.

People like Michelle are why Democrats passed the Affordable Care Act in the first place. It is because of the law that millions of Americans now have access to quality and affordable health insurance that was once desperately out of reach for them.

But the story is not complete, unless we are clear-eyed about where this law also falls short. As the President and many have recognized, any significant reform such as the Affordable Care Act is going to have weaknesses and unintended consequences that only become apparent after the law is being implemented. This has been true throughout our history with every major event, and health care reform is no different.

In Delaware, among the many whom the law has helped, I have also seen how some of those reforms in the costs they have incurred have hurt small business. To the small business owners with whom I have sat down and listened to, their employees are not labor costs or rows on a balance sheet. They are family. They have worked together for years and owners provide health insurance because they believe it is the right thing to do for the workers who help their business grow.

Many of the folks I have sat down and visited with are not required to provide insurance because they have fewer than 50 full-time workers. They still want to do so because it is the right thing to do. It helps them incentivize and support their best employees. Many, though, are struggling today because of higher costs and the challenges that come with navigating a changed insurance market.

This year the biggest issue they face is how higher quality standards have also caused premiums to increase—often to unaffordable levels. This has been especially true for a small State such as like Delaware, where there is not a lot of competition in the provision of health care or in our insurance market. Unfortunately, some of the increases are also due to insurance companies using the health care law as an excuse to charge more.

Some of this is simply the result of plans that now cover more are costing more. For the most part, that is not a bad thing. But the Affordable Care Act was designed to compensate for increased quality with financial assistance to those who cannot afford it. In Michelle Reed's case, this increased quality was great—almost literally life saving. For people such as her, those insurance plans now need to meet certain standards, and in particular, that they can no longer discriminate against preexisting conditions.

But we have also seen that even though there is assistance to many, some individuals and some small businesses have fallen into gaps where they have to deal with higher costs and they are not getting the help they deserve.

Here is where we are. The Affordable Care Act has helped millions of Americans. It also can be improved to help many more. When we talk about health care, it is simply dishonest to leave one side out when talking about others.

In this new Congress, I know many of my Republican colleagues are eager to continue the efforts of their colleagues in the House. In their majority, I know many will seek an opportunity to vote on repealing or dismantling the Affordable Care Act. But I ask them for an answer to Michelle Reed and to the many Americans such as her who have had their lives changed or even saved by this law.

I know many of my Democratic colleagues are as well eager to work together to improve our health care system, to ensure small businesses do the right thing and can be successful and to ensure that no American gets left behind. We know this is possible. There is no reason to believe that we as a body lack the creativity, the drive, and the ability to work together across the aisle on these important issues.

Surely there is much we can do to reduce the costs through more competition, to develop new and more efficient delivery systems and innovative payment models. The Affordable Care Act took critical steps to move forward in each of these areas. Millions more have health insurance and costs across our health care system have actually increased at the slowest rate in decades. For most, costs have been manageable or even decreasing. But critical work remains. We now have the opportunity, to take the next step to build a health care system that works for every American. It is my sincere hope that we can come together and seize that opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### URGENT PRIORITIES

Mr. WICKER. Mr. President, these will be my first remarks of the 114th Congress. I am encouraged by the commitment of many of my colleagues, including the majority leader, to restoring the Senate as one of America's great institutions. It is time for us to get to work. We begin this Congress with a number of urgent priorities—not the least of which is job creation.

More than 9 million Americans are still unemployed. More significantly, perhaps, millions more have given up looking for work. The latest jobs report from the Department of Labor shows that the labor force participation rate is only 62.8 percent—one of the lowest levels in 36 years. This number matters because it reflects the size of the U.S. workforce. It reflects how many working-age Americans have a job or are actively looking for one.

Now, some people have suggested we should take heart in the latest job figures, that this points to an improving economy. I disagree with that. I am not at all satisfied with these employment numbers, particularly with the fact that only 62 percent of eligible members of the labor force actually are choosing to participate.

To me, a shrinking workforce points to a weak economy. Boosting the job market is important to boosting future economic growth. I look forward to working with my colleagues to advance job-creating legislation that has a positive impact on American's daily lives. Fortunately, dozens of job bills were passed during the last term of Congress by the House of Representatives.

These ideas deserve consideration and debate in this Chamber. I think in the new Congress, these ideas will receive that consideration. I am aware that there is likely to be disagreement about the details, disagreement about the merits of some of the progrowth ideas that have come over to us from the House of Representatives, as well as proposals concerning energy and health care, to name a few. But resolving our differences is part of what make this Chamber and our country unique. In a floor speech early last year, Leader McCONNELL said: I am certain of one thing. The Senate can be better.

I think that is one of the messages from the American people in last November and last December's election. The American people believe the Senate can be better. We each have a responsibility and a role in making the Senate better. We could start by legislating through the committee process. We have begun doing that already. Instead of backroom deals, pushed through at the last minute, which has

been the order of the day in past years, bills should be thoroughly debated and vetted—first in committee and then on the Senate floor.

The issues of our day deserve that attention. Forging consensus takes effort, but that is how the Senate is supposed to work. Our consideration next week will demonstrate that this is a new day in the Senate. I look forward to being a part of the debate and the amendment process on the Keystone XL Pipeline proposal.

Offering amendments is a way in which each of us can have input on the legislation at hand—input on behalf of our constituents, the people who sent us here. For too long the amendment tree has been filled by the majority leader, essentially limiting the right of every Member to voice the concerns and opinions of the people they represent, essentially limiting the our right to represent the people of our States who sent us here.

Instead of a series of continuing resolutions, we should return to the process of 12 separate appropriations bills. In doing so, we could carefully assess Federal spending and reduce waste, and I think the American people sent that message to us also in November and December. The Federal debt has reached unprecedented levels, forcing us to make tough decisions on how to do more with less.

With regard to national defense, I look forward, during the 114th Congress, to serving as chairman of the Senate Armed Services Subcommittee on Seapower. Our subcommittee has a wide range of oversight responsibilities, including the procurement, sustainment, and research and development needs of the Navy and Marine Corps.

From classified briefings and other hearings with senior officials in the Navy and intelligence community, I am well aware of the imminent and emerging threats facing our sea services. America should maintain its ability to project power around the world while upholding our obligations to our friends and allies.

Our Navy is now the smallest it has been since World War I, demanding, I believe, a robust investment in sea power.

In the coming weeks the Seapower Subcommittee will hold hearings to determine whether the President's budget proposals for the Department of the Navy are sufficient to meet our national security requirements. Following these hearings, we will draft the Defense authorization bill to deliver important capabilities and support for our sailors and marines. This support includes funding for construction of various types and classes of ships, such as aircraft carriers, amphibious ships, submarines, and large and small surface combatants.

I wish to note that supporting the Department of Defense is best done when Congress legislates under regular order. The Republican-led Senate

should take up a defense authorization bill and a defense appropriations bill, and we are committed to doing so. Regular order will help provide our military planners with valuable budget predictability—something they have suffered without in past years.

I was very pleased to learn this week that Chairman MCCAIN plans for the Armed Services Committee to mark up a defense authorization bill before Memorial Day. Our committee did that under the leadership of Senator Levin last year, but where this Senate fell down on its responsibility is that we didn't get the bill to the floor until December, and then it was in a rushed and unamendable form.

Our goal under regular order is for us to take up the bill on the floor this summer and have a conference report between the House and the Senate reported before August. I am heartened that Chairman MCCAIN intends to do this. I am heartened by the commitment of the distinguished majority leader that we will indeed take up that legislation before the end of the fiscal year.

I should also observe that, absent congressional action, budget sequestration will return to the Defense Department in October of this year. Sequestration remains one of the greatest challenges facing our military. Unless we take action, the ability of our military and our industrial base to react to unforeseen contingencies will be severely eroded, and there will undoubtedly be unforeseen contingencies. There are always unforeseen contingencies, and we will be unprepared for them unless we take action to prevent sequestration.

As a member of the Armed Services Committee and the Budget Committee, I will work to help forge a bipartisan path so we can avert a return to the across-the-board defense cuts under sequestration. I am so pleased that a bipartisan task force within the Armed Services Committee is already taking shape to discuss this issue. We will begin to have discussions beginning Monday and Tuesday of next week.

With regard to commerce, I also look forward to assuming the chairmanship of the Subcommittee on Communications, Technology, and the Internet. My chief focus will continue to be the deployment and adoption of broadband in rural America—something I am interested in as a Senator from Mississippi and something the distinguished Presiding Officer is interested in as a Senator from Louisiana.

Broadband has become a vital economic engine in this country and around the world. In many ways, the proliferation of the Internet is like the construction of the Interstate Highway System in the 1950s. We need to ensure that people in rural areas have the same quality broadband as those in urban areas. To that end, our committee will continue to examine ways to foster broadband growth and development. We also need to find ways to

make more spectrum available for wireless, which can help spur innovation and economic growth in the mobile broadband space.

I also expect the Senate this year to deal with legislation regarding the Environmental Protection Agency and the Obama administration's environmental executive overreach. The administration has proposed a litany of costly environmental rules, targeting everything from coal-fired powerplants, to small streams, to small ponds. Many would cause significant economic harm, while providing little or no help to the environment—no help to the environment but significant economic harm. By EPA's own estimates, its recently proposed ground-level ozone rules could cost taxpayers as much as \$44 billion per year, making it the most expensive rulemaking to date. Meanwhile, EPA's clean powerplant rule could lead to a loss of 224,000 jobs each year. These costs are staggering.

I am pleased that the final omnibus appropriations bill for fiscal year 2015, which was passed in December, included limits on the controversial waters of the United States proposal, which regulates small ponds, streams, and puddles. However, I remain committed to ensuring that this rule will not be implemented at all. By broadening the definition of "waters of the United States," Washington bureaucrats would potentially regulate puddles and ditches on farms and in backyards. Is this really what is necessary to protect the environment? Is this really what the American people require?

These regulations would have significant impact on the State of Mississippi. Our economic growth depends on agriculture, and it depends on manufacturing and other energy-intensive industries.

With each new environmental regulation, the administration is compounding the financial burden on the American people without delivering any environmental benefits. We can have clean air and we can have clean water without losing 224,000 jobs. We can have clean air and water without the cost of \$44 billion per year for one single regulation.

Low-cost and reliable energy is at the core of economic growth. Economic gains from the abundance of affordable energy could be lost if these rules are allowed to be put into place. In an economy desperate for growth, a regulatory onslaught is the worst way to encourage jobs and investment.

The American people also want us to address the Affordable Care Act, ObamaCare. I was particularly interested in the thoughtful remarks of the Senator from Delaware, who spoke immediately before me. The remarks of my distinguished colleague suggests that Members on both sides of the aisle heard the message from the American people in November and December in the elections. I think both sides recognize that the Affordable Care Act is not

affordable and as a matter of fact is causing great hardship and pain to the majority of the American people. So I am pleased to hear Members on the other side of the aisle at least acknowledge that many major, significant changes need to be made to ObamaCare.

Overall disapproval of the President's health care law is at an alltime high of 56 percent. Americans are suffering under the law's mandates and taxes. Many are faced with the financial burden of higher copays and higher deductibles. This is a reality.

I must say that I appreciate the remarks of the distinguished senior Senator from New York recently when he acknowledged that passing ObamaCare in the way previous Congresses did was a mistake, that most Americans were satisfied with their coverage and it was a mistake to turn that entire system on its head to solve a problem which we very much needed to solve with regard to the uninsured and underinsured.

There was a better way to provide health insurance to those individuals without disadvantaging the vast majority of people who were satisfied with their health care and who now find themselves in a much worse position.

Congress has the responsibility to ease the burden of ObamaCare by repealing the law's most onerous provisions. I would like to repeal the entire act and start over with some good aspects that we could incorporate into a better bill but also start off with a better way to provide health care for Americans and provide those who were uninsured with the opportunity to get insurance.

At the very least, we should pass legislation restoring the 40-hour workweek. I hope this is one of the things my colleagues on the other side of the aisle are talking about. I note that the President of the United States has threatened to veto Affordable Care Act amendments that would restore something that has become very traditional in the United States—the 40-hour workweek. It is very surprising to me that it would be on that proposal that the President of the United States would say: No, I will not even sign legislation to restore something as traditional as the 40-hour workweek.

We need to repeal the medical device tax, and clearly there are well over 60 votes in this body today to do just that. We need to exempt veterans from the employer mandate, to provide relief to rural hospitals, and we need to repeal the health insurance tax. I hope we can do that, and I hope the sounds I hear from the other side of the aisle indicate that we can reach bipartisan consensus and send legislation to the President persuading him that there is such broad support for that and he should sign it.

We can do better for the American people than the higher copays, the higher deductibles, and the broken promises they received under the ACA.

Americans were flatly told: If you like your doctor, you can keep your doctor. That turned out to be a promise the administration could not or would not keep. They were told: If you like your health care plan, you can keep your health care plan. It turned out the administration was not able to make good on that promise. We can do better.

With regard to the Federal budget, the national debt now exceeds \$18 trillion. During the next 10 years, interest payments on the debt will be the fastest growing budget expenditure. Interest on the debt will be the fastest growing expenditure, more than tripling to \$800 billion. Put in perspective, one out of every seven tax dollars taken in by the government will be used to service the Federal debt.

Why is regular order important in this regard? In returning to regular order, the Senate Republicans will enact a budget resolution each year as required by law. We haven't done this. The law requires it, but somehow Congress has waived this requirement for themselves. This contrasts sharply with the past 5 years, during which the Democratic-led Senate passed only one budget. As a result, Congress has not adopted a joint budget resolution since 2009. This will change in this new day of Congress.

Under the previous majority, spending bills were not brought to the floor to be debated. Budget laws were routinely waived or ignored, and there has been no plan whatever for finally bringing the Federal budget under control. These are facts. We need to change that, and I hope we will do so in this Congress.

In conclusion, we have plenty of work to do. People in my State of Mississippi, like most Americans, expect results from this Congress. The challenges of our economy, the importance of our national defense, and the negative impact of intrusive executive overreach are too great not to address. We need to meet the expectations of the American people in this regard.

The distinguished majority leader reminded us earlier this week that Americans want a government that works, one that functions with efficiency and accountability, competence and purpose.

I believe we can do that, but it will take a return to regular order. It will take faith in the committee process. It will take faith in returning this institution to functioning the way the Founders intended. And it will take meaningful legislation. It is time to put the priorities of the American people first.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO SARAH KENNEY

Mr. LEAHY. Mr. President, when Sarah Kenney decided to volunteer with the Women's Rape Crisis Center in Burlington, VT, in 1997, she may not have realized just how that experience would shape nearly two decades of her life. There, in cramped offices furnished with old futons, she recalls, "I fell in love with the passion of the place."

That passion led Sarah to the Vermont Network Against Domestic and Sexual Violence, where she has spent the past 13 years advocating to end such violence and to raise public awareness about the abhorrent crimes that account for roughly half of all homicides in Vermont in any given year.

Over the years, Sarah has been a trusted and valuable partner in my work to strengthen support for survivors of domestic and sexual violence, including the successful reauthorization and expansion of the Violence Against Women Act so that it better protects all survivors. Her understanding of the legislative process, combined with her ability to work with all sides, have been the hallmark of her effective advocacy. Sarah has also spent much time at the Vermont State House, testifying on legislation to strengthen protections against victims of crime across our State.

Sarah will be leaving her post as the Vermont Network's Associate Director of Public Policy this month, to take on a new advocacy role as Deputy Director at Let's Grow Kids in Burlington, where she will use her tremendous skills on behalf of bettering children's lives.

I am proud to note that Sarah holds a bachelor's degree in political science from my alma mater, St. Michael's College. Her contributions are too many to list here, but her work in shaping policy has undoubtedly resulted in stronger protections for women and families in Vermont and across the Nation. In my 40 years in the U.S. Senate, I have worked with many advocates who are passionate about the work they do. I can say that Sarah's passion and commitment make her one of the best. She is superbly effective in turning advocacy into action.

In Vermont, we are fortunate to have an organization such as the Vermont Network Against Domestic and Sexual Violence, and even more fortunate to

have someone of Sarah's talents advocating on behalf of victims. It has been an honor to work with someone whose commitment to a cause is so distilled and focused. The Vermont Network will miss Sarah's many talents, but Vermont's children have just gained a passionate advocate.

I wish Sarah and her family all the best in her new role.

#### TRIBUTE TO STEWART HOLMES

• Mr. COCHRAN. Mr. President, I want to express my gratitude for the service of my long-time aide, Stewart Holmes, who is leaving the U.S. Senate to pursue a new career. Stewart has served the Senate in different capacities over the past 17 years in a manner that reflects credit on the institution and our Nation. During this time, I have valued Stewart as a trusted and loyal advisor with sound judgment on complex national security issues. More broadly, his public service on Capitol Hill has contributed to the safety of the American people and our Nation.

Stewart's sense of service, responsibility, and dedication to the United States is closely linked to his own 22-year military service career. He enlisted in the United States Marine Corps in 1979, and was appointed a 2nd Lieutenant in 1986. He was deployed during Operation Desert Storm. While in the military, he earned a Bachelor of Arts degree from the Citadel in South Carolina and a Master of Arts degree in Financial Management from the U.S. Naval Post Graduate School. In 1997, he became the first military fellow to serve in my Senate office, a position that preceded his becoming the Marine Corps Appropriations Liaison.

In 2001, Stewart Holmes retired from the Marine Corps as a major and joined my staff as a military legislative assistant. In 2005, he joined the Senate Committee on Appropriations and served as an intelligence and military advisor to me. He became minority clerk of the Defense Appropriations Subcommittee in 2009.

Throughout my association with Stewart, he has been a hard worker. He has demonstrated consummate professionalism, attention to detail, and dedication to the Senate as an institution. These qualities have served him well as the Defense Subcommittee has worked to overcome the fiscal and political challenges inherent in funding our national security priorities. I appreciate his work on various issues of importance to our national interests and to my State of Mississippi, including shipbuilding, supercomputers, next generation technology, shipbuilding, NASA and others.

As Stewart moves on with the next chapter of his career, I wish him, his wife, Maren, and their children every success and happiness. We will miss him here in the Senate. I am pleased to extend my thanks to him for the great job he has done in the Senate. ●



## TRIBUTE TO SHEILA DWYER

Mr. BLUMENTHAL. Mr. President, as the 114th Congress begins, I would like to pay tribute to a Connecticut native who retired at the end of the last session. Sheila Dwyer, who served as Assistant Secretary of the Senate since 2007, will be deeply missed by many. She worked closely with former Majority Leader HARRY REID and with current Majority Leader MITCH MCCONNELL, who had passionate, strong praise for Sheila's dedication and devotion to this institution. Both recognized that she became known as the "Mayor of Capitol Hill" for the skill and poise she consistently demonstrated in handling the needs of 100 Senators at a time.

Sheila was born in Waterbury, CT, and she has remained very proud of her roots in our great State throughout her career. While still in high school, she served a semester as a Senate Page, and she later returned to spend her career here. After working for such luminaries as Senator Chuck Robb of Virginia, Senator Daniel Patrick Moynihan of New York, and Senator Fritz Hollings of South Carolina, she joined Senator REID's office.

Along the way, Sheila amassed an impressive record of accomplishments that included overseeing logistics for two national Democratic conventions, assisting in Presidential inaugurations and countless ceremonial events, and coordinating the myriad departments and behind-the-scenes operations that keep the Senate running. Throughout, she has built and maintained friendships with Senators and staff from all corners of the Capitol and the country. Leader REID spoke quite movingly about how, in addition to her professional achievements, she has been a strong source of personal support for his family and others.

My wife Cynthia and I are honored to know Sheila, and we wish her all the best as she begins the next chapter of her life. I know that all of Connecticut joins me in congratulating her on her exemplary achievements here in the Senate.

## ADDITIONAL STATEMENTS

## CONGRATULATING FATHER LOUIS LOHAN

• Mr. COCHRAN. Mr. President, I am pleased to congratulate the Reverend Louis Lohan who is retiring after more than 40 years of distinguished service as a Roman Catholic priest serving the Diocese of Biloxi in Mississippi.

Born in Ireland, Father Lohan attended schools there and graduated from St. Patrick's College in Carlow, Ireland. He became an ordained priest for the Catholic Diocese of Biloxi in June of 1971 and moved to the United States shortly thereafter.

Father Lohan served at several different ministry locations, such as Our Lady of Victories in Pascagoula, Mis-

sion in Saltillo, Mexico, Our Lady of the Gulf in Bay St. Louis, Sacred Heart in D'Iberville, and at the churches in Wiggins, Lucedale, and Leakesville for 9 years.

In 1993, Father Lohan began service as pastor of St. Thomas the Apostle Catholic Church in Long Beach, MS, where he remained for the next 21 years. In 2005, he participated in the rebuilding effort of the church, community center, office complex, and elementary school after they were destroyed by Hurricane Katrina.

Father Louis Lohan has diligently served the Diocese of Biloxi, and I am pleased to congratulate and thank him for his many years of devoted service to the people of the Mississippi Gulf Coast.●

## RECOGNIZING HENDERSON VETERANS TREATMENT COURT

• Mr. HELLER. Mr. President, I wish to recognize the Henderson Veterans Treatment Court Program for its commitment and dedication to providing our veterans with vital services that range from job placement to suicide prevention. Located in Henderson, NV, this unique program assists our Nation's bravest as they return from the battlefield and readjust to life in their communities.

The brave men and women who served the United States and fought to protect our freedom have often come home to a struggling economy. All too often, returning veterans are unable to find a job or afford to buy or rent a home. As the demographics of our Armed Forces have changed throughout the years, so, too, have the needs of our Nation's heroes. The Henderson Veterans Treatment Court, founded in 2011 by Henderson Chief Judge Mark Stevens, received national recognition and is illustrative of how the program should be implemented. With 53 graduates and 41 active participants, this program is a shining example of the type of initiatives that will help get our veterans back on their feet. Although there is no way to ever adequately thank the men and women that lay down their lives for our freedoms, the Henderson Veterans Treatment Court acts as a one-stop solution for veterans who find themselves in a position of need.

As a member of the Senate Veterans' Affairs Committee, I know the struggles that our veterans face after returning home from the battlefield. Congress has a responsibility not only to honor these brave individuals but also to ensure they receive the quality care they have earned and deserve. I remain committed to upholding this promise for our veterans and servicemembers in Nevada and throughout the Nation. I am very pleased that veterans service organizations like the Henderson Veterans Treatment Court are committed to ensuring that the needs of our veterans are being met.

Today, I ask my colleagues and all Nevadans to join me in recognizing the

Henderson Veterans Treatment Court, a program with a mission that is both noble and necessary. I am honored to acknowledge the Henderson Veterans Treatment Court and its tireless efforts to put veterans back on their feet in Nevada and throughout the United States. Their duty to provide veterans with the skills that will allow them the opportunity to change their circumstances is admirable, and I wish the program the best of luck in all of its future endeavors.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 11:02 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 23. An act to reauthorize the National Windstorm Impact Reduction Program, and for other purposes.

H.R. 34. An act to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes.

H.R. 35. An act to increase the understanding of the health effects of low doses of ionizing radiation.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 22. An act to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; to the Committee on Finance.

H.R. 23. An act to reauthorize the National Windstorm Impact Reduction Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 34. An act to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 35. An act to increase the understanding of the health effects of low doses of

ionizing radiation; to the Committee on Energy and Natural Resources.

#### 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-68. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Plants for Planting" ((RIN0579-AD47) (Docket No. APHIS-2008-0071)) received during adjournment of the Senate in the Office of the President of the Senate on December 17, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-69. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Noninsured Crop Disaster Assistance Program" (RIN0560-AI20) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-70. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Domestic Dates Produced or Packed in Riverside County, California; Decreased Assessment Rate" (Docket No. AMS-FV-14-0057; FV14-987-3 FIR) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-71. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Interim Report to Congress on Endangered Species Act Implementation in Pesticide Evaluation Programs"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-72. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Single Family Housing Loans and Grants" (RIN0575-AD01) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-73. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Beauveria bassiana strain ANT-03; Exemption from the Requirement of a Tolerance" (FRL No. 9918-65) received during adjournment of the Senate in the Office of the President of the Senate on December 22, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-74. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Zeta-cypermethrin; Pesticide Tolerances" (FRL No. 9920-23) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-75. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled "Labeling of Pesticide Products and Devices for Export; Clarification of Requirements" ((RIN2070-AJ53) (FRL No. 9919-63)) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-76. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tobacco mild green mosaic tobamovirus strain U2; Amendment to an Exemption from the Requirement of a Tolerance" (FRL No. 9919-26) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-77. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Endangered Listing of Five Species of Sawfish under the Endangered Species Act" (RIN0648-XZ50) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Environment and Public Works.

EC-78. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the annual report of the Fish and Wildlife Service on reasonably identifiable expenditures for the conservation of endangered and threatened species for fiscal year 2013; to the Committee on Environment and Public Works.

EC-79. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances; Withdrawal" ((RIN2070-AB27) (FRL No. 9920-63)) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2014; to the Committee on Environment and Public Works.

EC-80. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Benzidine-Based Chemical Substances; Di-n-pentyl Phthalate (DnPP); and Alkanes, C12-13, Chloro; Significant New Use Rule" ((RIN2070-AJ73) (FRL No. 9915-60)) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2014; to the Committee on Environment and Public Works.

EC-81. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans and Designation of Areas; Alabama; Redesignation of the Alabama Portion of the Chattanooga, 1997 PM2.5 Nonattainment Area to Attainment" (FRL No. 9920-61-Region 4) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2014; to the Committee on Environment and Public Works.

EC-82. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Ozone and PM2.5 Standards" (FRL No. 9920-47-Region 5) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2014; to the Committee on Environment and Public Works.

EC-83. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans and Designation of Areas; Georgia; Redesignation of the Georgia Portion of the Chattanooga, 1997 PM2.5 Nonattainment Area to Attainment" (FRL No. 9920-60-Region 4) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2014; to the Committee on Environment and Public Works.

EC-84. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rulemaking on the Definition of Solid Waste" ((RIN2050-AG62) (FRL No. 9728-5-OSWER)) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2014; to the Committee on Environment and Public Works.

EC-85. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil and Natural Gas Sector: Reconsideration of Additional Provisions of New Source Performance Standards" ((RIN2060-AR75) (FRL No. 9921-03-OAR)) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2014; to the Committee on Environment and Public Works.

EC-86. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Designations for the 2012 Primary Annual Fine Particle (PM2.5) National Ambient Air Quality Standards (NAAQS)" ((RIN2060-AR95) (FRL No. 9921-00-OAR)) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2014; to the Committee on Environment and Public Works.

EC-87. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particle (PM2.5) National Ambient Air Quality Standards (NAAQS) and 2006 PM2.5 NAAQS; Correcting Amendment" (FRL No. 9920-83-Region 4) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2014; to the Committee on Environment and Public Works.

EC-88. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; Pennsylvania; Determination of Attainment for the 2008 Lead National Ambient Air Quality Standard for the Lyons Nonattainment Area" (FRL No. 9920-68-Region 3) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2014; to the Committee on Environment and Public Works.

EC-89. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Greenhouse Gas Reporting Program: Addition of Global Warming Potentials to the General Provisions and Amendments and Confidentiality Determinations for Fluorinated Gas Production; Correction" ((RIN2060-AR78) (FRL No. 9920-59-OAR)) received during adjournment of the Senate in the Office of the President of the Senate on

December 18, 2014; to the Committee on Environment and Public Works.

EC-90. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Navy and was assigned Navy case number 13-01; to the Committee on Appropriations.

EC-91. A communication from the Secretary of the Army, transmitting, pursuant to law, a report on the mobilizations of select reserve units, received during adjournment of the Senate in the Office of the President of the Senate on December 29, 2014; to the Committee on Armed Services.

EC-92. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777a, for a period not to exceed 14 days before assuming the duties of the position for which the higher grade is authorized; to the Committee on Armed Services.

EC-93. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a notification of a completion date of May 2015 for a report relative to the Department of Defense purchases from foreign entities for fiscal year 2014; to the Committee on Armed Services.

EC-94. A communication from the Principal Military Deputy, Office of the Assistant Secretary (Research, Development and Acquisition), Department of the Navy, transmitting, pursuant to law, notification that the Navy proposes to donate the historic destroyer ex-CHARLES F ADAMS (DDG 2) to the Jacksonville Historic Naval Ship Association; to the Committee on Armed Services.

EC-95. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the designation as an emergency requirements all funding so designated by the Congress in the Consolidated and Further Continuing Appropriations Act, 2015, pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for certain accounts, including accounts to implement a comprehensive strategy to contain and end the Ebola epidemic and to enhance domestic preparedness; to the Committee on the Budget.

EC-96. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the designation of funding for Overseas Contingency Operations/Global War on Terrorism; to the Committee on the Budget.

EC-97. A communication from the Administrator, U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran"; to the Committee on Energy and Natural Resources.

EC-98. A communication from the Assistant Secretary for Nuclear Energy, transmitting, pursuant to law, a report entitled "Report on the Effect the Low Enriched Uranium Delivered Under the Highly Enriched Uranium Agreement Between the Government of the United States of America and the Government of the Russian Federation had on the Domestic Uranium Mining, Conversion, and Enrichment Industries and the Operation of the Gaseous Diffusion Plant During 2012"; to the Committee on Energy and Natural Resources.

EC-99. A communication from the Chair, Securities and Exchange Commission, transmitting, pursuant to law, the Commission's

Agency Financial Report for fiscal year 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-100. A communication from the Acting General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the position of Chief Financial Officer, Department of Housing and Urban Development, received during adjournment of the Senate in the Office of the President of the Senate on December 22, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-101. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the Department in the position of Assistant Secretary for Housing/Federal Housing Commissioner, received during adjournment of the Senate in the Office of the President of the Senate on December 22, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-102. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Expansion of the Microprocessor Military End-Use and End-User Control" (RIN0694-AG27) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-103. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Secretary, Department of Housing and Urban Development, received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-104. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2014-0002)) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-105. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2014-0002)) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-106. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule Regarding Principal Trades with Certain Advisory Clients" (RIN3235-AL56) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-107. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report relative to the continuation of the national emergency with respect to the proliferation of weapons of mass destruction that was originally declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-108. A communication from the Regulatory Specialist of the Legislative and Reg-

ulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Stress Test—Schedule Shift and Adjustments to Regulatory Capital Projections" (RIN1557-AD85) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-109. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-110. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to blocking property of the Government of the Russian Federation relating to the disposition of highly enriched uranium extracted from nuclear weapons that was declared in Executive Order 13617 of June 25, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-111. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-112. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-113. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the 100th Annual Report of the Federal Reserve Board covering operations for calendar year 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-114. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Credit Risk Retention" (RIN2501-AD53) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-115. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2014-0002)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-116. A communication from the Assistant General Counsel for Law and Policy, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Consumer Leasing (Regulation M)" (RIN7100-ZA09) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-117. A communication from the Assistant General Counsel for Law and Policy, Bureau of Consumer Financial Protection,

transmitting, pursuant to law, the report of a rule entitled “Truth in Lending (Regulation Z)” ((RIN1700-ZA08) (12 CFR Part 1026)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-118. A communication from the Assistant General Counsel for Law and Policy, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled “Appraisals for Higher-Priced Mortgage Loans Exemption Threshold Adjustment—Final Rule” ((RIN3170-AA11) (12 CFR Part 1026)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-119. A communication from the Assistant General Counsel for Law and Policy, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled “Home Mortgage Disclosure (Regulation C) Adjustment to Asset-Size Exemption Threshold” (12 CFR Part 1003) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-120. A communication from the Assistant General Counsel for Law and Policy, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled “Truth in Lending (Regulation Z) Adjustment to Asset-Size Exemption Threshold” (12 CFR Part 1026) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-121. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community Eligibility” ((44 CFR Part 64) (Docket No. FEMA-8363)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-122. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing-Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Federal Housing Administration (FHA): Section 232 Healthcare Facility Insurance Program—Aligning Operator Financial Reports With HUD’s Uniform Financial Reporting Standards” (RIN2502-AJ25) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-123. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Revision to the Export Administration Regulations: Controls on Electronic Commodities; Exports and Reexports to Hong Kong” (RIN0694-AG33) received in the Office of the President of the Senate on December 30, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-124. A communication from the Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled “Defining Larger Participants of the International Money Transfer Market” ((RIN3170-AA25) (Docket No. CFPB-2014-0003)) received during adjournment of the Senate in the Office of the President of the Senate on December 30,

2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-125. A communication from the Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled “Electronic Fund Transfers (Regulation E)” ((RIN3170-AA45) (Docket No. CFPB-2014-0008)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-126. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Corrections and Clarifications to the Export Administration Regulations” (RIN0694-AG34) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-127. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled “Credit Risk Retention” (RIN2590-AA43) received during adjournment of the Senate in the Office of the President of the Senate on December 23, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-128. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled, “Report to the Congress: Impact of Home Health Payment Rebased on Beneficiary Access to and Quality of Care”; to the Committee on Finance.

EC-129. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “The Center for Medicare and Medicaid Innovation: Report to Congress”; to the Committee on Finance.

EC-130. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Physician Compare Report to Congress”; to the Committee on Finance.

EC-131. A communication from the Federal Register Liaison Officer, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled “Revised Medical Criteria for Evaluating Genitourinary Disorders” (RIN0960-AH03) received during adjournment of the Senate in the Office of the President of the Senate on December 24, 2014; to the Committee on Finance.

EC-132. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, the fiscal year 2014 Semiannual Report to Congress on the Softwood Lumber Act of 2008; to the Committee on Finance.

EC-133. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled “Report of the Task Force on the Prohibition of Importation of Products of Forced or Prison Labor from the People’s Republic of China (PRC): October 1, 2013 to June 30, 2014”; to the Committee on Finance.

EC-134. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, a report on the Administration’s fiscal year 2014 Competitive Sourcing efforts; to the Committee on Finance.

EC-135. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled “2015 Standard Mileage Rates” (Notice 2014-79) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Finance.

EC-136. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Update of Rev. Proc. 2012-24, Implementation of Nonresident Alien Deposit Interest Regulations” (Rev. Proc. 2014-64) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Finance.

EC-137. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Reporting of Specified Foreign Financial Assets” ((RIN1545-BJ69) (TD 9706)) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Finance.

EC-138. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the Commission’s Annual Report for fiscal year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-139. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Commission’s 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-140. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary, Policy, Department of Homeland Security, received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-141. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Administration’s Agency Financial Report for fiscal year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-142. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board’s Agency Financial Report for fiscal year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-143. A communication from the Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the Agency’s fiscal year 2014 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-144. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department of State’s Agency Financial Report for fiscal year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-145. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled “Update on Integrated Scanning System Operations; Fiscal Year 2014 Report to Congress”; to the Committee on Homeland Security and Governmental Affairs.

EC-146. A communication from the Chairman, National Endowment for the Arts,

transmitting, pursuant to law, the Endowment's fiscal year 2014 Federal Activities Inventory Reform (FAIR) Act submission of its commercial and inherently governmental activities; to the Committee on Homeland Security and Governmental Affairs.

EC-147. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Automated Commercial Environment; Fourth Quarter, Fiscal Year 2014 (July–September 2014)"; to the Committee on Homeland Security and Governmental Affairs.

EC-148. A communication from the Acting Deputy Secretary of Defense, transmitting, pursuant to law, the Department of Defense 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-149. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2014 through September 30, 2014 and the Semi-Annual Report of the Treasury Inspector General for Tax Administration (TIGTA); to the Committee on Homeland Security and Governmental Affairs.

EC-150. A communication from the Deputy Inspector General of the General Services Administration, transmitting, pursuant to law, the 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-151. A communication from the Director, Policy and Planning Analysis, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program Miscellaneous Changes: Medically Underserved Areas" (RIN3206-AN03) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-152. A communication from the Director of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Department of Homeland Security Privacy Office 2014 Annual Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-153. A communication from the Assistant Secretary for Financial Resources and Chief Financial Officer, Department of Health and Human Services, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department's Agency Financial Report for fiscal year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-154. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board's Agency Financial Report for fiscal year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-155. A communication from the Chief Financial Officer, Federal Communications Commission, transmitting, pursuant to law, the Commission's fiscal year 2014 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-156. A communication from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting, pursuant to law, a report relative to a vacancy in the position of Director of the National Counterterrorism Center, received during adjournment of the Senate in the Office of the President of the Senate on December 22, 2014; to the Select Committee on Intelligence.

EC-157. A communication from the Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Device Classification Procedures; Reclassification Petition: Content and Form; Technical Amendment" (Docket No. FDA-2013-N-1529) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC-158. A communication from the Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Advantame" (Docket No. FDA-2009-F-0303) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC-159. A communication from the Executive Analyst, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Health, Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

EC-160. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "List of Goods Produced by Child Labor or Forced Labor"; to the Committee on Health, Education, Labor, and Pensions.

EC-161. A communication from the Director of the Issuances Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Uniform Compliance Date for Food Labeling Regulations" (RIN0583-AD05) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC-162. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS-2014-2025); to the Committee on Foreign Relations.

EC-163. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS-2014-2026); to the Committee on Foreign Relations.

EC-164. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS-2015-0015); to the Committee on Foreign Relations.

EC-165. A communication from the Executive Secretary, U.S. Agency for International Development (USAID), a report relative to a vacancy in the position of Assistant Administrator, Bureau for Economic Growth, Education and the Environment, U.S. Agency for International Development, received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2014; to the Committee on Foreign Relations.

EC-166. A communication from the Assistant Secretary, Legislative Affairs, Depart-

ment of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14-125); to the Committee on Foreign Relations.

EC-167. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (P.L. 107-243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102-1) for the June 15, 2014–August 14, 2014 reporting period; to the Committee on Foreign Relations.

EC-168. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: United States Munitions List Category XI (Military Electronics), Correction, and Other Changes." (RIN1400-AD25) received during adjournment of the Senate in the Office of the President of the Senate on December 29, 2014; to the Committee on Foreign Relations.

EC-169. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14-104); to the Committee on Foreign Relations.

EC-170. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2014-0177–2014-0179); to the Committee on Foreign Relations.

EC-171. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period August 1, 2014 through September 30, 2014; to the Committee on Foreign Relations.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. SHAHEEN (for herself and Ms. COLLINS):

S. 119. A bill to amend the Federal Lands Recreation Enhancement Act to provide for a lifetime National Recreational Pass for any veteran with a service-connected disability; to the Committee on Energy and Natural Resources.

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

S. 120. A bill to amend the Water Resources Development Act of 2000 to authorize the Central Everglades Planning Project, Florida; to the Committee on Environment and Public Works.

By Mr. MCCAIN (for himself and Mr. BARRASSO):

S. 121. A bill to establish a certification process for opting out of the individual health insurance mandate; to the Committee on Finance.

By Mr. MCCAIN (for himself and Ms. KLOBUCHAR):

S. 122. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the personal importation of safe and affordable drugs from approved pharmacies in Canada; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO (for himself, Mr. FLAKE, Mr. INHOFE, Mr. LEE, Mr. MCCAIN,

Mr. PAUL, Mr. ROBERTS, Mr. ROUNDS, and Mr. VITTER):

S. 123. A bill to prevent a taxpayer bailout of health insurance issuers; to the Committee on Health, Education, Labor, and Pensions.

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

S. 124. A bill to amend the Water Resources Development Act of 1996 to deauthorize the Ten Mile Creek Water Preserve Area Critical Restoration Project; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. GRAHAM, Mr. COONS, Mr. BLUNT, Mr. SCHUMER, and Mr. CORNYN):

S. 125. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2020, and for other purposes; to the Committee on the Judiciary.

By Mr. HELLER (for himself, Ms. CANTWELL, Mr. ENZI, Mr. THUNE, Mr. CORNYN, Mrs. MURRAY, Mr. NELSON, and Mr. ALEXANDER):

S. 126. A bill to provide a permanent deduction for State and local general sales taxes; to the Committee on Finance.

By Mrs. SHAHEEN (for herself, Mr. JOHNSON, Mr. MANCHIN, Ms. COLLINS, and Ms. AYOTTE):

S. 127. A bill to prohibit Federal funding for motorcycle checkpoints, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PORTMAN (for himself and Mrs. SHAHEEN):

S. 128. A bill to promote energy efficiency, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON:

S. 129. A bill to repeal executive immigration overreach, to clarify that the proper constitutional authority for immigration policy belongs to the legislative branch, and for other purposes; to the Committee on Finance.

By Mr. VITTER:

S. 130. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself and Mr. FRANKEN):

S. 131. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market; to the Committee on Health, Education, Labor, and Pensions.

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

S. 132. A bill to improve timber management on Oregon and California Railroad and Coos Bay Wagon Road grant land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Mr. MERKLEY, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 133. A bill to approve and implement the Klamath Basin agreements, to improve natural resource management, support economic development, and sustain agricultural production in the Klamath River Basin in the public interest and the interest of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Mr. MERKLEY, Mr. MCCONNELL, and Mr. PAUL):

S. 134. A bill to amend the Controlled Substances Act to exclude industrial hemp from the definition of marijuana, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 135. A bill to prohibit Federal agencies from mandating the deployment of vulnerabilities in data security technologies; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. BROWN):

S. 136. A bill to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself and Mr. CARDIN):

S. 137. A bill to amend title 31, United States Code, to direct the Secretary of the Treasury to regulate tax return preparers; to the Committee on Finance.

By Mr. WYDEN:

S. 138. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. HATCH, Mr. MARKEY, and Mr. BROWN):

S. 139. A bill to permanently allow an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. PORTMAN, Mr. CORNYN, Mrs. GILLIBRAND, and Mr. KIRK):

S. 140. A bill to combat human trafficking; to the Committee on the Judiciary.

By Mr. CORNYN (for himself, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAPO, Mr. DAINES, Mrs. FISCHER, Mr. FLAKE, Mr. GRAHAM, Mr. GRASSLEY, Mr. HELLER, Mr. HOEVEN, Mr. INHOPE, Mr. ISAKSON, Mr. JOHNSON, Mr. KIRK, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. ROBERTS, Mr. RUBIO, Mr. SCOTT, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, and Mr. WICKER):

S. 141. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; to the Committee on Finance.

By Mr. NELSON (for himself, Ms. AYOTTE, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN, Mr. DURBIN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MERKLEY, Mr. REED, Mr. SCHATZ, and Mr. SCHUMER):

S. 142. A bill to require the Consumer Product Safety Commission to promulgate a rule to require child safety packaging for liquid nicotine containers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. Res. 24. A resolution recognizing the 150th anniversary of Bowie State University; considered and agreed to.

By Mr. WYDEN (for himself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. COONS, Mr. DONNELLY, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PETERS, Mr. REED, Mr. REID, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. BENNET, and Mr. MANCHIN):

S. Res. 25. A resolution commemorating 50 years since the creation of the Medicare and Medicaid Programs; to the Committee on Finance.

By Mr. TESTER:

S. Con. Res. 2. A concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the First Special Service Force, in recognition of its superior service during World War II; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 12

At the request of Mr. BLUNT, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 12, a bill to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

S. 28

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 28, a bill to limit the use of cluster munitions.

S. 29

At the request of Mrs. FEINSTEIN, the names of the Senator from Indiana (Mr. DONNELLY) and the Senator from North Dakota (Ms. HEITKAMP) were added as cosponsors of S. 29, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 38

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 38, a bill to ensure that long-term unemployed individuals are not taken into account for purposes of the employer health care coverage mandate.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MCCONNELL:

S. Res. 23. A resolution making majority party appointments for the 114th Congress; considered and agreed to.



STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. GRAHAM, Mr. COONS, Mr. BLUNT, Mr. SCHUMER, and Mr. CORNYN):

S. 125. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2020, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am proud to introduce the Bulletproof Vest Partnership Grant Program Reauthorization Act of 2015. Once enacted, this legislation will continue for another five years the immensely successful grant program that provides matching funds for State and local law enforcement agencies to purchase protective vests for officers serving in the field.

Our Nation needs no additional reminders of the dangers faced by law enforcement officers each and every day. Far too often we have grieved as officers are killed in the line of duty. In 2014 alone, 126 men and women serving in law enforcement lost their lives. Although protective vests cannot save every officer, they have already saved the lives of more than 3,000 law enforcement officers since 1987. Vests dramatically increase the chance of survival when tragedy occurs. I have met personally with police officers who are living today because of a bulletproof vest, and they will attest to the fact that the vests provided through this program are worth every penny.

No officer should have to serve without a protective vest. Yet we know that, for far too many jurisdictions, vests can cost too much and wear out too soon. The Bulletproof Vest Partnership Grant Program helps to fill the gap. Since it was first authorized in 1999, it has enabled more than 13,000 State and local law enforcement agencies to purchase more than one million bulletproof vests, including more than 4,000 vests for officers in Vermont. As these officers have helped to protect our communities, these grants have helped to protect them. Unfortunately the authorization for this grant program lapsed in 2012. We must not delay any longer in reauthorizing this program.

This bill also contains a number of improvements to the grant program. It provides incentives for agencies to provide uniquely fitted vests for female officers and others. It also codifies existing Justice Department policies that grantee law enforcement agencies cannot use other Federal grant funds to satisfy the matching fund requirement, and they must also have mandatory wear policies to ensure the vests are used regularly.

Protecting those who serve has historically been a bipartisan effort in Congress. Republican Senator Ben Nighthorse-Campbell and I worked together to create this program more

than 15 years ago. It was so successful that, in the past, it was reauthorized with a voice vote. It was the right thing to do, it saved lives, and that was enough for both Democrats and Republicans. This is not a partisan issue, and I am pleased that Senator GRAHAM is the lead cosponsor of this measure. Senators COONS and BLUNT are also original cosponsors of this bill.

The law enforcement community speaks with a single voice on this issue. And I am proud that this bill is supported by the Fraternal Order of Police, International Association of Chiefs of Police, National Association of Police Organizations, National Sheriffs' Association, Major County Sheriffs' Association, Major Cities Chiefs Association, Federal Law Enforcement Officers Association, National Tactical Officers Association, and Sergeants Benevolent Association.

There are very few bills that can so directly affect and improve the safety of those who serve and protect our communities. This program saves lives, and I am hopeful that all Senators—Democrats, Republicans, and Independents alike—will join us now to ensure its swift reauthorization.

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

S. 132. A bill to improve timber management on Oregon and California Railroad and Coos Bay Wagon Road grant land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I reintroduce a bill that will end the gridlock on the Oregon and California, O&C, lands found in my home State. I am pleased that my colleague Senator MERKLEY is joining me in this effort. Last Congress, I introduced this legislation, which went on to be reported out of the Energy and Natural Resources Committee after continued work with stakeholders and resulting modifications. I feel that a great deal of progress was made in the last Congress to find a solution for these lands in Oregon, but Congress ran out of time to complete work on this bill. That's why I am back at it here today. The bill I introduce today is intended to advance the progress made, adopting the modifications from the bill that was reported out of Committee, and paving the way to pass legislation regarding management of these lands.

My legislation will end decades of uncertainty and broken forest policy with a science-driven solution that moves past the decades old timber wars. It does this by using science to guide management of the O&C lands while upholding bedrock federal environmental laws. This bill provides the jobs that Oregonians need, certainty of timber supply that timber companies require, and continued environmental protections that our treasures deserve.

First, my legislation divides the O&C lands, with roughly half set aside for forestry emphasis and the other half

for conservation emphasis, to put a stop to the uncertainty and conflicting priorities that have contributed to federal management failure on these lands and produce wins on both sides of the historic timber conflict. The forestry emphasis lands will employ proven forestry practices, known as "ecological forestry," to mimic natural processes and create healthier, more diverse forests. Modeling using Bureau of Land Management and Forest Service analysis confirms that ecological forestry will more than double the harvest on O&C lands, producing approximately 400 mmbf on the landscape covered by this bill.

On the conservation side, my bill provides permanent protections for approximately 1.35 million acres of land, while designating wilderness lands, wild and scenic rivers, and other special areas. It creates 87,000 acres of wilderness and 252 miles of wild and scenic rivers. All told, this would be the single biggest increase in Oregon's conservation lands in decades. That includes special areas protected for recreation, which is an increasingly important part of our rural economy, and is responsible for 141,000 jobs in Oregon alone. Perhaps the most important conservation win in the bill is the first-ever legislative protection for old growth on O&C lands and the designation of Late Successional Old-growth Forest Heritage Reserves.

The approach of dividing the lands into conservation and timber emphasis and protecting old growth will provide clear management direction for the landscape and take the most controversial harvests off the table. Significantly, the bill streamlines and front loads environmental analysis into two large scale environmental impact statements—one each for moist and dry forests—that will study 5 years of work in the woods, rather than a single project. It does this while upholding the Endangered Species Act and other bedrock environmental laws.

Critical to the bill is the belief that forest policy should be dictated by science, not lawyers. The forestry principles used in this bill are based on the work of Drs. Norm Johnson and Jerry Franklin, two respected Northwest forestry scientists, and built off of forestry approaches used around the globe. The bill also establishes the first ever legislative protections for O&C streams thanks in large part to the work of one of the Northwest's foremost water resources experts, Dr. Gordon Reeves. The Northwest Forest Plan's stream protections are extended to key watersheds and four drinking water emphasis areas, with additional lands designated for conservation, to protect drinking water. Science also guides how the agency can treat trees near streams and a scientific committee will evaluate stream buffers and reserves in areas dedicated to timber harvests, increasing or decreasing the boundaries as needed to address the ecological importance of streams. This

acknowledges that one size does not fit all.

Most important is the fact that I will continue to advance efforts to secure a new future for the O&C lands. My bill certainly doesn't provide everything all sides want, but it can get everyone what they need. I look forward to working with Congressmen DEFAZIO, WALDEN and SCHRADER and our colleagues in the Senate and House of Representatives to pass an O&C solution into law.

By Mr. WYDEN (for himself, Mr. MERKLEY, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 133. A bill to approve and implement the Klamath Basin agreements, to improve natural resource management, support economic development, and sustain agricultural production in the Klamath River Basin in the public interest and the interest of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I rise to reintroduce a bill that would authorize the implementation of three landmark agreements that settle some of our country's most complex and contentious water allocation and species preservation issues. Water management crises this century have plagued the Klamath Basin, leading to devastating water years for communities throughout the Basin. Overcoming that adversity, stakeholders including State and Federal agencies, tribes, farmers and ranchers, and environmental groups, have spent years coming together to hammer out solutions. They swallowed hard and worked together to bring costs down and deliver economic certainty and stability for the Basin in the name of the greater good.

Last year, I introduced the Klamath Basin Water Recovery and Economic Restoration Act of 2014 to finally authorize the three historic agreements reached by Basin partners—the Klamath Basin Restoration Agreement, the Klamath Hydroelectric Settlement Agreement, and the Upper Basin Agreement. I was deeply disappointed that the bill did not get passed into law last Congress, delaying the implementation of these important agreements and creating even more uncertainty and anxiety for stakeholders in the Basin.

Inspired by the perseverance and dedication demonstrated by the stakeholders, today I once again bring forward this bill, the Klamath Basin Water Recovery and Economic Restoration Act of 2015, to put a rubber stamp on the historic agreements and finally help heal the Klamath Basin. With this bill, the Basin will no longer be known for persistent drought, water disputes, and conflict, but rather for the dedicated and enduring collaborative efforts that have honed in on a sustainable and more economically certain future; an example that other regions can emulate for their watershed challenges. I continue to express

my gratitude to the interested groups who came to the table and formed partnerships, engaged in conversations, made agreements and concessions, and ultimately found a path forward.

I'm pleased to be joined by my colleagues Senators MERKLEY, BOXER and FEINSTEIN on this bill. Senator MERKLEY has worked tirelessly to encourage and support the years of conversations and collaborative efforts of the countless stakeholders who have committed to finding a balanced solution. Senators BOXER and FEINSTEIN have provided unwavering support for the communities impacted by unprecedented drought in the Klamath Basin, which spans Oregon and California, while also reaffirming the need to support fish and wildlife. Together, we are committed to working with our colleagues in the Senate and House to advance this bill and get it signed by the President.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

By Mr. WYDEN (for himself, Mr. MERKLEY, Mr. MCCONNELL, and Mr. PAUL):

S. 134. A bill to amend the Controlled Substances Act to exclude industrial hemp from the definition of marijuana, and for other purposes; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, today I am pleased to be joined by Senators MERKLEY, MCCONNELL, and PAUL in introducing the Industrial Hemp Farming Act of 2015.

I introduced this bill during the 113th Congress with these same colleagues to amend a regulation that is holding America's economy back. I am committed to empowering American farmers and increasing domestic economic activity, and that is exactly what this bill will do.

The United States is the world's largest consumer of hemp products, yet it remains the only major industrialized country that bans hemp farming. As the United States imports millions of dollars of hemp products, such as textiles, foods, paper products and construction materials, American farmers who could grow hemp right here at home are unable to profit from this growing market. This is an outrageous restriction on free enterprise and does nothing but hurt economic growth and job creation.

The Industrial Hemp Farming Act of 2015 would amend the definition of "marijuana" in the Controlled Substances Act to exclude industrial hemp, allowing American farmers to produce domestically the hemp we already use. Industrial hemp is a safe, profitable commodity in many other countries, and I've long said that if you can buy it at the local supermarket, American farmers should be able to grow it. This commonsense bill would end the burdensome restrictions on industrial hemp and is pro-environment, pro-business, and pro-farmer.

I encourage my colleagues to take the time to learn about the great potential for farming industrial hemp in the United States, and to understand the real differences between industrial hemp and marijuana. Under our bill, industrial hemp is defined as having extremely low THC levels: it has to be 0.3 percent or less. The lowest commercial grade marijuana typically has 5 percent THC content. The bottom line is that no one is going to get high on industrial hemp. And to guarantee that won't be the case, our legislation allows the U.S. Attorney General to take action if a state law allows commercial hemp to exceed the maximum 0.3 percent THC level.

I urge my colleagues to join Senators MERKLEY, MCCONNELL, PAUL, and me by cosponsoring and ultimately passing this important bill.

Mr. 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. 134

*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 "Industrial Hemp Farming Act of 2015".

**SEC. 2. EXCLUSION OF INDUSTRIAL HEMP FROM DEFINITION OF MARIHUANA.**

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (16)—

(A) by striking "(16) The" and inserting "(16)(A) The"; and

(B) by adding at the end the following:

"(B) The term 'marihuana' does not include industrial hemp."; and

(2) by adding at the end the following:

"(57) The term 'industrial hemp' means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis."

**SEC. 3. INDUSTRIAL HEMP DETERMINATION BY STATES.**

Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding at the end the following:

"(i) INDUSTRIAL HEMP DETERMINATION.—If a person grows or processes *Cannabis sativa* L. for purposes of making industrial hemp in accordance with State law, the *Cannabis sativa* L. shall be deemed to meet the concentration limitation under section 102(57), unless the Attorney General determines that the State law is not reasonably calculated to comply with section 102(57)."

By Mr. WYDEN:

S. 135. A bill to prohibit Federal agencies from mandating the deployment of vulnerabilities in data security technologies; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, today I am reintroducing legislation that I introduced at the end of the last Congress along with a bipartisan group of colleagues in the House of Representatives. We call it the Secure Data Act, because it is designed to help protect the sensitive data of American citizens

and businesses from being compromised by foreign hackers. And I believe it will also help protect and promote the American digital economy at a time when growing the number of family-wage jobs is so important both to Oregonians and to people across the country.

Hardly a week goes by without a new report of a massive data theft by computer hackers, often involving trade secrets, consumers' financial information, or sensitive government records. It is well known that the best defense against these attacks is strong data encryption and more secure technology systems.

This is why I and many others have been troubled by suggestions from senior officials that computer hardware and software manufacturers should be required to intentionally create security holes, often referred to as back doors, to enable the government to access data on every American's cell phone and computer, even if that data is protected by strong encryption. The problem with this proposal is that there is no such thing as a magic key that can only be used by good people for worthwhile reasons. There is only strong security or weak security.

Americans are rightly demanding stronger security for their personal data. And requiring companies to build back doors into their products would mean deliberately creating weaknesses that hackers and unscrupulous foreign governments could exploit. The results of this approach can be seen elsewhere—in 2005, citizens of Greece discovered that dozens of their senior government officials' phones had been under surveillance for nearly a year. The eavesdropper was never identified, but the vulnerability was—it was built in wiretapping features intended to be accessible only to government agencies following a legal process.

Mandating back doors would also remove incentives for innovation. If you're required to build a wall with a hole in it, you aren't going to invest a lot of money in developing better locks. And these mandates could also do enormous harm to U.S. technology companies that are working hard to overcome the damage that has been done by recklessly broad surveillance policies and years of deceptive statements by senior government officials.

This legislation would expressly prohibit the government from mandating that tech companies build security weaknesses into their products. I would note that similar legislation from Representatives MASSIE and LOFGREN passed the House of Representatives on a bipartisan vote of 293–123 in June of last year. So, I look forward to working with colleagues on a bipartisan basis to advance this bill, and to receiving feedback and input from colleagues and interested stakeholders, so that it can be further improved as it moves forward.

Mr. 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. 135

*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 "Secure Data Act of 2015".

**SEC. 2. PROHIBITION ON DATA SECURITY VULNERABILITY MANDATES.**

(a) IN GENERAL.—Except as provided in subsection (b), no agency may mandate that a manufacturer, developer, or seller of covered products design or alter the security functions in its product or service to allow the surveillance of any user of such product or service, or to allow the physical search of such product, by any agency.

(b) EXCEPTION.—Subsection (a) shall not apply to mandates authorized under the Communications Assistance for Law Enforcement Act (47 U.S.C. 1001 et seq.).

(c) DEFINITIONS.—In this section—

(1) the term "agency" has the meaning given the term in section 3502 of title 44, United States Code; and

(2) the term "covered product" means any computer hardware, computer software, or electronic device that is made available to the general public.

By Mr. WYDEN (for himself and Mr. BROWN):

S. 136. A bill to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service; to the Committee on Homeland Security and Governmental Affairs.

Mr. WYDEN. Mr. President, our country has asked a lot of our soldiers, sailors, airmen, and marines throughout its history and it will continue to do so as long as the world looks to America for leadership in crises. These brave men and women don't join the military looking for public accolades and all they ask in return for their many sacrifices is for the government to honor its commitments to them—something I have certainly always tried to do.

Of course our men and women in uniform and our veterans aren't the only folks who make sacrifices in the name of national security. From child care, to household repairs and bills, to legal issues, our military families are called on to provide support in innumerable ways as their loved ones serve and deploy. While we hope and pray that all those sent abroad return safely to the arms of their loved ones, we know that this isn't always the case. When servicemembers return home wounded or weakened as a result of combat, it is our military families who step up to take care of their son or daughter, husband or wife. When servicemembers do not return, it is our military families who endure that searing pain that comes with such a terrible loss.

It is an understatement to say that government cannot take away that pain; but what government can, and must, do is honor that sacrifice. One

way we do that is by extending certain benefits to the families of those who are killed or permanently and totally disabled in action. Today, along with Senator BROWN, I am introducing the Gold Star Fathers Act to update one of those benefits.

The Office of Personnel Management currently allows unmarried mothers of fallen soldiers to claim a 10-point veterans' preference when applying for Federal jobs. Our legislation would simply extend this preference to unmarried fathers of fallen soldiers. Updating this preference is about fairness and recognizing that fathers, too, share in the sacrifice that their family has made for this country. Updating this preference will also expand opportunities for Gold Star families to bring their dedication and compassion into the federal government, where it can be put to great use.

Gold Star Mothers and Gold Star Fathers have incurred a debt that Congress cannot ever hope to repay. All we can hope to do is ensure that these sacrifices are acknowledged and honored. It is my hope that the Senate will pass this legislation swiftly.

Mr. 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. 136

*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 "Gold Star Fathers Act of 2015".

**SEC. 2. PREFERENCE ELIGIBLE TREATMENT FOR FATHERS OF CERTAIN PERMANENTLY DISABLED OR DECEASED VETERANS.**

Section 2108(3) of title 5, United States Code, is amended by striking subparagraphs (F) and (G) and inserting the following:

"(F) the parent of an individual who lost his or her life under honorable conditions while serving in the armed forces during a period named by paragraph (1)(A) of this section, if—

"(i) the spouse of that parent is totally and permanently disabled; or

"(ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse;

"(G) the parent of a service-connected permanently and totally disabled veteran, if—

"(i) the spouse of that parent is totally and permanently disabled; or

"(ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse; and".

**SEC. 3. EFFECTIVE DATE.**

The amendment made by this Act shall take effect 90 days after the date of enactment of this Act.

By Mr. WYDEN (for himself and Mr. CARDIN):

S. 137. A bill to amend title 31, United States Code, to direct the Secretary of the Treasury to regulate tax return preparers; to the Committee on Finance.

Mr. WYDEN. Mr. President, if you go to get your hair cut, your barber or

stylist must be licensed. If you need to get the locks on your home repaired or replaced, the locksmith needs a license. But if you have someone prepare your tax return, there is no requirement that the preparer meet any minimum competency standard. It is time for that to change so taxpayers are protected when they file their taxes.

On April 8 of last year, the Senate Finance Committee held a hearing to discuss ways to protect taxpayers from incompetent, unethical and fraudulent tax return preparers. There is no question the tax code is overly complex and confusing. For that reason among others, more than 80 million Americans pay someone else to prepare their income tax return each year.

That's why it was so alarming to learn that most paid tax return preparers don't have to meet even basic standards of proficiency or competence to prepare someone else's tax return.

A series of investigations by the GAO and Treasury Inspector General for Tax Administration, TIGTA, illustrated some of the problems with incompetent tax return preparers. As a consequence, the IRS took steps to require paid tax return preparers to demonstrate they have the know-how to provide the taxpayer with a service he or she can reasonably rely upon.

I am proud to say my home state gets this issue right. Tax preparers in Oregon study, pass an exam and keep up with the changing landscape of the tax code in order to maintain their licenses, and those standards work. The GAO took a look at the system a few years ago and found that tax returns from Oregon were 72 percent likelier to be accurate than returns from the rest of the country. That puts fewer Oregonians at the mercy of unscrupulous preparers and reduces the risk of the dreaded audit.

These independent analyses, combined with too many taxpayer horror stories of identity theft, refund and liability errors, and audit challenges, demonstrated clearly that a lack of basic tax return preparer competency standards is a serious consumer protection issue. Today, I am introducing legislation that will help restore standards to protect American taxpayers.

This legislation, the Taxpayer Protection and Preparer Proficiency Act of 2015, which I am pleased to introduce with the distinguished Senator from Maryland, Mr. CARDIN—will grant the IRS the ability to move forward with the type of education and examination program contemplated under the 2011 Circular 230 program, specifically, the Registered Tax Return Preparer, RTRP, Program.

Testing and minimum competency requirements have been clearly shown to be effective at reducing error, fraud and tax preparer incompetence.

We need to protect American taxpayers, and this bill helps do just that.

Mr. 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. 137

*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 "Taxpayer Protection and Preparer Proficiency Act of 2015".

**SEC. 2. REGULATION OF TAX RETURN PREPARERS.**

(a) IN GENERAL.—Subsection (a) of section 330 of title 31, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) regulate—

“(A) the practice of representatives of persons before the Department of the Treasury; and

“(B) the practice of tax return preparers; and”, and

(2) in paragraph (2)—

(A) by inserting “or tax return preparer” after “representative” each place it appears, and

(B) by inserting “or in preparing their tax returns, claims for refund, or documents in connection with tax returns or claims for refund” after “cases” in subparagraph (D).

(b) AUTHORITY TO SANCTION REGULATED TAX RETURN PREPARERS.—Subsection (b) of section 330 of title 31, United States Code, is amended—

(1) by striking “before the Department”,

(2) by inserting “or tax return preparer” after “representative” each place it appears, and

(3) in paragraph (4), by striking “misleads or threatens” and all that follows and inserting “misleads or threatens—

“(A) any person being represented or any prospective person being represented; or

“(B) any person or prospective person whose tax return, claim for refund, or document in connection with a tax return or claim for refund, is being or may be prepared.”.

(c) TAX RETURN PREPARER DEFINED.—Section 330 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(e) TAX RETURN PREPARER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘tax return preparer’ has the meaning given such term under section 7701(a)(36) of the Internal Revenue Code of 1986.

“(2) TAX RETURN.—The term ‘tax return’ has the meaning given to the term ‘return’ under section 6696(e)(1) of the Internal Revenue Code of 1986.

“(3) CLAIM FOR REFUND.—The term ‘claim for refund’ has the meaning given such term under section 6696(e)(2) of such Code.”.

By Mr. WYDEN:

S. 138. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today, I am introducing the Incentives to Educate American Children, the “I Teach” Act, which would provide a \$1,000 refundable tax credit to elementary and secondary school teachers who teach in

schools located in rural or impoverished areas. It would also provide a \$1,000 credit to teachers who achieve National Board certification, and provide National Board certified teachers serving in rural or impoverished schools a \$2,000 credit. It was previously introduced in the 113th Congress by Senator Rockefeller.

U.S. classrooms are increasingly filled with less experienced teachers, as older teachers retire and the retention rate among young teachers continues to decline. According to the most recent data, 1.7 million teachers, representing 45 percent of the workforce, had less than 10 years of experience. Policy makers need to take steps to ensure that students have the most qualified and best trained teachers possible.

Nearly a third of public schools in the United States are in rural areas. And rural schools often face challenges that others don't, like smaller tax bases and higher recruitment costs, which means they often have less money for classroom materials and salaries. Department of Education data show that rural school districts have the lowest base salaries for starting teachers, a trend that continues even as teachers move to the top of the local salary range. Rural schools face these challenges across the country.

The most recent study by the Education Trust found that high schools with high poverty rates are twice as likely to have teachers who are not certified in their fields than high schools with low poverty rates. The same study found that schools serving impoverished areas have a higher percentage of first year teachers. Rural schools face similar problems.

According to the Department of Education, Oregon faces a shortage of certified teachers for the 2014-15 school year in subject areas such as math, science, Spanish, special education, English as a second language, and bilingual education. A major deterrent to pursuing a master's degree in teaching is the soaring cost of tuition, which, especially for those candidates with strong science and math backgrounds, drives them into other fields instead of educating the next generation of scientists and researchers.

In other words, due to the high cost of education and teachers' salaries which have failed to keep pace, additional incentives through the tax code could encourage highly qualified individuals to look to or continue to pursue teaching as a viable profession. I urge my colleagues to support this important bill.

Mr. 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. 138

*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 “Incentives to Educate American Children Act of 2015” or the “I Teach Act of 2015”.

**SEC. 2. REFUNDABLE TAX CREDIT FOR INDIVIDUALS TEACHING IN ELEMENTARY AND SECONDARY SCHOOLS LOCATED IN HIGH POVERTY OR RURAL AREAS AND CERTIFIED TEACHERS.**

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 36B the following new section:

**“SEC. 36C. TAX CREDIT FOR INDIVIDUALS TEACHING IN ELEMENTARY AND SECONDARY SCHOOLS LOCATED IN HIGH POVERTY OR RURAL AREAS AND CERTIFIED TEACHERS.**

“(a) ALLOWANCE OF CREDIT.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable amount for the eligible academic year ending during such taxable year.

“(b) APPLICABLE AMOUNT.—For purposes of this section—

“(1) TEACHERS IN SCHOOLS IN RURAL AREAS OR SCHOOLS WITH HIGH POVERTY.—

“(A) IN GENERAL.—In the case of an eligible teacher who performs services in a public kindergarten or a public elementary or secondary school described in subparagraph (B) during the eligible academic year, the applicable amount is \$1,000.

“(B) SCHOOL DESCRIBED.—A public kindergarten or a public elementary or secondary school is described in this subparagraph if—

“(i) at least 75 percent of the students attending such kindergarten or school receive free or reduced-cost lunches under the school lunch program established under the Richard B. Russell National School Lunch Act, or

“(ii) such kindergarten or school has a School Locale Code of 41, 42, or 43, as determined by the Secretary of Education.

“(2) CERTIFIED TEACHERS.—In the case of an eligible teacher who is certified by the National Board for Professional Teaching Standards for the eligible academic year, the applicable amount is \$1,000.

“(3) CERTIFIED TEACHERS IN SCHOOLS IN RURAL AREAS OR SCHOOLS WITH HIGH POVERTY.—In the case of an eligible teacher described in both paragraphs (1) and (2), the applicable amount is \$2,000.

“(c) ELIGIBLE TEACHER.—For purposes of this section, the term ‘eligible teacher’ means, for any eligible academic year, an individual who is a kindergarten through grade 12 classroom teacher or instructor in a public kindergarten or a public elementary or secondary school on a full-time basis for such eligible academic year.

“(d) ADDITIONAL DEFINITIONS.—For purposes of this section—

“(1) ELEMENTARY AND SECONDARY SCHOOLS.—The terms ‘elementary school’ and ‘secondary school’ have the respective meanings given such terms by section 9101 of the Elementary and Secondary Education Act of 1965.

“(2) ELIGIBLE ACADEMIC YEAR.—The term ‘eligible academic year’ means any academic year ending in a taxable year beginning after December 31, 2015.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “, 36C” after “36B”.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 36B the following new item:

“Sec. 36C. Tax credit for individuals teaching in elementary and secondary schools located in high poverty or rural areas and certified teachers.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to academic years ending in taxable years beginning after December 31, 2015.

By Mr. WYDEN (for himself, Mr. HATCH, Mr. MARKEY, and Mr. BROWN):

S. 139. A bill to permanently allow an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today to introduce the bipartisan Ensuring Access to Clinical Trials Act of 2015. I would like to begin by thanking Senators HATCH and MARKEY for joining me in cosponsoring this legislation. I would also like to thank the Cystic Fibrosis Foundation for working with me on this important issue since 2010.

This bill is simple: it would remove a sunset that exists for a law we passed in 2010 making it easier—and more likely—for people receiving Supplemental Security Income and Medicaid to participate in rare disease clinical trials. As I explained in 2010, we wanted to proceed carefully when altering how compensation for participating in clinical trials is treated for SSI and Medicaid purposes. That is why we included a 5 year sunset and asked GAO to report on how the law is working. Five years have passed and GAO has issued its report.

GAO’s frank assessment is that not a lot is known about how the law may or may not have affected the decisions an SSI recipient makes about participating in clinical trials. At the same time, GAO provided important context about factors affecting a decision to participate, such as time and travel. The GAO report suggests that the law has removed a barrier to participation for the individuals that rely on SSI and Medicaid’s safety net, and GAO’s consultation with the National Institutes of Health, the National Organization of Rare Diseases, and the Social Security Administration did not identify any negative aspects from the change in the law.

That is comforting and important, and it is reason enough to make this law permanent. We all know what’s at stake and how it’s often difficult to find participants for rare disease clinical trials. This law has helped increase the number of people who can participate and, hopefully, be a part of the effort to improve treatments and find cures.

I urge my colleagues to support this legislation so that recipients of SSI and Medicaid can have the same opportunity to participate in clinical trials as individuals who do not rely on these important safety net programs. I look forward to working with my colleagues on passing this bill soon.

Mr. 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. 139

*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 “Ensuring Access to Clinical Trials Act of 2015”.

**SEC. 2. ELIMINATION OF SUNSET PROVISION.**

Effective as if included in the enactment of the Improving Access to Clinical Trials Act of 2009 (Public Law 111–255, 124 Stat. 2640), section 3 of that Act is amended by striking subsection (e).

By Mrs. FEINSTEIN (for herself, Mr. PORTMAN, Mr. CORNYN, Mrs. GILLIBRAND, and Mr. KIRK):

S. 140. A bill to combat human trafficking; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to re-introduce, along with Senator PORTMAN, the Combat Human Trafficking Act of 2015.

Human trafficking is estimated to be a \$32 billion criminal enterprise, making it the second largest criminal industry in the world, behind the drug trade. Many steps need to be taken to combat this problem. But we cannot escape this simple truth: without demand for the services performed by trafficking victims, the problem would not exist.

The bill we are introducing today would reduce the demand for human trafficking, particularly the commercial sexual exploitation of children, by holding buyers accountable and making it easier for law enforcement to investigate and prosecute all persons who participate in sex trafficking.

Sex trafficking is not a victimless crime. In the United States, the average age that a person is first trafficked is between 12 and 14. Many of these children continue to be exploited into adulthood. A study of women and girls involved in street prostitution in my hometown of San Francisco found that 82 percent had been physically assaulted, 83 percent were threatened with a weapon, and 68 percent were raped. The overwhelming majority of sex trafficking victims in the United States are American citizens—83 percent by one estimate from the Department of Justice.

I am encouraged that Federal, State, and local law enforcement agencies are taking steps to combat human trafficking. Between January and June of last year, the Federal Bureau of Investigation recovered 168 trafficking victims and arrested 281 sex traffickers in “Operation Cross Country.”

I commend these efforts, but more needs to be done to target the perpetrators who are fueling demand for trafficking crimes—the buyers of sex acts from trafficking victims. Many buyers of sex are “hobbyists” who purchase sex repeatedly. Because buyers are rarely arrested, much less prosecuted, the demand for commercial sex continues unabated.

Without buyers, sex trafficking would cease to exist. As Luis CdeBaca, the U.S. Ambassador-at-Large for the Office to Monitor and Combat Trafficking in Persons, noted, “[n]o girl or woman would be a victim of sex trafficking if there were no profits to be made from their exploitation.”

The Combat Human Trafficking Act of 2015 would address this problem by incentivizing Federal and State law enforcement officers to target buyers and providing new authorities to prosecute all who engage in the crime of sex trafficking.

First, the bill would clarify that buyers of sex acts from trafficking victims can be prosecuted under the Federal commercial sex trafficking statute. This provision would codify the Eighth Circuit’s decision in *United States v. Jungers*, which held that this statute encompasses buyers, in addition to sellers. Despite this favorable ruling, there is no guarantee that other courts will follow this precedent.

Second, the bill would hold buyers and sellers of child sex acts accountable for their actions, even if they claim they were unaware of the age of a minor victim. At times, it can be difficult for a prosecutor to prove that a buyer was aware of the victim’s age. Successful cases can require the child victim to testify to this fact, subjecting the victim to re-traumatization. The bill would draw a clear line: if you purchase sex from an underage child, you can be prosecuted. Period.

Third, the bill would grant judges greater flexibility to impose an appropriate term of supervised release on sex traffickers. Current law contains an anomaly: a person convicted of violating the commercial sex trafficking statute or attempting to violate the statute may be subject to a longer term of supervised release than a person who is convicted of conspiring to violate the statute. Conspiring to traffic underage children is as serious as attempting to commit this crime and should be punished the same.

Fourth, the bill would require the Bureau of Justice Statistics to prepare annual reports on the number of arrests, prosecutions, and convictions of sex traffickers and buyers of sex from trafficked victims in the state court system. Very little data is available on the prosecutions made under anti-trafficking laws. This provision would provide additional data and encourage State and local governments to increase enforcement against sellers and buyers of sex from trafficked victims.

Fifth, the Combat Human Trafficking Act would strengthen training programs operated by the Department of Justice for Federal, State, and local law enforcement officers who investigate and prosecute sex trafficking offenses. Under the bill, such training programs must include components on effective methods to target and prosecute the buyers of sex acts from trafficked victims. This would equip pros-

ecutors with the tools they need to target buyers, encouraging prosecution of these perpetrators. Training programs must also train law enforcement in connecting trafficking victims with health care providers, so that victims receive the health care services they need to recover.

In addition, the bill requires that training programs for federal prosecutors include components on seeking restitution for victims of sex trafficking. An October 2014 study by The Human Trafficking Pro Bono Legal Center found that federal prosecutors did not seek restitution in 37 percent of qualifying human trafficking cases brought between 2009 and 2012, even though restitution for trafficking victims is mandatory under federal law. When the prosecutor did not seek restitution, it was granted in only 10 percent of cases.

These results make clear that prosecutors play a critical role in providing justice for trafficking victims. Our bill would ensure that prosecutors are specifically trained to seek restitution for victims.

The bill would also require the Federal Judicial Center to provide training to judges on ordering restitution for human trafficking victims, so that judges are fully aware that federal law mandates that restitution be ordered for these victims. Overall, restitution was awarded in only 36 percent of qualifying human trafficking cases brought between 2009 and 2012, according to The Human Trafficking Pro Bono Legal Center’s study. Too many trafficking victims are not receiving the compensation they need to rebuild their lives and to which they are entitled under the law.

Sixth, the bill would authorize federal and state officials to seek a wiretap to investigate and prosecute any human trafficking-related offense. Under current law, a federal law enforcement officer may seek a wiretap in an investigation under the commercial sex trafficking statute, but not under a number of other statutes that address human trafficking-related offenses, such as forced labor and involuntary servitude. Similarly, a state law enforcement officer may seek a wiretap to investigate a kidnapping offense, but not an offense for human trafficking, child sexual exploitation, or child pornography production. Our bill would fix those omissions.

Finally, this legislation would strengthen the rights of crime victims. The bill would amend the Crime Victims’ Rights Act to provide victims with the right to be informed in a timely manner of any plea agreement or deferred prosecution agreement. The exclusion of victims in these early stages of a criminal case profoundly impairs victims’ rights because, by the nature of these events, there often is no later proceeding in which victims can exercise their rights.

The bill would also ensure that crime victims have access to appellate review

when their rights are denied in the lower court. Regrettably, six appellate courts have mis-applied the Crime Victims’ Rights Act by imposing an especially high standard for reviewing appeals by victims, requiring them to show “clear and indisputable error”. Three other circuits have applied the correct standard: the ordinary appellate standard of legal error or abuse of discretion. This bill resolves the issue, setting a uniform standard for victims in all circuits by codifying the more victim-protecting rule, that the appellate court “shall apply ordinary standards of appellate review.”

I am pleased that this bill has the support of numerous law enforcement and anti-trafficking organizations: the Fraternal Order of Police, Shared Hope International, ECPAT-USA, Coalition Against Trafficking in Women, CATW, Human Rights Project for Girls, Survivors for Solutions, Sanctuary For Families, World Hope International, Prostitution Research & Education, MISSEY, Breaking Free, Equality Now, National Organization for Victim Assistance, Seraphim Global, Los Angeles County Board of Supervisors, City of Oakland, Chicago Alliance Against Sexual Exploitation, Bilateral Safety Corridor Coalition, and Casa Cornelia Law Center. These groups are on the forefront in the fight against sex trafficking, and I am proud to have their support.

Many of the provisions in the Combat Human Trafficking Act were included in the substitute amendment to the Runaway and Homeless Youth and Trafficking Prevention Act, S. 2646, 113th Congress, which passed the Senate Judiciary Committee last September. However, that bill was not enacted into law before Congress adjourned. I am hopeful that we can pass the bipartisan Combat Human Trafficking in this Congress.

I urge my colleagues to join me and Senator PORTMAN in supporting this bill.

Mr. 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. 140

*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 “Combat Human Trafficking Act of 2015”.

**SEC. 2. REDUCING DEMAND FOR SEX TRAFFICKING; LOWER MENS REA FOR SEX TRAFFICKING OF UNDERAGE VICTIMS.**

(a) CLARIFICATION OF RANGE OF CONDUCT PUNISHED AS SEX TRAFFICKING.—Section 1591 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking “or maintains” and inserting “maintains, patronizes, or solicits”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “or obtained” and inserting “obtained, patronized, or solicited”; and

(B) in paragraph (2), by striking “or obtained” and inserting “obtained, patronized, or solicited”; and



(3) by striking subsection (c) and inserting the following:

“(c) In a prosecution under subsection (a)(1), the Government need not prove that the defendant knew, or recklessly disregarded the fact, that the person recruited, enticed, harbored, transported, provided, obtained, maintained, patronized, or solicited had not attained the age of 18 years.”.

(b) DEFINITION AMENDED.—Section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(10)) is amended by striking “or obtaining” and inserting “obtaining, patronizing, or soliciting”.

(c) MINIMUM PERIOD OF SUPERVISED RELEASE FOR CONSPIRACY TO COMMIT COMMERCIAL CHILD SEX TRAFFICKING.—Section 3583(k) of title 18, United States Code, is amended by inserting “1594(c),” after “1591.”.

**SEC. 3. BUREAU OF JUSTICE STATISTICS REPORT ON STATE ENFORCEMENT OF SEX TRAFFICKING PROHIBITIONS.**

(a) DEFINITIONS.—In this section—

(1) the terms “commercial sex act”, “severe forms of trafficking in persons”, “State”, and “Task Force” have the meanings given those terms in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102);

(2) the term “covered offense” means the provision, obtaining, patronizing, or soliciting of a commercial sex act involving a person subject to severe forms of trafficking in persons; and

(3) the term “State law enforcement officer” means any officer, agent, or employee of a State authorized by law or by a State government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(b) REPORT.—The Director of the Bureau of Justice Statistics shall—

(1) prepare an annual report on—

(A) the rates of—

(i) arrest of individuals by State law enforcement officers for a covered offense;

(ii) prosecution (including specific charges) of individuals in State court systems for a covered offense; and

(iii) conviction of individuals in State court systems for a covered offense; and

(B) sentences imposed on individuals convicted in State court systems for a covered offense; and

(2) submit the annual report prepared under paragraph (1) to—

(A) the Committee on the Judiciary of the House of Representatives;

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

(C) the Task Force;

(D) the Senior Policy Operating Group established under section 105(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(g)); and

(E) the Attorney General.

**SEC. 4. LAW ENFORCEMENT OFFICERS, PROSECUTORS, AND JUDGES.**

(a) DEFINITIONS.—In this section—

(1) the terms “commercial sex act”, “severe forms of trafficking in persons”, and “State” have the meanings given those terms in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102);

(2) the term “covered offender” means an individual who obtains, patronizes, or solicits a commercial sex act involving a person subject to severe forms of trafficking in persons;

(3) the term “Federal law enforcement officer” has the meaning given the term in section 115 of title 18, United States Code;

(4) the term “local law enforcement officer” means any officer, agent, or employee of a unit of local government authorized by law or by a local government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law; and

(5) the term “State law enforcement officer” means any officer, agent, or employee of a State authorized by law or by a State government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(b) TRAINING.—

(1) LAW ENFORCEMENT OFFICERS.—The Attorney General shall ensure that each anti-human trafficking program operated by the Department of Justice, including each anti-human trafficking training program for Federal, State, or local law enforcement officers, includes technical training on—

(A) effective methods for investigating and prosecuting covered offenders; and

(B) facilitating the provision of physical and mental health services by health care providers to persons subject to severe forms of trafficking in persons.

(2) FEDERAL PROSECUTORS.—The Attorney General shall ensure that each anti-human trafficking program operated by the Department of Justice for United States attorneys or other Federal prosecutors includes training on seeking restitution for offenses under chapter 77 of title 18, United States Code, to ensure that each United States attorney or other Federal prosecutor, upon obtaining a conviction for such an offense, requests a specific amount of restitution for each victim of the offense without regard to whether the victim requests restitution.

(3) JUDGES.—The Federal Judicial Center shall provide training to judges relating to the application of section 1593 of title 18, United States Code, with respect to ordering restitution for victims of offenses under chapter 77 of such title.

(c) POLICY FOR FEDERAL LAW ENFORCEMENT OFFICERS.—The Attorney General shall ensure that Federal law enforcement officers are engaged in activities, programs, or operations involving the detection, investigation, and prosecution of covered offenders.

**SEC. 5. WIRETAP AUTHORITY FOR HUMAN TRAFFICKING VIOLATIONS.**

Section 2516 of title 18, United States Code, is amended—

(1) in paragraph (1)(c)—

(A) by inserting before “section 1591” the following: “section 1581 (peonage), section 1584 (involuntary servitude), section 1589 (forced labor), section 1590 (trafficking with respect to peonage, slavery, involuntary servitude, or forced labor);” and

(B) by inserting before “section 1751” the following: “section 1592 (unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor);” and

(2) in paragraph (2), by inserting “human trafficking, child sexual exploitation, child pornography production,” after “kidnapping.”.

**SEC. 6. STRENGTHENING CRIME VICTIMS' RIGHTS.**

(a) NOTIFICATION OF PLEA AGREEMENT OR OTHER AGREEMENT.—Section 3771(a) of title 18, United States Code, is amended by adding at the end the following:

“(9) The right to be informed in a timely manner of any plea agreement or deferred prosecution agreement.”.

(b) APPELLATE REVIEW OF PETITIONS RELATING TO CRIME VICTIMS' RIGHTS.—

(1) IN GENERAL.—Section 3771(d)(3) of title 18, United States Code, is amended by inserting after the fifth sentence the following: “In deciding such application, the court of appeals shall apply ordinary standards of appellate review.”.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply with respect to any petition for a writ of mandamus filed under section 3771(d)(3) of title 18, United States Code, that is pending on the date of enactment of this Act.

By Mr. CORNYN (for himself, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAPO, Mr. DAINES, Mrs. FISCHER, Mr. FLAKE, Mr. GRAHAM, Mr. GRASSLEY, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KIRK, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. ROBERTS, Mr. RUBIO, Mr. SCOTT, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, and Mr. WICKER):

S. 141. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; to the Committee on Finance.

Mr. CORNYN. Mr. 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. 141

*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 Seniors’ Access to Medicare Act of 2015”.

**SEC. 2. REPEAL OF THE INDEPENDENT PAYMENT ADVISORY BOARD.**

Effective as of the enactment of the Patient Protection and Affordable Care Act (Public Law 111–148), sections 3403 and 10320 of such Act (including the amendments made by such sections) are repealed, and any provision of law amended by such sections is hereby restored as if such sections had not been enacted into law.

By Mr. NELSON (for himself, Ms. AYOTTE, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN, Mr. DURBIN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MERKLEY, Mr. REED, Mr. SCHATZ, and Mr. SCHUMER):

S. 142. A bill to require the Consumer Product Safety Commission to promulgate a rule to require child safety packaging for liquid nicotine containers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON. Mr. President, we all recognize the danger that many hazardous chemicals and over-the-counter drugs pose to children. That’s why we require child-resistant packaging for these substances to prevent accidental poisonings that could result in serious injury or death.

Unfortunately, there is no child-resistant packaging required for concentrated liquid nicotine, which can be toxic if ingested or even absorbed through the skin. According to the American Academy of Pediatrics, AAP, some of these small bottles of liquid nicotine contain a concentrated and deadly amount of the substance. The AAP notes that this small bottle contains enough nicotine to kill four small children. Just a few drops of the liquid

splashed on a child's skin can make the child very ill.

The American Association of Poison Control Centers reports that poison control centers received 3,957 calls in 2014 related to liquid nicotine exposure. This is more than twice as many calls as in 2013, when AAPCC reported 1,543 calls related to liquid nicotine exposure.

Sadly, it was only a matter of time before one of these accidental nicotine poisonings resulted in death. This past December, a 1-year-old boy in New York State died after ingesting liquid nicotine in his home.

We have to do more to protect children from deadly accidents like this.

Today I am reintroducing the Child Nicotine Poisoning Prevention Act with Senators AYOTTE, BENNET, BLUMENTHAL, BOXER, BROWN, DURBIN, GILLIBRAND, KLOBUCHAR, MARKEY, MERKLEY, REED, SCHATZ, and SCHUMER to prevent these unnecessary tragedies. This common-sense legislation gives the U.S. Consumer Product Safety Commission, CPSC, authority and direction to issue rules requiring safer, child-resistant packaging for liquid nicotine products within 1 year of passage.

The CPSC already requires child-resistant packaging for many household products, including over-the-counter medicines and cleaning agents. These rules have prevented countless injuries and deaths to children. There is no reason why bottles of liquid nicotine should not be required to have child-resistant packaging as well.

I invite my colleagues to join us to support the Child Nicotine Poisoning Prevention Act. Last Congress, this legislation was reported out of the Commerce, Science, and Transportation Committee by voice vote. Continuing our work together this Congress, we can pass this bipartisan legislation and help prevent accidental child nicotine poisonings.

Mr. 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. 142

*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 "Child Nicotine Poisoning Prevention Act of 2015".

#### SEC. 2. CHILD SAFETY PACKAGING FOR LIQUID NICOTINE CONTAINERS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Consumer Product Safety Commission.

(2) LIQUID NICOTINE CONTAINER.—The term "liquid nicotine container" means a consumer product, as defined in section 3(a)(5) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)) notwithstanding subparagraph (B) of such section, that consists of a container that—

(A) has an opening from which nicotine in a solution or other form is accessible and can flow freely through normal and foreseeable use by a consumer; and

(B) is used to hold soluble nicotine in any concentration.

(3) NICOTINE.—The term "nicotine" means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

(4) SPECIAL PACKAGING.—The term "special packaging" has the meaning given such term in section 2 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471).

(b) REQUIRED USE OF SPECIAL PACKAGING FOR LIQUID NICOTINE CONTAINERS.—

(1) RULEMAKING.—

(A) IN GENERAL.—Notwithstanding section 3(a)(5)(B) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)(B)) or section 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)), not later than 1 year after the date of the enactment of this Act, the Commission shall promulgate a rule requiring special packaging for liquid nicotine containers.

(B) AMENDMENTS.—The Commission may promulgate such amendments to the rule promulgated under subparagraph (A) as the Commission considers appropriate.

(2) EXPEDITED PROCESS.—The Commission shall promulgate the rules under paragraph (1) in accordance with section 553 of title 5, United States Code.

(3) INAPPLICABILITY OF CERTAIN RULEMAKING REQUIREMENTS.—The following provisions shall not apply to a rulemaking under paragraph (1):

(A) Sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056 and 2058).

(B) Section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262).

(C) Subsections (b) and (c) of section 3 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472).

(4) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or diminish the authority of the Food and Drug Administration to regulate the manufacture, marketing, sale, or distribution of liquid nicotine, liquid nicotine containers, electronic cigarettes, or similar products that contain or dispense liquid nicotine.

(5) ENFORCEMENT.—A rule promulgated under paragraph (1) shall be treated as a standard applicable to a household substance established under section 3(a) of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472(a)).

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 23—MAKING MAJORITY PARTY APPOINTMENTS FOR THE 114TH CONGRESS

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

S. RES. 23

*Resolved*, That the following be the majority membership on the following committees for the remainder of the 114th Congress, or until their successors are appointed:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Roberts (Chairman), Mr. Cochran, Mr. McConnell, Mr. Boozman, Mr. Hoeven, Mr. Perdue, Mrs. Ernst, Mr. Tillis, Mr. Sasse, Mr. Grassley, Mr. Thune.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran (Chairman), Mr. McConnell, Mr. Shelby, Mr. Alexander, Ms. Collins, Ms. Murkowski, Mr. Graham, Mr. Kirk, Mr. Blunt, Mr. Moran, Mr. Hoeven, Mr. Boozman, Mrs. Capito, Mr. Cassidy, Mr. Lankford, Mr. Daines.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby (Chairman), Mr.

Crapo, Mr. Corker, Mr. Vitter, Mr. Toomey, Mr. Kirk, Mr. Heller, Mr. Scott, Mr. Sasse, Mr. Cotton, Mr. Rounds, Mr. Moran.

COMMITTEE ON BUDGET: Mr. Enzi (Chairman), Mr. Grassley, Mr. Sessions, Mr. Crapo, Mr. Graham, Mr. Portman, Mr. Toomey, Mr. Johnson, Ms. Ayotte, Mr. Wicker, Mr. Corker, Mr. Perdue.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Thune (Chairman), Mr. Wicker, Mr. Blunt, Mr. Rubio, Ms. Ayotte, Mr. Cruz, Mrs. Fischer, Mr. Moran, Mr. Sullivan, Mr. Johnson, Mr. Heller, Mr. Gardner, Mr. Daines.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe (Chairman), Mr. Vitter, Mr. Barrasso, Mrs. Capito, Mr. Crapo, Mr. Boozman, Mr. Sessions, Mr. Wicker, Mrs. Fischer, Mr. Rounds, Mr. Sullivan.

COMMITTEE ON FINANCE: Mr. Hatch (Chairman), Mr. Grassley, Mr. Crapo, Mr. Roberts, Mr. Enzi, Mr. Cornyn, Mr. Thune, Mr. Burr, Mr. Isakson, Mr. Portman, Mr. Toomey, Mr. Coats, Mr. Heller, Mr. Scott.

COMMITTEE ON FOREIGN RELATIONS: Mr. Corker (Chairman), Mr. Risch, Mr. Rubio, Mr. Johnson, Mr. Flake, Mr. Gardner, Mr. Perdue, Mr. Isakson, Mr. Paul, Mr. Barrasso.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Alexander (Chairman), Mr. Enzi, Mr. Burr, Mr. Isakson, Mr. Paul, Ms. Collins, Ms. Murkowski, Mr. Kirk, Mr. Scott, Mr. Hatch, Mr. Roberts, Mr. Cassidy.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Johnson (Chairman), Mr. McCain, Mr. Portman, Mr. Paul, Mr. Lankford, Ms. Ayotte, Mr. Enzi, Mrs. Ernst, Mr. Sasse.

COMMITTEE ON THE JUDICIARY: Mr. Grassley (Chairman), Mr. Hatch, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Lee, Mr. Cruz, Mr. Vitter, Mr. Flake, Mr. Perdue, Mr. Tillis.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Blunt (Chairman), Mr. Alexander, Mr. McConnell, Mr. Cochran, Mr. Roberts, Mr. Shelby, Mr. Cruz, Mrs. Capito, Mr. Boozman, Mr. Wicker.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Vitter (Chairman), Mr. Risch, Mr. Rubio, Mr. Paul, Mr. Scott, Mrs. Fischer, Mr. Gardner, Mrs. Ernst, Ms. Ayotte, Mr. Enzi.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Isakson (Chairman), Mr. Moran, Mr. Boozman, Mr. Heller, Mr. Cassidy, Mr. Rounds, Mr. Tillis, Mr. Sullivan.

COMMITTEE ON INDIAN AFFAIRS: Mr. Barrasso (Chairman), Mr. McCain, Ms. Murkowski, Mr. Hoeven, Mr. Lankford, Mr. Daines, Mr. Crapo, Mr. Moran.

COMMITTEE ON ETHICS: Mr. Isakson (Chairman), Mr. Roberts, Mr. Risch.

COMMITTEE ON INTELLIGENCE: Mr. Burr (Chairman), Mr. Risch, Mr. Coats, Mr. Rubio, Ms. Collins, Mr. Blunt, Mr. Lankford, Mr. Cotton.

COMMITTEE ON AGING: Ms. Collins (Chairman), Mr. Hatch, Mr. Kirk, Mr. Flake, Mr. Scott, Mr. Corker, Mr. Heller, Mr. Cotton, Mr. Perdue, Mr. Tillis, Mr. Sasse.

#### SENATE RESOLUTION 24—RECOGNIZING THE 150TH ANNIVERSARY OF BOWIE STATE UNIVERSITY

Mr. CARDIN (for himself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 24

Whereas on January 9, 2015, Bowie State University, located in Bowie, Maryland, will celebrate the founding of the university on January 9, 1865;

Whereas Bowie State University is the oldest historically black institution of higher

education in the State of Maryland, and 1 of the 10 oldest in the United States;

Whereas in 1864 the Baltimore Association began fundraising to open and support schools for African-Americans, and established 7 schools, the second of which, known as the "Normal School" (referred to in this preamble as the "School"), was the forerunner of Bowie State University;

Whereas the School began by educating approximately 370 students in the African Baptist Church in the Crane's Building on the northeast corner of Calvert and Saratoga Streets in Baltimore, Maryland;

Whereas in 1867 the School purchased the Friends' Meeting House at the corner of Courtland and Saratoga Streets in Baltimore, Maryland, to use for the School;

Whereas during the earliest years of the School, the school received financial support from the City Council of Baltimore, the Freedmen's Bureau, several northern relief societies, and the estate of Nelson Wells;

Whereas in 1893 the name of the School was changed to the "Baltimore Colored Normal School";

Whereas in 1908 the General Assembly of Maryland approved legislation that allowed the trustees of the School to donate assets of the trustees to the State of Maryland in return for a \$5,000 annual appropriation to maintain a permanent normal school for the training of black teachers;

Whereas in 1908 the General Assembly of Maryland changed the name of the School to "Baltimore Normal School No. 3";

Whereas in 1910 the State of Maryland purchased 187 acres of land formerly known as "Jericho Farms" to relocate the School;

Whereas in September 1911 the new location of the School opened with 50 students enrolled;

Whereas in 1935 the School began operating as a 4-year program for training elementary school teachers and was renamed the "Maryland Teachers College at Bowie";

Whereas in 1954, when the National Council for Accreditation of Teacher Education was formed, the education program of the School was among the first to receive national accreditation and that distinction has been continuously reaffirmed;

Whereas in 1963 the School began a liberal arts and teacher training program for secondary education and the institution was renamed "Bowie State College";

Whereas in 1988 the School, which offered several master's degree programs, joined the University System of Maryland and was finally renamed "Bowie State University";

Whereas in 1995 Bowie State University became 1 of only 6 Model Institutions for Excellence in science, engineering, and mathematics in the United States with support from the National Aeronautics and Space Administration;

Whereas as of January 2015, Bowie State University serves approximately 5,600 students annually with challenging and rewarding academic programs and individual support to prepare attendees with the skills needed to compete and succeed in a changing world;

Whereas Bowie State University was listed as 1 of "America's Top Colleges" by Forbes magazine from 2011 to 2013, and ranked among the top 25 historically black colleges and universities by U.S. News & World Report;

Whereas Bowie State University has been recognized as a leader in training African-American professionals in the science, technology, engineering, and mathematics ("STEM") fields;

Whereas Bowie State University was named a National Center for Academic Excellence in Information Assurance Education

by the National Security Agency and the Department of Homeland Security; and

Whereas Bowie State University continues to be committed to enhancing academic opportunities for students at the university, many of whom may be the first in their families attending college, and producing graduates who better strengthen the entire State of Maryland and the modern technology-driven economy of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates Bowie State University on the 150th anniversary of the founding of the university;

(2) recognizes the achievements of all the administrators, professors, students, and various staff who have contributed to the success of Bowie State University; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) the president of Bowie State University; and

(B) the provost and vice president for academic affairs.

#### SENATE RESOLUTION 25—COMMEMORATING 50 YEARS SINCE THE CREATION OF THE MEDICARE AND MEDICAID PROGRAMS

Mr. WYDEN (for himself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. COONS, Mr. DONNELLY, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PETERS, Mr. REED of Rhode Island, Mr. REID of Nevada, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. BENNET, and Mr. MANCHIN) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 25

Whereas on January 7, 1965, President Lyndon B. Johnson called on Congress to provide health insurance for the elderly and most vulnerable;

Whereas over the past 50 years, Congress has strengthened Medicare and Medicaid with improvements to, and expansion of, health care benefits;

Whereas today, as a result of President Johnson's call to action and Congress' bipartisan initiative that created the Medicare program, 54,000,000 seniors and people with disabilities have access to guaranteed health care benefits;

Whereas today, 68,000,000 Americans, including children, pregnant women, individuals with disabilities, elderly who are poor and frail, and low income adults and parents have access to health care through Medicaid;

Whereas Medicare and Medicaid have been leaders in improving the quality of care delivered to the Nation, resulting in 1,300,000 fewer infections, accidents or other adverse events and avoiding 150,000 unnecessary hospital readmissions;

Whereas Medicare has been an innovator in developing alternative ways to pay for health care that emphasize care coordination across all health care providers and settings;

Whereas Medicare provides access to needed care, including primary and specialty

care, free preventative services, and prescription drugs;

Whereas the creation of a prescription drug benefit in 2003 has ensured that nearly 90 percent of Medicare beneficiaries have prescription drug coverage, and since 2010, over 8,200,000 seniors have saved more than \$11,500,000,000 on their prescription drugs as a result of closing the Medicare Part D coverage gap;

Whereas in 2013, an estimated 37,200,000 people with Medicare took advantage of at least one preventative service with no cost sharing;

Whereas Medicaid is a critical source of comprehensive, affordable health coverage for millions of otherwise uninsured low-income adults and parents, including millions of nonelderly low income adults in states that expanded their Medicaid programs as part of health reform;

Whereas Medicaid ensures access to long-term services and supports for vulnerable low income seniors and persons with disabilities by covering 60 percent of nursing home residents, picking up 40 percent of the Nation's long-term care costs, and allowing loved ones to live with health and dignity in their own homes and communities;

Whereas Medicaid provides early comprehensive childhood screening, diagnosis, and treatment for 32,000,000 of the Nation's children, including half of all low-income children; and

Whereas Medicaid provides crucial services for pregnant women and babies in that Medicaid covers 45 percent of births nationwide, 53 percent of hospital stays for infants born prematurely or with a low birth weight, and 45 percent of hospital stays for infants with birth defects: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) all efforts to improve Medicare and Medicaid must support and build upon President Johnson's vision "to assure the availability of and accessibility to the best healthcare to all Americans, regardless of age or geography or economic status";

(2) Medicare's guaranteed benefit is a lifeline to millions of Americans and must remain intact for this and future generations;

(3) Medicare should not be transformed into a voucher program, leaving seniors and people with disabilities vulnerable to higher out-of-pocket costs;

(4) with the strong support of the Federal Government, Medicaid continues to serve as a safety net for vulnerable children, pregnant women, persons with disabilities, elderly who are poor and frail, and other low income adults; and

(5) Medicaid should not be dismantled through block grants, per-capita caps, or by other policies that slash funding, shift cost to states, reduce benefits, and erode the safety net relied on by over 68,000,000 Americans.

Mr. WYDEN. Mr. President, I rise to highlight a Presidential message that was delivered to Congress 50 years ago today.

But before I reiterate the importance of Medicare and Medicaid—facts that I think my colleagues and I can all agree to I would like to look back at where we have been, to recall what life was like for so many people who were poor and disabled, uninsured or unlucky before these vital safety net programs were here.

Those were the days of the "poor farm" and the "almshouse," places the poor and uninsured would go for care. It wasn't a happy choice and more often than not, it was the only choice.

These places provided care, often rudimentary, and often carried a stigma. Accommodations were sparse at best. In return for health care and housing, residents were expected to work in the adjoining farm or do housework or other menial labor to offset the cost of their stay.

This was the primary option for someone whose extended family couldn't provide help or didn't want to—right here in the USA. Few Americans today remember those days.

When President Johnson submitted his message to Congress 50 years ago today, fewer than half of America's elderly even had health insurance. In that era, and it wasn't that long ago, it wasn't uncommon for the sick elderly to be treated like second class citizens, and as a result, many aging Americans without family to care for them ended up destitute, without necessary health care, or on the street.

It was a time no one wants to revisit, a time that one sociologist said was "another America" where "40 to 50 million citizens were poor, who lacked adequate medical care, and who were 'socially invisible' to the majority of the population."

It is worth remembering how far we have come. Today, I ask my colleagues to use this anniversary as a vivid reminder of the difference Medicare and Medicaid make in the daily lives of Americans, and also the health care advances that have occurred as a result.

A couple facts to highlight for my colleagues:

Today, with rock-solid essential health services, 54 million Americans—nearly every senior and person with disabilities—has access to Medicare's guarantee.

Meanwhile, Medicaid has made a critical difference for 68 million of the Nation's most vulnerable, including more than 32 million children, 6 million seniors, and 10 million persons with disabilities. Because Medicare and Medicaid made health care possible for millions of people, they have also been the catalyst for innovations in treatment that benefit people of all ages. Here's one example:

In the first 30 years of Medicare alone, deaths from heart disease dropped by a third for people over age 65. By providing coverage and access for millions, these programs became catalysts for changes in how medicine is practiced and paid for, while finding the root causes of disease and perfecting better therapies to treat them.

As time has marched on, these programs evolved and improved, and the rest of the health care system followed.

In 1967, Early and Periodic Screening, Diagnosis, and Treatment, EPSDT, comprehensive health services benefit for all Medicaid children under age 21 was created—helping improve the health of our Nation's kids.

In 1981, home and community-based waivers were established so that states could provide services in a community setting, allowing individuals to remain

in their home for as long as possible. Every state now uses this option to facilitate better care and services to their Medicaid population.

In 1983, Medicare took one of many legs away from fee-for-service with the advent of the hospital prospective payment system, a system that pays hospitals based on a patient's illness, and how serious it was, not based solely on how much it cost to treat them. This change, once considered drastic, has become common place and accepted.

In 2003, the prescription drug coverage was added to Medicare's benefit, providing access to necessary medications for those most likely to need them. As a result of greater access to prescription drugs, beneficiaries' health have dramatically improved.

In 2010, as a result of health reform, preventive services became free to patients, prescription drugs became cheaper for those beneficiaries who fell in the donut hole, Medicare began to move away from purely volume-driven care, and onto paying for quality and value, and the life of the Medicare trust fund was extended.

Finally, in 2012, the Centers for Medicare and Medicaid began releasing loads of claims data for the public to use. Access to this information has been game-changing in understanding the cost of care and variations in the way medicine is practiced across the country.

Today, any of these examples are easy to forget because they are commonplace. But that makes them no less remarkable.

I will close by noting something else, just as striking about Medicare and Medicaid: It was a bipartisan effort. The enactment of these programs shows that Congress can craft bipartisan solutions to very complex and politically difficult problems. That's what happened in 1965 when the Senate passed the legislation creating Medicare and Medicaid by a 68-32 vote after the House approved it three months earlier on a robust 313-115.

As the 114th Congress gets underway, my colleagues and I could all take a page from President Johnson's playbook: Congress shouldn't use partisan tactics when the solutions can be bipartisan.

And there's the lesson; that despite sharp differences and partisanship, the Congress of Johnson's day was able to rise above that culture and those challenges to find agreement and make America a much better place. As this new Congress begins, I hope we can use that 50-year-old spirit to strengthen, protect and improve Medicare and Medicaid to keep the guarantee strong and ensure health care to those who need it most.

SENATE CONCURRENT RESOLUTION 2—AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR A CEREMONY TO PRESENT THE CONGRESSIONAL GOLD MEDAL TO THE FIRST SPECIAL SERVICE FORCE, IN RECOGNITION OF ITS SUPERIOR SERVICE DURING WORLD WAR II

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

S. CON. RES. 2

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO PRESENT CONGRESSIONAL GOLD MEDAL TO FIRST SPECIAL SERVICE FORCE.**

Emancipation Hall in the Capitol Visitor Center is authorized to be used on February 3, 2015, for a ceremony to present the Congressional Gold Medal to the First Special Service Force collectively, in recognition of its superior service during World War II. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 1. Ms. WARREN (for herself and Mr. SCHUMER) proposed an amendment to the bill H.R. 26, to extend the termination date of the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002, and for other purposes.

**TEXT OF AMENDMENTS**

SA 1. Ms. WARREN (for herself and Mr. SCHUMER) proposed an amendment to the bill H.R. 26, to extend the termination date of the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Terrorism Risk Insurance Program Reauthorization Act of 2015".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

**TITLE I—EXTENSION OF TERRORISM INSURANCE PROGRAM**

Sec. 101. Extension of Terrorism Insurance Program.

Sec. 102. Federal share.

Sec. 103. Program trigger.

Sec. 104. Recoupment of Federal share of compensation under the program.

Sec. 105. Certification of acts of terrorism; consultation with Secretary of Homeland Security.

Sec. 106. Technical amendments.

Sec. 107. Improving the certification process.

Sec. 108. GAO study.

Sec. 109. Membership of Board of Governors of the Federal Reserve System.

Sec. 110. Advisory Committee on Risk-Sharing Mechanisms.

Sec. 111. Reporting of terrorism insurance data.

Sec. 112. Annual study of small insurer market competitiveness.

**TITLE II—NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS REFORM**

Sec. 201. Short title.  
 Sec. 202. Reestablishment of the National Association of Registered Agents and Brokers.

**TITLE I—EXTENSION OF TERRORISM INSURANCE PROGRAM**

**SEC. 101. EXTENSION OF TERRORISM INSURANCE PROGRAM.**

Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking “December 31, 2014” and inserting “December 31, 2020”.

**SEC. 102. FEDERAL SHARE.**

Section 103(e)(1)(A) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by inserting “and beginning on January 1, 2016, shall decrease by 1 percentage point per calendar year until equal to 80 percent” after “85 percent”.

**SEC. 103. PROGRAM TRIGGER.**

Subparagraph (B) of section 103(e)(1) (15 U.S.C. 6701 note) is amended in the matter preceding clause (i)—

- (1) by striking “a certified act” and inserting “certified acts”;
- (2) by striking “such certified act” and inserting “such certified acts”;
- (3) by striking “exceed” and all that follows through clause (ii) and inserting the following: “exceed—
- “(i) \$100,000,000, with respect to such insured losses occurring in calendar year 2015;
- “(ii) \$120,000,000, with respect to such insured losses occurring in calendar year 2016;
- “(iii) \$140,000,000, with respect to such insured losses occurring in calendar year 2017;
- “(iv) \$160,000,000, with respect to such insured losses occurring in calendar year 2018;
- “(v) \$180,000,000, with respect to such insured losses occurring in calendar year 2019; and
- “(vi) \$200,000,000, with respect to such insured losses occurring in calendar year 2020 and any calendar year thereafter.”.

**SEC. 104. RECOUPMENT OF FEDERAL SHARE OF COMPENSATION UNDER THE PROGRAM.**

Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

- (1) by amending paragraph (6) to read as follows:
  - “(6) **INSURANCE MARKETPLACE AGGREGATE RETENTION AMOUNT.**—
  - “(A) **IN GENERAL.**—For purposes of paragraph (7), the insurance marketplace aggregate retention amount shall be the lesser of—
  - “(i) \$27,500,000,000, as such amount is revised pursuant to this paragraph; and
  - “(ii) the aggregate amount, for all insurers, of insured losses during such calendar year.
  - “(B) **REVISION OF INSURANCE MARKETPLACE AGGREGATE RETENTION AMOUNT.**—
  - “(i) **PHASE-IN.**—Beginning in the calendar year of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2015, the amount set forth under subparagraph (A)(i) shall increase by \$2,000,000,000 per calendar year until equal to \$37,500,000,000.
  - “(ii) **FURTHER REVISION.**—Beginning in the calendar year that follows the calendar year in which the amount set forth under subparagraph (A)(i) is equal to \$37,500,000,000, the amount under subparagraph (A)(i) shall be revised to be the amount equal to the annual average of the sum of insurer deductibles for all insurers participating in the Program for the prior 3 calendar years,

as such sum is determined by the Secretary under subparagraph (C).

“(C) **RULEMAKING.**—Not later than 3 years after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2015, the Secretary shall—

- “(i) issue final rules for determining the amount of the sum described under subparagraph (B)(ii); and
- “(ii) provide a timeline for public notification of such determination.”; and
- (2) in paragraph (7)—
  - (A) in subparagraph (A)—
    - (i) in the matter preceding clause (i), by striking “for each of the periods referred to in subparagraphs (A) through (E) of paragraph (6)”;
    - (ii) in clause (i), by striking “for such period”;
    - (B) by striking subparagraph (B) and inserting the following:
      - “(B) [Reserved.]”;
      - (C) in subparagraph (C)—
        - (i) by striking “occurring during any of the periods referred to in any of subparagraphs (A) through (E) of paragraph (6), terrorism loss risk-spreading premiums in an amount equal to 133 percent” and inserting “, terrorism loss risk-spreading premiums in an amount equal to 140 percent”;
        - (ii) by inserting “as calculated under subparagraph (A)” after “mandatory recoupment amount”;
        - (D) in subparagraph (E)(i)—
          - (i) in subclause (I)—
            - (I) by striking “2010” and inserting “2017”;
            - (II) by striking “2012” and inserting “2019”;
          - (ii) in subclause (II)—
            - (I) by striking “2011” and inserting “2018”;
            - (II) by striking “2012” and inserting “2019”;
          - (iii) in subclause (III)—
            - (I) by striking “2012” and inserting “2019”;
            - (II) by striking “2017” and inserting “2024”.

**SEC. 105. CERTIFICATION OF ACTS OF TERRORISM; CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.**

Paragraph (1)(A) of section 102 (15 U.S.C. 6701 note) is amended in the matter preceding clause (i), by striking “concurrence with the Secretary of State” and inserting “consultation with the Secretary of Homeland Security”.

**SEC. 106. TECHNICAL AMENDMENTS.**

The Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

- (1) in section 102—
  - (A) in paragraph (3)—
    - (i) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;
    - (ii) in the matter preceding clause (i) (as so redesignated), by striking “An entity has” and inserting the following:
      - “(A) **IN GENERAL.**—An entity has”;
      - (iii) by adding at the end the following new subparagraph:
        - “(B) **RULE OF CONSTRUCTION.**—An entity, including any affiliate thereof, does not have ‘control’ over another entity, if, as of the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2015, the entity is acting as an attorney-in-fact, as defined by the Secretary, for the other entity and such other entity is a reciprocal insurer, provided that the entity is not, for reasons other than the attorney-in-fact relationship, defined as having ‘control’ under subparagraph (A).”;
        - (B) in paragraph (7)—
          - (i) by striking subparagraphs (A) through (F) and inserting the following:
            - “(A) the value of an insurer’s direct earned premiums during the immediately preceding

calendar year, multiplied by 20 percent; and”;

- (i) by redesignating subparagraph (G) as subparagraph (B); and
- (ii) in subparagraph (B), as so redesignated by clause (i)—
  - (I) by striking “notwithstanding subparagraphs (A) through (F), for the Transition Period or any Program Year” and inserting “notwithstanding subparagraph (A), for any calendar year”;
  - (II) by striking “Period or Program Year” and inserting “calendar year”;
  - (C) by striking paragraph (11); and
  - (D) by redesignating paragraphs (12) through (16) as paragraphs (11) through (15), respectively; and
  - (2) in section 103—
    - (A) in subsection (b)(2)—
      - (i) in subparagraph (B), by striking “, purchase.”; and
      - (ii) in subparagraph (C), by striking “, purchase.”;
      - (B) in subsection (c), by striking “Program Year” and inserting “calendar year”;
      - (C) in subsection (e)—
        - (i) in paragraph (1)(A), as previously amended by section 102—
          - (I) by striking “the Transition Period and each Program Year through Program Year 4 shall be equal to 90 percent, and during Program Year 5 and each Program Year thereafter” and inserting “each calendar year”;
          - (II) by striking the comma after “80 percent”;
          - (III) by striking “such Transition Period or such Program Year” and inserting “such calendar year”;
          - (ii) in paragraph (2)(A), by striking “the period beginning on the first day of the Transition Period and ending on the last day of Program Year 1, or during any Program Year thereafter” and inserting “a calendar year”;
          - (iii) in paragraph (3), by striking “the period beginning on the first day of the Transition Period and ending on the last day of Program Year 1, or during any other Program Year” and inserting “any calendar year”;
          - (D) in subsection (g)(2)—
            - (i) by striking “the Transition Period or a Program Year” each place that term appears and inserting “the calendar year”;
            - (ii) by striking “such period” and inserting “the calendar year”;
            - (iii) by striking “that period” and inserting “the calendar year”.

**SEC. 107. IMPROVING THE CERTIFICATION PROCESS.**

- (a) **DEFINITIONS.**—As used in this section—
  - (1) the term “act of terrorism” has the same meaning as in section 102(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note);
  - (2) the term “certification process” means the process by which the Secretary determines whether to certify an act as an act of terrorism under section 102(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note); and
  - (3) the term “Secretary” means the Secretary of the Treasury.
- (b) **STUDY.**—Not later than 9 months after the date of enactment of this Act, the Secretary shall conduct and complete a study on the certification process.
- (c) **REQUIRED CONTENT.**—The study required under subsection (a) shall include an examination and analysis of—
  - (1) the establishment of a reasonable timeline by which the Secretary must make an accurate determination on whether to certify an act as an act of terrorism;
  - (2) the impact that the length of any timeline proposed to be established under

paragraph (1) may have on the insurance industry, policyholders, consumers, and taxpayers as a whole;

(3) the factors the Secretary would evaluate and monitor during the certification process, including the ability of the Secretary to obtain the required information regarding the amount of projected and incurred losses resulting from an act which the Secretary would need in determining whether to certify the act as an act of terrorism;

(4) the appropriateness, efficiency, and effectiveness of the consultation process required under section 102(1)(A) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) and any recommendations on changes to the consultation process; and

(5) the ability of the Secretary to provide guidance and updates to the public regarding any act that may reasonably be certified as an act of terrorism.

(d) REPORT.—Upon completion of the study required under subsection (a), the Secretary shall submit a report on the results of such study to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(e) RULEMAKING.—Section 102(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following:

“(D) TIMING OF CERTIFICATION.—Not later than 9 months after the report required under section 107 of the Terrorism Risk Insurance Program Reauthorization Act of 2015 is submitted to the appropriate committees of Congress, the Secretary shall issue final rules governing the certification process, including establishing a timeline for which an act is eligible for certification by the Secretary on whether an act is an act of terrorism under this paragraph.”.

#### SEC. 108. GAO STUDY.

(a) STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall complete a study on the viability and effects of the Federal Government—

(1) assessing and collecting upfront premiums on insurers that participate in the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) (hereafter in this section referred to as the “Program”), which shall include a comparison of practices in international markets to assess and collect premiums either before or after terrorism losses are incurred; and

(2) creating a capital reserve fund under the Program and requiring insurers participating in the Program to dedicate capital specifically for terrorism losses before such losses are incurred, which shall include a comparison of practices in international markets to establish reserve funds.

(b) REQUIRED CONTENT.—The study required under subsection (a) shall examine, but shall not be limited to, the following issues:

(1) UPFRONT PREMIUMS.—With respect to upfront premiums described in subsection (a)(1)—

(A) how the Federal Government could determine the price of such upfront premiums on insurers that participate in the Program;

(B) how the Federal Government could collect and manage such upfront premiums;

(C) how the Federal Government could ensure that such upfront premiums are not spent for purposes other than claims through the Program;

(D) how the assessment and collection of such upfront premiums could affect take-up

rates for terrorism risk coverage in different regions and industries and how it could impact small businesses and consumers in both metropolitan and non-metropolitan areas;

(E) the effect of collecting such upfront premiums on insurers both large and small;

(F) the effect of collecting such upfront premiums on the private market for terrorism risk reinsurance; and

(G) the size of any Federal Government subsidy insurers may receive through their participation in the Program, taking into account the Program’s current post-event recoupment structure.

(2) CAPITAL RESERVE FUND.—With respect to the capital reserve fund described in subsection (a)(2)—

(A) how the creation of a capital reserve fund would affect the Federal Government’s fiscal exposure under the Terrorism Risk Insurance Program and the ability of the Program to meet its statutory purposes;

(B) how a capital reserve fund would impact insurers and reinsurers, including liquidity, insurance pricing, and capacity to provide terrorism risk coverage;

(C) the feasibility of segregating funds attributable to terrorism risk from funds attributable to other insurance lines;

(D) how a capital reserve fund would be viewed and treated under current Financial Accounting Standards Board accounting rules and the tax laws; and

(E) how a capital reserve fund would affect the States’ ability to regulate insurers participating in the Program.

(3) INTERNATIONAL PRACTICES.—With respect to international markets referred to in paragraphs (1) and (2) of subsection (a), how other countries, if any—

(A) have established terrorism insurance structures;

(B) charge premiums or otherwise collect funds to pay for the costs of terrorism insurance structures, including risk and administrative costs; and

(C) have established capital reserve funds to pay for the costs of terrorism insurance structures.

(c) REPORT.—Upon completion of the study required under subsection (a), the Comptroller General shall submit a report on the results of such study to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(d) PUBLIC AVAILABILITY.—The study and report required under this section shall be made available to the public in electronic form and shall be published on the website of the Government Accountability Office.

#### SEC. 109. MEMBERSHIP OF BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—The first undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 241) is amended by inserting after the second sentence the following: “In selecting members of the Board, the President shall appoint at least 1 member with demonstrated primary experience working in or supervising community banks having less than \$10,000,000,000 in total assets.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act and apply to appointments made on and after that effective date, excluding any nomination pending in the Senate on that date.

#### SEC. 110. ADVISORY COMMITTEE ON RISK-SHARING MECHANISMS.

(a) FINDING; RULE OF CONSTRUCTION.—

(1) FINDING.—Congress finds that it is desirable to encourage the growth of nongovernmental, private market reinsurance capacity for protection against losses arising from acts of terrorism.

(2) RULE OF CONSTRUCTION.—Nothing in this Act, any amendment made by this Act, or the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) shall prohibit insurers from developing risk-sharing mechanisms to voluntarily reinsure terrorism losses between and among themselves.

(b) ADVISORY COMMITTEE ON RISK-SHARING MECHANISMS.—

(1) ESTABLISHMENT.—The Secretary of the Treasury shall establish and appoint an advisory committee to be known as the “Advisory Committee on Risk-Sharing Mechanisms” (referred to in this subsection as the “Advisory Committee”).

(2) DUTIES.—The Advisory Committee shall provide advice, recommendations, and encouragement with respect to the creation and development of the nongovernmental risk-sharing mechanisms described under subsection (a).

(3) MEMBERSHIP.—The Advisory Committee shall be composed of 9 members who are directors, officers, or other employees of insurers, reinsurers, or capital market participants that are participating or that desire to participate in the nongovernmental risk-sharing mechanisms described under subsection (a), and who are representative of the affected sectors of the insurance industry, including commercial property insurance, commercial casualty insurance, reinsurance, and alternative risk transfer industries.

#### SEC. 111. REPORTING OF TERRORISM INSURANCE DATA.

Section 104 (15 U.S.C. 6701 note) is amended by adding at the end the following new subsection:

“(h) REPORTING OF TERRORISM INSURANCE DATA.—

“(1) AUTHORITY.—During the calendar year beginning on January 1, 2016, and in each calendar year thereafter, the Secretary shall require insurers participating in the Program to submit to the Secretary such information regarding insurance coverage for terrorism losses of such insurers as the Secretary considers appropriate to analyze the effectiveness of the Program, which shall include information regarding—

“(A) lines of insurance with exposure to such losses;

“(B) premiums earned on such coverage;

“(C) geographical location of exposures;

“(D) pricing of such coverage;

“(E) the take-up rate for such coverage;

“(F) the amount of private reinsurance for acts of terrorism purchased; and

“(G) such other matters as the Secretary considers appropriate.

“(2) REPORTS.—Not later than June 30, 2016, and every other June 30 thereafter, the Secretary shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that includes—

“(A) an analysis of the overall effectiveness of the Program;

“(B) an evaluation of any changes or trends in the data collected under paragraph (1);

“(C) an evaluation of whether any aspects of the Program have the effect of discouraging or impeding insurers from providing commercial property casualty insurance coverage or coverage for acts of terrorism;

“(D) an evaluation of the impact of the Program on workers’ compensation insurers; and

“(E) in the case of the data reported in paragraph (1)(B), an updated estimate of the total amount earned since January 1, 2003.

“(3) PROTECTION OF DATA.—To the extent possible, the Secretary shall contract with an insurance statistical aggregator to collect the information described in paragraph (1), which shall keep any nonpublic information



confidential and provide it to the Secretary in an aggregate form or in such other form or manner that does not permit identification of the insurer submitting such information.

“(4) ADVANCE COORDINATION.—Before collecting any data or information under paragraph (1) from an insurer, or affiliate of an insurer, the Secretary shall coordinate with the appropriate State insurance regulatory authorities and any relevant government agency or publicly available sources to determine if the information to be collected is available from, and may be obtained in a timely manner by, individually or collectively, such entities. If the Secretary determines that such data or information is available, and may be obtained in a timely manner, from such entities, the Secretary shall obtain the data or information from such entities. If the Secretary determines that such data or information is not so available, the Secretary may collect such data or information from an insurer and affiliates.

“(5) CONFIDENTIALITY.—

“(A) RETENTION OF PRIVILEGE.—The submission of any non-publicly available data and information to the Secretary and the sharing of any non-publicly available data with or by the Secretary among other Federal agencies, the State insurance regulatory authorities, or any other entities under this subsection shall not constitute a waiver of, or otherwise affect, any privilege arising under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject.

“(B) CONTINUED APPLICATION OF PRIOR CONFIDENTIALITY AGREEMENTS.—Any requirement under Federal or State law to the extent otherwise applicable, or any requirement pursuant to a written agreement in effect between the original source of any non-publicly available data or information and the source of such data or information to the Secretary, regarding the privacy or confidentiality of any data or information in the possession of the source to the Secretary, shall continue to apply to such data or information after the data or information has been provided pursuant to this subsection.

“(C) INFORMATION-SHARING AGREEMENT.—Any data or information obtained by the Secretary under this subsection may be made available to State insurance regulatory authorities, individually or collectively through an information-sharing agreement that—

“(i) shall comply with applicable Federal law; and

“(ii) shall not constitute a waiver of, or otherwise affect, any privilege under Federal or State law (including any privilege referred to in subparagraph (A) and the rules of any Federal or State court) to which the data or information is otherwise subject.

“(D) AGENCY DISCLOSURE REQUIREMENTS.—Section 552 of title 5, United States Code, including any exceptions thereunder, shall apply to any data or information submitted under this subsection to the Secretary by an insurer or affiliate of an insurer.”

**SEC. 112. ANNUAL STUDY OF SMALL INSURER MARKET COMPETITIVENESS.**

Section 108 (15 U.S.C. 6701 note) is amended by adding at the end the following new subsection:

“(h) STUDY OF SMALL INSURER MARKET COMPETITIVENESS.—

“(1) IN GENERAL.—Not later than June 30, 2017, and every other June 30 thereafter, the Secretary shall conduct a study of small insurers (as such term is defined by regulation by the Secretary) participating in the Program, and identify any competitive challenges small insurers face in the terrorism risk insurance marketplace, including—

“(A) changes to the market share, premium volume, and policyholder surplus of small insurers relative to large insurers;

“(B) how the property and casualty insurance market for terrorism risk differs between small and large insurers, and whether such a difference exists within other perils;

“(C) the impact of the Program’s mandatory availability requirement under section 103(c) on small insurers;

“(D) the effect of increasing the trigger amount for the Program under section 103(e)(1)(B) on small insurers;

“(E) the availability and cost of private reinsurance for small insurers; and

“(F) the impact that State workers compensation laws have on small insurers and workers compensation carriers in the terrorism risk insurance marketplace.

“(2) REPORT.—The Secretary shall submit a report to the Congress setting forth the findings and conclusions of each study required under paragraph (1).”

**TITLE II—NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS REFORM**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “National Association of Registered Agents and Brokers Reform Act of 2015”.

**SEC. 202. REESTABLISHMENT OF THE NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.**

(a) IN GENERAL.—Subtitle C of title III of the Gramm-Leach-Bliley Act (15 U.S.C. 6751 et seq.) is amended to read as follows:

**“Subtitle C—National Association of Registered Agents and Brokers**

**“SEC. 321. NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.**

“(a) ESTABLISHMENT.—There is established the National Association of Registered Agents and Brokers (referred to in this subtitle as the ‘Association’).

“(b) STATUS.—The Association shall—

“(1) be a nonprofit corporation;

“(2) not be an agent or instrumentality of the Federal Government;

“(3) be an independent organization that may not be merged with or into any other private or public entity; and

“(4) except as otherwise provided in this subtitle, be subject to, and have all the powers conferred upon, a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–301.01 et seq.) or any successor thereto.

**“SEC. 322. PURPOSE.**

“The purpose of the Association shall be to provide a mechanism through which licensing, continuing education, and other non-resident insurance producer qualification requirements and conditions may be adopted and applied on a multi-state basis without affecting the laws, rules, and regulations, and preserving the rights of a State, pertaining to—

“(1) licensing, continuing education, and other qualification requirements of insurance producers that are not members of the Association;

“(2) resident or nonresident insurance producer appointment requirements;

“(3) supervising and disciplining resident and nonresident insurance producers;

“(4) establishing licensing fees for resident and nonresident insurance producers so that there is no loss of insurance producer licensing revenue to the State; and

“(5) prescribing and enforcing laws and regulations regulating the conduct of resident and nonresident insurance producers.

**“SEC. 323. MEMBERSHIP.**

“(a) ELIGIBILITY.—

“(1) IN GENERAL.—Any insurance producer licensed in its home State shall, subject to

paragraphs (2) and (4), be eligible to become a member of the Association.

“(2) INELIGIBILITY FOR SUSPENSION OR REVOCATION OF LICENSE.—Subject to paragraph (3), an insurance producer is not eligible to become a member of the Association if a State insurance regulator has suspended or revoked the insurance license of the insurance producer in that State.

“(3) RESUMPTION OF ELIGIBILITY.—Paragraph (2) shall cease to apply to any insurance producer if—

“(A) the State insurance regulator reissues or renews the license of the insurance producer in the State in which the license was suspended or revoked, or otherwise terminates or vacates the suspension or revocation; or

“(B) the suspension or revocation expires or is subsequently overturned by a court of competent jurisdiction.

“(4) CRIMINAL HISTORY RECORD CHECK REQUIRED.—

“(A) IN GENERAL.—An insurance producer who is an individual shall not be eligible to become a member of the Association unless the insurance producer has undergone a criminal history record check that complies with regulations prescribed by the Attorney General of the United States under subparagraph (K).

“(B) CRIMINAL HISTORY RECORD CHECK REQUESTED BY HOME STATE.—An insurance producer who is licensed in a State and who has undergone a criminal history record check during the 2-year period preceding the date of submission of an application to become a member of the Association, in compliance with a requirement to undergo such criminal history record check as a condition for such licensure in the State, shall be deemed to have undergone a criminal history record check for purposes of subparagraph (A).

“(C) CRIMINAL HISTORY RECORD CHECK REQUESTED BY ASSOCIATION.—

“(i) IN GENERAL.—The Association shall, upon request by an insurance producer licensed in a State, submit fingerprints or other identification information obtained from the insurance producer, and a request for a criminal history record check of the insurance producer, to the Federal Bureau of Investigation.

“(ii) PROCEDURES.—The board of directors of the Association (referred to in this subtitle as the ‘Board’) shall prescribe procedures for obtaining and utilizing fingerprints or other identification information and criminal history record information, including the establishment of reasonable fees to defray the expenses of the Association in connection with the performance of a criminal history record check and appropriate safeguards for maintaining confidentiality and security of the information. Any fees charged pursuant to this clause shall be separate and distinct from those charged by the Attorney General pursuant to subparagraph (I).

“(D) FORM OF REQUEST.—A submission under subparagraph (C)(i) shall include such fingerprints or other identification information as is required by the Attorney General concerning the person about whom the criminal history record check is requested, and a statement signed by the person authorizing the Attorney General to provide the information to the Association and for the Association to receive the information.

“(E) PROVISION OF INFORMATION BY ATTORNEY GENERAL.—Upon receiving a submission under subparagraph (C)(i) from the Association, the Attorney General shall search all criminal history records of the Federal Bureau of Investigation, including records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation, that the Attorney General determines

appropriate for criminal history records corresponding to the fingerprints or other identification information provided under subparagraph (D) and provide all criminal history record information included in the request to the Association.

“(F) LIMITATION ON PERMISSIBLE USES OF INFORMATION.—Any information provided to the Association under subparagraph (E) may only—

“(i) be used for purposes of determining compliance with membership criteria established by the Association;

“(ii) be disclosed to State insurance regulators, or Federal or State law enforcement agencies, in conformance with applicable law; or

“(iii) be disclosed, upon request, to the insurance producer to whom the criminal history record information relates.

“(G) PENALTY FOR IMPROPER USE OR DISCLOSURE.—Whoever knowingly uses any information provided under subparagraph (E) for a purpose not authorized in subparagraph (F), or discloses any such information to anyone not authorized to receive it, shall be fined not more than \$50,000 per violation as determined by a court of competent jurisdiction.

“(H) RELIANCE ON INFORMATION.—Neither the Association nor any of its Board members, officers, or employees shall be liable in any action for using information provided under subparagraph (E) as permitted under subparagraph (F) in good faith and in reasonable reliance on its accuracy.

“(I) FEES.—The Attorney General may charge a reasonable fee for conducting the search and providing the information under subparagraph (E), and any such fee shall be collected and remitted by the Association to the Attorney General.

“(J) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

“(i) requiring a State insurance regulator to perform criminal history record checks under this section; or

“(ii) limiting any other authority that allows access to criminal history records.

“(K) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this paragraph, which shall include—

“(i) appropriate protections for ensuring the confidentiality of information provided under subparagraph (E); and

“(ii) procedures providing a reasonable opportunity for an insurance producer to contest the accuracy of information regarding the insurance producer provided under subparagraph (E).

“(L) INELIGIBILITY FOR MEMBERSHIP.—

“(i) IN GENERAL.—The Association may, under reasonably consistently applied standards, deny membership to an insurance producer on the basis of criminal history record information provided under subparagraph (E), or where the insurance producer has been subject to disciplinary action, as described in paragraph (2).

“(ii) RIGHTS OF APPLICANTS DENIED MEMBERSHIP.—The Association shall notify any insurance producer who is denied membership on the basis of criminal history record information provided under subparagraph (E) of the right of the insurance producer to—

“(I) obtain a copy of all criminal history record information provided to the Association under subparagraph (E) with respect to the insurance producer; and

“(II) challenge the denial of membership based on the accuracy and completeness of the information.

“(M) DEFINITION.—For purposes of this paragraph, the term ‘criminal history record check’ means a national background check of criminal history records of the Federal Bureau of Investigation.

“(b) AUTHORITY TO ESTABLISH MEMBERSHIP CRITERIA.—The Association may establish membership criteria that bear a reasonable relationship to the purposes for which the Association was established.

“(c) ESTABLISHMENT OF CLASSES AND CATEGORIES OF MEMBERSHIP.—

“(1) CLASSES OF MEMBERSHIP.—The Association may establish separate classes of membership, with separate criteria, if the Association reasonably determines that performance of different duties requires different levels of education, training, experience, or other qualifications.

“(2) BUSINESS ENTITIES.—The Association shall establish a class of membership and membership criteria for business entities. A business entity that applies for membership shall be required to designate an individual Association member responsible for the compliance of the business entity with Association standards and the insurance laws, standards, and regulations of any State in which the business entity seeks to do business on the basis of Association membership.

“(3) CATEGORIES.—

“(A) SEPARATE CATEGORIES FOR INSURANCE PRODUCERS PERMITTED.—The Association may establish separate categories of membership for insurance producers and for other persons or entities within each class, based on the types of licensing categories that exist under State laws.

“(B) SEPARATE TREATMENT FOR DEPOSITORY INSTITUTIONS PROHIBITED.—No special categories of membership, and no distinct membership criteria, shall be established for members that are depository institutions or for employees, agents, or affiliates of depository institutions.

“(d) MEMBERSHIP CRITERIA.—

“(1) IN GENERAL.—The Association may establish criteria for membership which shall include standards for personal qualifications, education, training, and experience. The Association shall not establish criteria that unfairly limit the ability of a small insurance producer to become a member of the Association, including imposing discriminatory membership fees.

“(2) QUALIFICATIONS.—In establishing criteria under paragraph (1), the Association shall not adopt any qualification less protective to the public than that contained in the National Association of Insurance Commissioners (referred to in this subtitle as the ‘NAIC’) Producer Licensing Model Act in effect as of the date of enactment of the National Association of Registered Agents and Brokers Reform Act of 2015, and shall consider the highest levels of insurance producer qualifications established under the licensing laws of the States.

“(3) ASSISTANCE FROM STATES.—

“(A) IN GENERAL.—The Association may request a State to provide assistance in investigating and evaluating the eligibility of a prospective member for membership in the Association.

“(B) AUTHORIZATION OF INFORMATION SHARING.—A submission under subsection (a)(4)(C)(i) made by an insurance producer licensed in a State shall include a statement signed by the person about whom the assistance is requested authorizing—

“(i) the State to share information with the Association; and

“(ii) the Association to receive the information.

“(C) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as requiring or authorizing any State to adopt new or additional requirements concerning the licensing or evaluation of insurance producers.

“(4) DENIAL OF MEMBERSHIP.—The Association may, based on reasonably consistently applied standards, deny membership to any State-licensed insurance producer for failure

to meet the membership criteria established by the Association.

“(e) EFFECT OF MEMBERSHIP.—

“(1) AUTHORITY OF ASSOCIATION MEMBERS.—Membership in the Association shall—

“(A) authorize an insurance producer to sell, solicit, or negotiate insurance in any State for which the member pays the licensing fee set by the State for any line or lines of insurance specified in the home State license of the insurance producer, and exercise all such incidental powers as shall be necessary to carry out such activities, including claims adjustments and settlement to the extent permissible under the laws of the State, risk management, employee benefits advice, retirement planning, and any other insurance-related consulting activities;

“(B) be the equivalent of a nonresident insurance producer license for purposes of authorizing the insurance producer to engage in the activities described in subparagraph (A) in any State where the member pays the licensing fee; and

“(C) be the equivalent of a nonresident insurance producer license for the purpose of subjecting an insurance producer to all laws, regulations, provisions or other action of any State concerning revocation, suspension, or other enforcement action related to the ability of a member to engage in any activity within the scope of authority granted under this subsection and to all State laws, regulations, provisions, and actions preserved under paragraph (5).

“(2) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Nothing in this subtitle shall be construed to alter, modify, or supercede any requirement established by section 1033 of title 18, United States Code.

“(3) AGENT FOR REMITTING FEES.—The Association shall act as an agent for any member for purposes of remitting licensing fees to any State pursuant to paragraph (1).

“(4) NOTIFICATION OF ACTION.—

“(A) IN GENERAL.—The Association shall notify the States (including State insurance regulators) and the NAIC when an insurance producer has satisfied the membership criteria of this section. The States (including State insurance regulators) shall have 10 business days after the date of the notification in order to provide the Association with evidence that the insurance producer does not satisfy the criteria for membership in the Association.

“(B) ONGOING DISCLOSURES REQUIRED.—On an ongoing basis, the Association shall disclose to the States (including State insurance regulators) and the NAIC a list of the States in which each member is authorized to operate. The Association shall immediately notify the States (including State insurance regulators) and the NAIC when a member is newly authorized to operate in one or more States, or is no longer authorized to operate in one or more States on the basis of Association membership.

“(5) PRESERVATION OF CONSUMER PROTECTION AND MARKET CONDUCT REGULATION.—

“(A) IN GENERAL.—No provision of this section shall be construed as altering or affecting the applicability or continuing effectiveness of any law, regulation, provision, or other action of any State, including those described in subparagraph (B), to the extent that the State law, regulation, provision, or other action is not inconsistent with the provisions of this subtitle related to market entry for nonresident insurance producers, and then only to the extent of the inconsistency.

“(B) PRESERVED REGULATIONS.—The laws, regulations, provisions, or other actions of any State referred to in subparagraph (A) include laws, regulations, provisions, or other actions that—

“(i) regulate market conduct, insurance producer conduct, or unfair trade practices;

“(ii) establish consumer protections; or

“(iii) require insurance producers to be appointed by a licensed or authorized insurer.

“(f) BIENNIAL RENEWAL.—Membership in the Association shall be renewed on a biennial basis.

“(g) CONTINUING EDUCATION.—

“(1) IN GENERAL.—The Association shall establish, as a condition of membership, continuing education requirements which shall be comparable to the continuing education requirements under the licensing laws of a majority of the States.

“(2) STATE CONTINUING EDUCATION REQUIREMENTS.—A member may not be required to satisfy continuing education requirements imposed under the laws, regulations, provisions, or actions of any State other than the home State of the member.

“(3) RECIPROCALITY.—The Association shall not require a member to satisfy continuing education requirements that are equivalent to any continuing education requirements of the home State of the member that have been satisfied by the member during the applicable licensing period.

“(4) LIMITATION ON THE ASSOCIATION.—The Association shall not directly or indirectly offer any continuing education courses for insurance producers.

“(h) PROBATION, SUSPENSION AND REVOCATION.—

“(1) DISCIPLINARY ACTION.—The Association may place an insurance producer that is a member of the Association on probation or suspend or revoke the membership of the insurance producer in the Association, or assess monetary fines or penalties, as the Association determines to be appropriate, if—

“(A) the insurance producer fails to meet the applicable membership criteria or other standards established by the Association;

“(B) the insurance producer has been subject to disciplinary action pursuant to a final adjudicatory proceeding under the jurisdiction of a State insurance regulator;

“(C) an insurance license held by the insurance producer has been suspended or revoked by a State insurance regulator; or

“(D) the insurance producer has been convicted of a crime that would have resulted in the denial of membership pursuant to subsection (a)(4)(L)(i) at the time of application, and the Association has received a copy of the final disposition from a court of competent jurisdiction.

“(2) VIOLATIONS OF ASSOCIATION STANDARDS.—The Association shall have the power to investigate alleged violations of Association standards.

“(3) REPORTING.—The Association shall immediately notify the States (including State insurance regulators) and the NAIC when the membership of an insurance producer has been placed on probation or has been suspended, revoked, or otherwise terminated, or when the Association has assessed monetary fines or penalties.

“(i) CONSUMER COMPLAINTS.—

“(1) IN GENERAL.—The Association shall—

“(A) refer any complaint against a member of the Association from a consumer relating to alleged misconduct or violations of State insurance laws to the State insurance regulator where the consumer resides and, when appropriate, to any additional State insurance regulator, as determined by standards adopted by the Association; and

“(B) make any related records and information available to each State insurance regulator to whom the complaint is forwarded.

“(2) TELEPHONE AND OTHER ACCESS.—The Association shall maintain a toll-free number for purposes of this subsection and, as practicable, other alternative means of com-

munication with consumers, such as an Internet webpage.

“(3) FINAL DISPOSITION OF INVESTIGATION.—State insurance regulators shall provide the Association with information regarding the final disposition of a complaint referred pursuant to paragraph (1)(A), but nothing shall be construed to compel a State to release confidential investigation reports or other information protected by State law to the Association.

“(j) INFORMATION SHARING.—The Association may—

“(1) share documents, materials, or other information, including confidential and privileged documents, with a State, Federal, or international governmental entity or with the NAIC or other appropriate entity referred to paragraphs (3) and (4), provided that the recipient has the authority and agrees to maintain the confidentiality or privileged status of the document, material, or other information;

“(2) limit the sharing of information as required under this subtitle with the NAIC or any other non-governmental entity, in circumstances under which the Association determines that the sharing of such information is unnecessary to further the purposes of this subtitle;

“(3) establish a central clearinghouse, or utilize the NAIC or another appropriate entity, as determined by the Association, as a central clearinghouse, for use by the Association and the States (including State insurance regulators), through which members of the Association may disclose their intent to operate in 1 or more States and pay the licensing fees to the appropriate States; and

“(4) establish a database, or utilize the NAIC or another appropriate entity, as determined by the Association, as a database, for use by the Association and the States (including State insurance regulators) for the collection of regulatory information concerning the activities of insurance producers.

“(k) EFFECTIVE DATE.—The provisions of this section shall take effect on the later of—

“(1) the expiration of the 2-year period beginning on the date of enactment of the National Association of Registered Agents and Brokers Reform Act of 2015; and

“(2) the date of incorporation of the Association.

#### “SEC. 324. BOARD OF DIRECTORS.

“(a) ESTABLISHMENT.—There is established a board of directors of the Association, which shall have authority to govern and supervise all activities of the Association.

“(b) POWERS.—The Board shall have such of the powers and authority of the Association as may be specified in the bylaws of the Association.

“(c) COMPOSITION.—

“(1) IN GENERAL.—The Board shall consist of 13 members who shall be appointed by the President, by and with the advice and consent of the Senate, in accordance with the procedures established under Senate Resolution 116 of the 112th Congress, of whom—

“(A) 8 shall be State insurance commissioners appointed in the manner provided in paragraph (2), 1 of whom shall be designated by the President to serve as the chairperson of the Board until the Board elects one such State insurance commissioner Board member to serve as the chairperson of the Board;

“(B) 3 shall have demonstrated expertise and experience with property and casualty insurance producer licensing; and

“(C) 2 shall have demonstrated expertise and experience with life or health insurance producer licensing.

“(2) STATE INSURANCE REGULATOR REPRESENTATIVES.—

“(A) RECOMMENDATIONS.—Before making any appointments pursuant to paragraph

(1)(A), the President shall request a list of recommended candidates from the States through the NAIC, which shall not be binding on the President. If the NAIC fails to submit a list of recommendations not later than 15 business days after the date of the request, the President may make the requisite appointments without considering the views of the NAIC.

“(B) POLITICAL AFFILIATION.—Not more than 4 Board members appointed under paragraph (1)(A) shall belong to the same political party.

“(C) FORMER STATE INSURANCE COMMISSIONERS.—

“(i) IN GENERAL.—If, after offering each currently serving State insurance commissioner an appointment to the Board, fewer than 8 State insurance commissioners have accepted appointment to the Board, the President may appoint the remaining State insurance commissioner Board members, as required under paragraph (1)(A), of the appropriate political party as required under subparagraph (B), from among individuals who are former State insurance commissioners.

“(ii) LIMITATION.—A former State insurance commissioner appointed as described in clause (i) may not be employed by or have any present direct or indirect financial interest in any insurer, insurance producer, or other entity in the insurance industry, other than direct or indirect ownership of, or beneficial interest in, an insurance policy or annuity contract written or sold by an insurer.

“(D) SERVICE THROUGH TERM.—If a Board member appointed under paragraph (1)(A) ceases to be a State insurance commissioner during the term of the Board member, the Board member shall cease to be a Board member.

“(3) PRIVATE SECTOR REPRESENTATIVES.—In making any appointment pursuant to subparagraph (B) or (C) of paragraph (1), the President may seek recommendations for candidates from groups representing the category of individuals described, which shall not be binding on the President.

“(4) STATE INSURANCE COMMISSIONER DEFINED.—For purposes of this subsection, the term “State insurance commissioner” means a person who serves in the position in State government, or on the board, commission, or other body that is the primary insurance regulatory authority for the State.

“(d) TERMS.—

“(1) IN GENERAL.—Except as provided under paragraph (2), the term of service for each Board member shall be 2 years.

“(2) EXCEPTIONS.—

“(A) 1-YEAR TERMS.—The term of service shall be 1 year, as designated by the President at the time of the nomination of the subject Board members for—

“(i) 4 of the State insurance commissioner Board members initially appointed under paragraph (1)(A), of whom not more than 2 shall belong to the same political party;

“(ii) 1 of the Board members initially appointed under paragraph (1)(B); and

“(iii) 1 of the Board members initially appointed under paragraph (1)(C).

“(B) EXPIRATION OF TERM.—A Board member may continue to serve after the expiration of the term to which the Board member was appointed for the earlier of 2 years or until a successor is appointed.

“(C) MID-TERM APPOINTMENTS.—A Board member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the Board member was appointed shall be appointed only for the remainder of that term.

“(3) SUCCESSIVE TERMS.—Board members may be reappointed to successive terms.

“(e) INITIAL APPOINTMENTS.—The appointment of initial Board members shall be made

no later than 90 days after the date of enactment of the National Association of Registered Agents and Brokers Reform Act of 2015.

“(f) MEETINGS.—

“(1) IN GENERAL.—The Board shall meet—

“(A) at the call of the chairperson;

“(B) as requested in writing to the chairperson by not fewer than 5 Board members; or

“(C) as otherwise provided by the bylaws of the Association.

“(2) QUORUM REQUIRED.—A majority of all Board members shall constitute a quorum.

“(3) VOTING.—Decisions of the Board shall require the approval of a majority of all Board members present at a meeting, a quorum being present.

“(4) INITIAL MEETING.—The Board shall hold its first meeting not later than 45 days after the date on which all initial Board members have been appointed.

“(g) RESTRICTION ON CONFIDENTIAL INFORMATION.—Board members appointed pursuant to subparagraphs (B) and (C) of subsection (c)(1) shall not have access to confidential information received by the Association in connection with complaints, investigations, or disciplinary proceedings involving insurance producers.

“(h) ETHICS AND CONFLICTS OF INTEREST.—The Board shall issue and enforce an ethical conduct code to address permissible and prohibited activities of Board members and Association officers, employees, agents, or consultants. The code shall, at a minimum, include provisions that prohibit any Board member or Association officer, employee, agent or consultant from—

“(1) engaging in unethical conduct in the course of performing Association duties;

“(2) participating in the making or influencing the making of any Association decision, the outcome of which the Board member, officer, employee, agent, or consultant knows or had reason to know would have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the person or a member of the immediate family of the person;

“(3) accepting any gift from any person or entity other than the Association that is given because of the position held by the person in the Association;

“(4) making political contributions to any person or entity on behalf of the Association; and

“(5) lobbying or paying a person to lobby on behalf of the Association.

“(i) COMPENSATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no Board member may receive any compensation from the Association or any other person or entity on account of Board membership.

“(2) TRAVEL EXPENSES AND PER DIEM.—Board members may be reimbursed only by the Association for travel expenses, including per diem in lieu of subsistence, at rates consistent with rates authorized for employees of Federal agencies under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular places of business in performance of services for the Association.

“SEC. 325. BYLAWS, STANDARDS, AND DISCIPLINARY ACTIONS.

“(a) ADOPTION AND AMENDMENT OF BYLAWS AND STANDARDS.—

“(1) PROCEDURES.—The Association shall adopt procedures for the adoption of bylaws and standards that are similar to procedures under subchapter II of chapter 5 of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).

“(2) COPY REQUIRED TO BE FILED.—The Board shall submit to the President, through the Department of the Treasury, and the

States (including State insurance regulators), and shall publish on the website of the Association, all proposed bylaws and standards of the Association, or any proposed amendment to the bylaws or standards of the Association, accompanied by a concise general statement of the basis and purpose of such proposal.

“(3) EFFECTIVE DATE.—Any proposed bylaw or standard of the Association, and any proposed amendment to the bylaws or standards of the Association, shall take effect, after notice under paragraph (2) and opportunity for public comment, on such date as the Association may designate, unless suspended under section 329(c).

“(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to subject the Board or the Association to the requirements of subchapter II of chapter 5 of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).

“(b) DISCIPLINARY ACTION BY THE ASSOCIATION.—

“(1) SPECIFICATION OF CHARGES.—In any proceeding to determine whether membership shall be denied, suspended, revoked, or not renewed, or to determine whether a member of the Association should be placed on probation (referred to in this section as a ‘disciplinary action’) or whether to assess fines or monetary penalties, the Association shall bring specific charges, notify the member of the charges, give the member an opportunity to defend against the charges, and keep a record.

“(2) SUPPORTING STATEMENT.—A determination to take disciplinary action shall be supported by a statement setting forth—

“(A) any act or practice in which the member has been found to have been engaged;

“(B) the specific provision of this subtitle or standard of the Association that any such act or practice is deemed to violate; and

“(C) the sanction imposed and the reason for the sanction.

“(3) INELIGIBILITY OF PRIVATE SECTOR REPRESENTATIVES.—Board members appointed pursuant to section 324(c)(3) may not—

“(A) participate in any disciplinary action or be counted toward establishing a quorum during a disciplinary action; and

“(B) have access to confidential information concerning any disciplinary action.

“SEC. 326. POWERS.

“In addition to all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, the Association shall have the power to—

“(1) establish and collect such membership fees as the Association finds necessary to impose to cover the costs of its operations;

“(2) adopt, amend, and repeal bylaws, procedures, or standards governing the conduct of Association business and performance of its duties;

“(3) establish procedures for providing notice and opportunity for comment pursuant to section 325(a);

“(4) enter into and perform such agreements as necessary to carry out the duties of the Association;

“(5) hire employees, professionals, or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of this subtitle, and determine their qualification;

“(6) establish personnel policies of the Association and programs relating to, among other things, conflicts of interest, rates of compensation, where applicable, and qualifications of personnel;

“(7) borrow money; and

“(8) secure funding for such amounts as the Association determines to be necessary and appropriate to organize and begin operations

of the Association, which shall be treated as loans to be repaid by the Association with interest at market rate.

“SEC. 327. REPORT BY THE ASSOCIATION.

“(a) IN GENERAL.—As soon as practicable after the close of each fiscal year, the Association shall submit to the President, through the Department of the Treasury, and the States (including State insurance regulators), and shall publish on the website of the Association, a written report regarding the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year.

“(b) FINANCIAL STATEMENTS.—Each report submitted under subsection (a) with respect to any fiscal year shall include audited financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year.

“SEC. 328. LIABILITY OF THE ASSOCIATION AND THE BOARD MEMBERS, OFFICERS, AND EMPLOYEES OF THE ASSOCIATION.

“(a) IN GENERAL.—The Association shall not be deemed to be an insurer or insurance producer within the meaning of any State law, rule, regulation, or order regulating or taxing insurers, insurance producers, or other entities engaged in the business of insurance, including provisions imposing premium taxes, regulating insurer solvency or financial condition, establishing guaranty funds and levying assessments, or requiring claims settlement practices.

“(b) LIABILITY OF BOARD MEMBERS, OFFICERS, AND EMPLOYEES.—No Board member, officer, or employee of the Association shall be personally liable to any person for any action taken or omitted in good faith in any matter within the scope of their responsibilities in connection with the Association.

“SEC. 329. PRESIDENTIAL OVERSIGHT.

“(a) REMOVAL OF BOARD.—If the President determines that the Association is acting in a manner contrary to the interests of the public or the purposes of this subtitle or has failed to perform its duties under this subtitle, the President may remove the entire existing Board for the remainder of the term to which the Board members were appointed and appoint, in accordance with section 324 and with the advice and consent of the Senate, in accordance with the procedures established under Senate Resolution 116 of the 112th Congress, new Board members to fill the vacancies on the Board for the remainder of the terms.

“(b) REMOVAL OF BOARD MEMBER.—The President may remove a Board member only for neglect of duty or malfeasance in office.

“(c) SUSPENSION OF BYLAWS AND STANDARDS AND PROHIBITION OF ACTIONS.—Following notice to the Board, the President, or a person designated by the President for such purpose, may suspend the effectiveness of any bylaw or standard, or prohibit any action, of the Association that the President or the designee determines is contrary to the purposes of this subtitle.

“SEC. 330. RELATIONSHIP TO STATE LAW.

“(a) PREEMPTION OF STATE LAWS.—State laws, regulations, provisions, or other actions purporting to regulate insurance producers shall be preempted to the extent provided in subsection (b).

“(b) PROHIBITED ACTIONS.—

“(1) IN GENERAL.—No State shall—

“(A) impede the activities of, take any action against, or apply any provision of law or regulation arbitrarily or discriminatorily to, any insurance producer because that insurance producer or any affiliate plans to become, has applied to become, or is a member of the Association;

“(B) impose any requirement upon a member of the Association that it pay fees different from those required to be paid to that State were it not a member of the Association; or

“(C) impose any continuing education requirements on any nonresident insurance producer that is a member of the Association.

“(2) STATES OTHER THAN A HOME STATE.—No State, other than the home State of a member of the Association, shall—

“(A) impose any licensing, personal or corporate qualifications, education, training, experience, residency, continuing education, or bonding requirement upon a member of the Association that is different from the criteria for membership in the Association or renewal of such membership;

“(B) impose any requirement upon a member of the Association that it be licensed, registered, or otherwise qualified to do business or remain in good standing in the State, including any requirement that the insurance producer register as a foreign company with the secretary of state or equivalent State official;

“(C) require that a member of the Association submit to a criminal history record check as a condition of doing business in the State; or

“(D) impose any licensing, registration, or appointment requirements upon a member of the Association, or require a member of the Association to be authorized to operate as an insurance producer, in order to sell, solicit, or negotiate insurance for commercial property and casualty risks to an insured with risks located in more than one State, if the member is licensed or otherwise authorized to operate in the State where the insured maintains its principal place of business and the contract of insurance insures risks located in that State.

“(3) PRESERVATION OF STATE DISCIPLINARY AUTHORITY.—Nothing in this section may be construed to prohibit a State from investigating and taking appropriate disciplinary action, including suspension or revocation of authority of an insurance producer to do business in a State, in accordance with State law and that is not inconsistent with the provisions of this section, against a member of the Association as a result of a complaint or for any alleged activity, regardless of whether the activity occurred before or after the insurance producer commenced doing business in the State pursuant to Association membership.

**“SEC. 331. COORDINATION WITH FINANCIAL INDUSTRY REGULATORY AUTHORITY.**

“The Association shall coordinate with the Financial Industry Regulatory Authority in order to ease any administrative burdens that fall on members of the Association that are subject to regulation by the Financial Industry Regulatory Authority, consistent with the requirements of this subtitle and the Federal securities laws.

**“SEC. 332. RIGHT OF ACTION.**

“(a) RIGHT OF ACTION.—Any person aggrieved by a decision or action of the Association may, after reasonably exhausting available avenues for resolution within the Association, commence a civil action in an appropriate United States district court, and obtain all appropriate relief.

“(b) ASSOCIATION INTERPRETATIONS.—In any action under subsection (a), the court shall give appropriate weight to the interpretation of the Association of its bylaws and standards and this subtitle.

**“SEC. 333. FEDERAL FUNDING PROHIBITED.**

“The Association may not receive, accept, or borrow any amounts from the Federal Government to pay for, or reimburse, the Association for, the costs of establishing or operating the Association.

**“SEC. 334. DEFINITIONS.**

“For purposes of this subtitle, the following definitions shall apply:

“(1) BUSINESS ENTITY.—The term ‘business entity’ means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

“(2) DEPOSITORY INSTITUTION.—The term ‘depository institution’ has the meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

“(3) HOME STATE.—The term ‘home State’ means the State in which the insurance producer maintains its principal place of residence or business and is licensed to act as an insurance producer.

“(4) INSURANCE.—The term ‘insurance’ means any product, other than title insurance or bail bonds, defined or regulated as insurance by the appropriate State insurance regulatory authority.

“(5) INSURANCE PRODUCER.—The term ‘insurance producer’ means any insurance agent or broker, excess or surplus lines broker or agent, insurance consultant, limited insurance representative, and any other individual or entity that sells, solicits, or negotiates policies of insurance or offers advice, counsel, opinions or services related to insurance.

“(6) INSURER.—The term ‘insurer’ has the meaning as in section 313(e)(2)(B) of title 31, United States Code.

“(7) PRINCIPAL PLACE OF BUSINESS.—The term ‘principal place of business’ means the State in which an insurance producer maintains the headquarters of the insurance producer and, in the case of a business entity, where high-level officers of the entity direct, control, and coordinate the business activities of the business entity.

“(8) PRINCIPAL PLACE OF RESIDENCE.—The term ‘principal place of residence’ means the State in which an insurance producer resides for the greatest number of days during a calendar year.

“(9) STATE.—The term ‘State’ includes any State, the District of Columbia, any territory of the United States, and Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

“(10) STATE LAW.—

“(A) IN GENERAL.—The term ‘State law’ includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State.

“(B) LAWS APPLICABLE IN THE DISTRICT OF COLUMBIA.—A law of the United States applicable only to or within the District of Columbia shall be treated as a State law rather than a law of the United States.”.

(b) TECHNICAL AMENDMENT.—The table of contents for the Gramm-Leach-Bliley Act is amended by striking the items relating to subtitle C of title III and inserting the following new items:

“Subtitle C—National Association of Registered Agents and Brokers

“Sec. 321. National Association of Registered Agents and Brokers.

“Sec. 322. Purpose.

“Sec. 323. Membership.

“Sec. 324. Board of directors.

“Sec. 325. Bylaws, standards, and disciplinary actions.

“Sec. 326. Powers.

“Sec. 327. Report by the Association.

“Sec. 328. Liability of the Association and the Board members, officers, and employees of the Association.

“Sec. 329. Presidential oversight.

“Sec. 330. Relationship to State law.

“Sec. 331. Coordination with financial industry regulatory authority.

“Sec. 332. Right of action.

“Sec. 333. Federal funding prohibited.

“Sec. 334. Definitions.”.

**PRIVILEGES OF THE FLOOR**

Mr. WICKER. Mr. President, I ask unanimous consent that Jane Sarnecky, a Coast Guard fellow in my office, and Rongalett Green, a Marine Corps fellow in my office, be granted floor privileges during the first session of this 114th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

**AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 2, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 2) authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the First Special Service Force, in recognition of its superior service during World War II.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 2) was agreed to.

(The concurrent resolution is printed in today's RECORD under "Submitted Resolutions.")

**MAKING MAJORITY PARTY APPOINTMENTS FOR THE 114TH CONGRESS**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 23, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 23) making majority party appointments for the 114th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 23) was agreed to, as follows:

S. RES. 23

*Resolved*, That the following be the majority membership on the following committees

for the remainder of the 114th Congress, or until their successors are appointed:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Roberts (Chairman), Mr. Cochran, Mr. McConnell, Mr. Boozman, Mr. Hoeven, Mr. Perdue, Mrs. Ernst, Mr. Tillis, Mr. Sasse, Mr. Grassley, Mr. Thune.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran (Chairman), Mr. McConnell, Mr. Shelby, Mr. Alexander, Ms. Collins, Ms. Murkowski, Mr. Graham, Mr. Kirk, Mr. Blunt, Mr. Moran, Mr. Hoeven, Mr. Boozman, Mrs. Capito, Mr. Cassidy, Mr. Lankford, Mr. Daines.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby (Chairman), Mr. Crapo, Mr. Corker, Mr. Vitter, Mr. Toomey, Mr. Kirk, Mr. Heller, Mr. Scott, Mr. Sasse, Mr. Cotton, Mr. Rounds, Mr. Moran.

COMMITTEE ON THE BUDGET: Mr. Enzi (Chairman), Mr. Grassley, Mr. Sessions, Mr. Crapo, Mr. Graham, Mr. Portman, Mr. Toomey, Mr. Johnson, Ms. Ayotte, Mr. Wicker, Mr. Corker, Mr. Perdue.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Thune (Chairman), Mr. Wicker, Mr. Blunt, Mr. Rubio, Ms. Ayotte, Mr. Cruz, Mrs. Fischer, Mr. Moran, Mr. Sullivan, Mr. Johnson, Mr. Heller, Mr. Gardner, Mr. Daines.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe (Chairman), Mr. Vitter, Mr. Barrasso, Mrs. Capito, Mr. Crapo, Mr. Boozman, Mr. Sessions, Mr. Wicker, Mrs. Fischer, Mr. Rounds, Mr. Sullivan.

COMMITTEE ON FINANCE: Mr. Hatch (Chairman), Mr. Grassley, Mr. Crapo, Mr. Roberts, Mr. Enzi, Mr. Cornyn, Mr. Thune, Mr. Burr, Mr. Isakson, Mr. Portman, Mr. Toomey, Mr. Coats, Mr. Heller, Mr. Scott.

COMMITTEE ON FOREIGN RELATIONS: Mr. Corker (Chairman), Mr. Risch, Mr. Rubio, Mr. Johnson, Mr. Flake, Mr. Gardner, Mr. Perdue, Mr. Isakson, Mr. Paul, Mr. Barrasso.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Alexander (Chairman), Mr. Enzi, Mr. Burr, Mr. Isakson, Mr. Paul, Ms. Collins, Ms. Murkowski, Mr. Kirk, Mr. Scott, Mr. Hatch, Mr. Roberts, Mr. Cassidy.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Johnson (Chairman), Mr. McCain, Mr. Portman, Mr. Paul, Mr. Lankford, Ms. Ayotte, Mr. Enzi, Mrs. Ernst, Mr. Sasse.

COMMITTEE ON THE JUDICIARY: Mr. Grassley (Chairman), Mr. Hatch, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Lee, Mr. Cruz, Mr. Vitter, Mr. Flake, Mr. Perdue, Mr. Tillis.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Blunt (Chairman), Mr. Alexander, Mr. McConnell, Mr. Cochran, Mr. Roberts, Mr. Shelby, Mr. Cruz, Mrs. Capito, Mr. Boozman, Mr. Wicker.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Vitter (Chairman), Mr. Risch, Mr. Rubio, Mr. Paul, Mr. Scott, Mrs. Fischer, Mr. Gardner, Mrs. Ernst, Ms. Ayotte, Mr. Enzi.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Isakson (Chairman), Mr. Moran, Mr. Boozman, Mr. Heller, Mr. Cassidy, Mr. Rounds, Mr. Tillis, Mr. Sullivan.

COMMITTEE ON INDIAN AFFAIRS: Mr. Barrasso (Chairman), Mr. McCain, Ms. Murkowski, Mr. Hoeven, Mr. Lankford, Mr. Daines, Mr. Crapo, Mr. Moran.

COMMITTEE ON ETHICS: Mr. Isakson (Chairman), Mr. Roberts, Mr. Risch.

COMMITTEE ON INTELLIGENCE: Mr. Burr (Chairman), Mr. Risch, Mr. Coats, Mr. Rubio, Ms. Collins, Mr. Blunt, Mr. Lankford, Mr. Cotton.

COMMITTEE ON AGING: Ms. Collins (Chairman), Mr. Hatch, Mr. Kirk, Mr. Flake, Mr. Scott, Mr. Corker, Mr. Heller, Mr. Cotton, Mr. Perdue, Mr. Tillis, Mr. Sasse.

## RECOGNIZING THE 150TH ANNIVERSARY OF BOWIE STATE UNIVERSITY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 24.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A bill (S. Res. 24) recognizing the 150th anniversary of Bowie State University.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 24) was agreed to.

The preamble was agreed to.  
(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

## ORDERS FOR FRIDAY, JANUARY 9, 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Friday, January 9, 2015; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; following any leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:12 p.m., adjourned until Friday, January 9, 2015, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

WALTER HOOD, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2020, VICE BARBARA ERNST PREY, TERM EXPIRED.

DIANE HELEN RODRIGUEZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018, VICE JOAN ISRAELITE, TERM EXPIRED.

### CORPORATION FOR PUBLIC BROADCASTING

PATRICIA D. CAHILL, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION

FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2020. (REAPPOINTMENT)

### DEPARTMENT OF THE INTERIOR

KRISTEN JOAN SARRI, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE RHEA S. SUH, RESIGNED.

### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

KRISTEN MARIE KULINOWSKI, OF NEW YORK, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE BETH J. ROSENBERG, RESIGNED.

### DEPARTMENT OF JUSTICE

SALLY QUILLIAN YATES, OF GEORGIA, TO BE DEPUTY ATTORNEY GENERAL, VICE JAMES MICHAEL COLE, RESIGNING.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

RAFAEL J. LOPEZ, OF CALIFORNIA, TO BE COMMISSIONER ON CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE BRYAN HAYES SAMUELS, RESIGNED.

### OVERSEAS PRIVATE INVESTMENT CORPORATION

TODD A. FISHER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2016, VICE JAMES A. TORREY, TERM EXPIRED.

DEVEN J. PAREKH, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2016, VICE KATHERINE M. GEHL, RESIGNED.

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ROMONIA S. DIXON, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2018, VICE MATTHEW FRANCIS MCCABE, TERM EXPIRED.

VICTORIA ANN HUGHES, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2016, VICE JAMES PALMER, TERM EXPIRED.

ERIC P. LIU, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2017, VICE LAYSHAE WARD, TERM EXPIRED.

### FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

MICHAEL D. KENNEDY, OF GEORGIA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2018. (REAPPOINTMENT)

DAVID AVREN JONES, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2018. (REAPPOINTMENT)

### FARM CREDIT ADMINISTRATION

JEFFERY S. HALL, OF KENTUCKY, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING OCTOBER 13, 2018, VICE LELAND A. STROM, TERM EXPIRED.

### DEPARTMENT OF TRANSPORTATION

THERESE W. MCMILLAN, OF CALIFORNIA, TO BE FEDERAL TRANSIT ADMINISTRATOR, VICE PETER M. ROGOFF, RESIGNED.

### NATIONAL TRANSPORTATION SAFETY BOARD

THO DINH-ZARR, OF TEXAS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2018, VICE DEBORAH HERSMAN, RESIGNED.

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

DAVA J. NEWMAN, OF MASSACHUSETTS, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE LORI GARVER, RESIGNED.

### NORTHERN BORDER REGIONAL COMMISSION

MARK SCARANO, OF NEW HAMPSHIRE, TO BE FEDERAL COCHAIRPERSON OF THE NORTHERN BORDER REGIONAL COMMISSION, VICE SANDFORD BLITZ, RESIGNED.

### EXECUTIVE OFFICE OF THE PRESIDENT

MARISA LAGO, OF NEW YORK, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE MIRIAM E. SAPIRO, RESIGNED.

### DEPARTMENT OF STATE

MICHELE THOREN BOND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (CONSULAR AFFAIRS), VICE JANICE L. JACOBS, RESIGNED.

PAUL A. FOLMSBEE, OF OKLAHOMA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

JENNIFER ANN HAVERKAMP, OF INDIANA, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND



INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, VICE KERRI-ANN JONES, RESIGNED.

AZITA RAJI, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWEDEN.

PEACE CORPS

CARLOS J. TORRES, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF THE PEACE CORPS, VICE CAROLYN HESSLER RADELET, RESIGNED.

RAILROAD RETIREMENT BOARD

WALTER A. BARROWS, OF OHIO, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2019. (REAPPOINTMENT)

FEDERAL MEDIATION AND CONCILIATION SERVICES

ALLISON BECK, OF THE DISTRICT OF COLUMBIA, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR, VICE GEORGE H. COHEN, RESIGNED.

DEPARTMENT OF LABOR

ADRI DAVIN JAYARATNE, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE BRIAN VINCENT KENNEDY.

FEDERAL MINE SAFETY AND HEALTH ADMINISTRATION

MARY LUCILLE JORDAN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2020. (REAPPOINTMENT)

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MICHAEL YOUNG, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2020. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

RUSSELL C. DEYO, OF NEW JERSEY, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY, VICE RAFAEL BORRAS, RESIGNED.

OFFICE OF PERSONNEL MANAGEMENT

EARL L. GAY, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, VICE CHRISTINE M. GRIFFIN.

UNITED STATES POSTAL SERVICE

DAVID S. SHAPIRA, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2019, VICE DENNIS J. TONER, TERM EXPIRED.

NATIONAL INDIAN GAMING COMMISSION

JONDEV OSCEOLA CHAUDHURI, OF ARIZONA, TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF THREE YEARS, VICE TRACIE STEVENS.

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL P. BOTTICELLI, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE R. GIL KERLIKOWSKA, RESIGNED.

DEPARTMENT OF COMMERCE

MICHELLE K. LEE, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE, VICE DAVID J. KAPPOS, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

DANIEL HENRY MARTI, OF VIRGINIA, TO BE INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR, EXECUTIVE OFFICE OF THE PRESIDENT, VICE VICTORIA ANGELICA ESPINEL, RESIGNED.

SMALL BUSINESS ADMINISTRATION

GILBERTO DE JESUS, OF MARYLAND, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION, VICE WINSLOW LORENZO SARGEANT.