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# Senate

The Senate met at 9:30 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:

Let us pray.

Eternal God, our helper, as a tragic pattern of insane violence continues to bring pain to our Nation and world, we turn our eyes to You. Thank You that though evil seems undeniably strong, You continue to rule in Your universe. May we refuse to be intimidated by the adversaries of freedom, as we remember Your sacred words, ''There is no fear in love.''

Lord, lead our Senators with Your wisdom. As they focus on Your presence and power, shield their hearts with Your peace. When they seek Your guidance, direct their steps in the path of truth.

Give us all the sensitivity to comprehend the holy meaning and the sacred mysteries that reside in every moment. And, Lord, be near to all who are affected by the mass shooting in San Bernardino, CA.

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.

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

The PRESIDING OFFICER (Mr. LEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

## GUN VIOLENCE

Mr. REID. Mr. President, I hope all Members of Congress—Democrats and Republicans, Members of the House and Senate—take a long, hard look this morning, maybe in the mirror, and ask themselves: Where do I stand?

Yet again our country is faced with another sickening act of gun violence. Yesterday's shooting rampage took the lives of 14 people and wounded at least 17 more, a number of those grievously injured. That wasn't the only shooting yesterday; a gunman in Georgia killed a woman and injured three others.

So where do we stand? We have an epidemic of gun violence in America, and it is nothing less than sickening.

Fort Hood, 13 dead; Tucson, 6 dead; Carson City, 4 dead; Aurora, 12 dead; Newtown, 20 little children, 6 educators; the Navy Yard in Washington, DC, 12 dead; Las Vegas, 3 dead, two of whom were police officers. And I have heard this talk: Oh, it is so unusual, a husband and wife. These three people killed in Las Vegas were killed by a husband-and-wife team. In Charleston, nine dead; Moneta, VA, two dead—on live television, he came to kill two people. At Umpqua Community College, nine dead; Colorado Springs, three dead.

That tragic list is nowhere close to being comprehensive. The one in Georgia yesterday—one dead, two wounded. It hardly made the press. But the ones I just mentioned are a few that we picked up earlier this morning in my office.

It would be very difficult to list all the mass killings that have taken place in recent years. Why? Because we are 337 days into 2015 and we have had at least 355 mass shootings—355 mass shootings in 337 days. We are averaging more than one a day.

Two months ago I came to the floor very sad. I was here mourning the murder of innocent community college students attending class in Roseburg, OR. I said then that each time our Nation endures one of these mass killings, we go through the same routine. First we are shocked. Then we ask questions about the killers, their motives, and how they got their hands on those guns. Then we wonder, what could we have done to prevent this terrible thing from happening?

As I said, the disturbing part is that we don't do anything. We don't do anything. We, as the legislative body of this country, do nothing. So I have a question for every Member of this body: How can we live with ourselves for failing to do the things that we know will reduce gun violence? Will it get rid of all of it? Of course not. But will it reduce it? Yes. We are complicit through our inaction, and if we continue to fail to act, we will be complicit today and every day into the future. We will keep ending up right where we are, mourning innocent victims in San Bernardino, CA, or Charleston or Newtown. When victims turn to us for leadership and help, we will have nothing to show but empty hands and a few empty gestures. It is despicable.

For far too long we have done nothing, even as the gun violence shakes our Nation to its core. We must do something. We can start by passing improved background check legislation. Is it asking too much that if someone is crazy or a criminal, they shouldn't be able to walk into any gun shop and buy a gun? Of course not. But that is the law in America.

I know the thought of upsetting the National Rifle Association scares everybody—oh, especially my Republican colleagues. Do you know what scares the American people? Gun violence. These mass shootings at holiday parties frighten the American people. Is it unreasonable that they are frightened?

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

Of course not. People are afraid to go to a movie theater or to a concert.

The bill before the Senate today is to get rid of ObamaCare, and everybody knows it is just a gesture in futility. They have tried it 60 times or 48 times—I don't know; we lost track—in the House, and every time, the same answer: No. In the Senate, we have done it 14, 15 times—always the same answer. Einstein said the definition of ''insanity'' is when someone does the same thing over and over again knowing they are going to get the same result. So we are wasting our time today. Everyone knows the result.

But we have the opportunity to cast a vote here today—or we will shortly—because we are focused on doing something. People on this side of the aisle are focused on doing something to stop this gun violence, and we are going to force amendments to that end today—not many but a few. We will try to do something, anything.

Are we going to vote on expanded background checks? Shouldn't we do that at least? We are going to vote to prevent criminals convicted of harassing women's health clinics from buying a gun, owning a gun.

Senators will have to decide where they stand on these amendments. Do they stand with babies who were killed in Connecticut, families who want to do nothing more than go about their day without the daily threat of shootings? My friends in Nevada, two police officers in uniform sitting down to have a lunch break, and two people walk in behind them and shoot them in the back of the head and kill them. They went over to Walmart and killed another person.

People are afraid.

There was a time in my legislative career that I tried to work with the National Rifle Association, but the NRA today is a far cry from the sportsmen's organization I once supported. The NRA once called mandatory background checks ''reasonable.'' That is what they said; I am not making this up. But now its leadership and organization have transformed into a quasi-militant wing of the Republican Party. They are being pushed more and more into the camp of guns for everybody anytime they want them, and they are being pushed by the—they have a competitor now: Gun Owners of America.

Those who choose to do the NRA's bidding will be held accountable by our constituents. Their vote against these sensible measures will be a stain for all of the American people to see.

Something has to be done. We must take a stand. The American people are desperately looking for help—some help, any help. It will never be possible to prevent every shooting. We know that. But we have a responsibility to try. There are certain things we can do. If someone is mentally deranged and a criminal, should they be able to walk in and buy a gun anyplace? Of course not. We have a responsibility as lawmakers to enact commonsense reforms that have been proven to stop attacks and save lives. I hope Republicans will find the courage to join with us and pass meaningful legislation to prevent further gun violence.

I apologize for speaking before the Republican leader, but I was told he was going to be late.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

## TRAGEDY IN SAN BERNARDINO

Mr. MCCONNELL. Mr. President, the senseless loss of life in San Bernardino continues to defy explanation. We have faith that law enforcement will continue working hard to uncover the truth behind this tragedy. Today, what we should all agree upon is that we will keep the victims and the families in our thoughts, that we as a Senate offer condolences to them, and that we as a Senate recognize the continuing efforts of law enforcement officials and first responders.

## OBAMACARE

Mr. MCCONNELL. Mr. President, middle-class Americans continue to call on Washington to build a bridge away from ObamaCare. They want better care. They want real health reform. For too long, Democrats did everything to prevent Congress from passing the type of legislation necessary to help these Americans who are hurting.

Well, today, Mr. President, that ends. Today, a middle class that has suffered enough from a partisan law will see the Senate vote to build a bridge past ObamaCare and toward better care.

The Restoring Americans' Healthcare Freedom Reconciliation Act we are debating deserves the support of every Member of this body because here is what we know. ObamaCare is a direct attack on the middle class. It is riddled with higher costs and broken promises. It is defined by failure. It is punctuated with hopelessness. And the scale of its many broken promises is matched only by the scale of its defenders' rigid and unfeeling responses to it.

Let us consider just a few right now. Americans were promised they could keep their health plans if they liked them. It was a promise Democrats made to sell ObamaCare and it is a promise they broke. Americans could only keep their plans if the President liked them, not if they liked them. Americans could only keep their plans if the President liked them.

Millions saw the coverage they liked ripped away as a result of a callous and partisan law.

Democrats' response to their broken promise? They tried to dismiss stories about folks losing insurance by saying they had lousy plans anyway and that they should be grateful the government was taking them away. The American people took a different view.

Here is a note I received from a constituent in Caldwell County when her family lost their plan. Here is what she said:

> I was lied to by the President and Congress when we were told the ''Affordable'' Care Act would not require us to switch from our current insurance provider. My husband and I work hard, pay a lot of taxes and ask for little from our government. Is it asking too much for government to stay out of my health insurance?

Americans were promised that ObamaCare would lower costs and even bring down premiums by $2,500 per family. It is a promise Democrats made to sell ObamaCare, and it is a promise they broke.

Just last night, we learned from the government's own actuaries that ObamaCare is leading to higher health care costs. We also know that premiums continue to shoot up by double digits in many areas, including Kentucky.

Democrats' response to their broken promise? President Obama said Americans who already had health insurance ''may not know that they've got a better deal now [under ObamaCare] than they did, but they do.'' Obviously, the President thinks he knows more about our health insurance than we do. Of course, the American people took a different view.

One Kentuckian wrote me after being forced into an ObamaCare plan she called ''subpar'' with a nearly $5,000 deductible. ''I cried myself to sleep,'' she said. ''I work hard for every penny I earn,'' and this ''is unacceptable.''

Americans were promised ObamaCare would create millions of jobs. It is a promise Democrats made to sell ObamaCare, and it is a promise they broke. ObamaCare is leading to fewer jobs, not more of them. In Kentucky, our Democratic Governor once declared it an ''undisputed fact'' that ObamaCare's Medicaid expansion had added 12,000 jobs to Kentucky's economy. But as Kentuckians now know, he was undisputedly wrong. Not only did those jobs fail to materialize, but health care jobs have actually declined in Kentucky since the passage of ObamaCare.

Democrats' response to their broken promise? I think this headline about the comments of a senior Democrat captures it perfectly: ''ObamaCare allows workers to 'escape' their jobs''—to escape their jobs. Well, the American people took a different view.

A constituent from Somerset wrote to tell me that ObamaCare's mandates were causing her to lose up to 11 hours—up to 11 hours—per week at work, which meant about $440 less in her pocket every month. ''ObamaCare,'' she said, ''[is] causing us to lose hours [and] lose wages, yet expecting us to spend more.''

Now, Americans were promised ObamaCare wouldn't touch Medicare. Americans were promised that taxes

wouldn't increase. Americans were promised shopping for ObamaCare would be as simple as shopping for a TV on Amazon. Three more promises, three more betrayals, and on and on and on it has gone for more than 5 long years.

Democrats need to understand it is time to face up to the pain and the failure their law has caused. They can keep trying to talk past the middle class. They can keep trying to deny reality. But they have to realize that no one is buying the spin but them.

Americans are living with the consequences of this broken law and its broken promises every single day. Its negative effects are often felt in the most personal and visceral ways, and Americans are tired of being condescended to. They want change, and they want a bridge to better care, not ObamaCare, and this bill offers it.

I think Democrats have a particular responsibility to the millions their law has hurt already to help pass the law we have before us. I think the President has a particular responsibility to the millions his law has hurt already to then sign it. That is the best way to build a bridge to a fresh start—to a better, healthier, and stronger beginning.

## ACCOMPLISHMENTS OF THE NEW SENATE

Mr. MCCONNELL. Now, Mr. President, on another matter, every day this week I have mentioned some of the significant accomplishments of a Senate under new management—a Senate that has put its focus back on the American people.

After years of inaction, this Senate took bipartisan action to help the victims of modern day slavery. Many said the Justice for Victims of Trafficking Act would never pass the Senate, but we proved them wrong. We proved it could actually pass by a wide bipartisan margin. In a new and more open Senate, Senator CORNYN was able to work with Democratic partners to ensure it ultimately did.

After years of inaction, the Senate took bipartisan action to protect the privacy of Americans. Many said the Cybersecurity Information Sharing Act would never pass the Senate, but we proved them wrong. We proved it could actually pass by a wide bipartisan margin. In a new and more open Senate, Senator BURR, a Republican, and Senator FEINSTEIN, a Democrat, were able to ensure that it ultimately did.

After years of inaction, the Senate took bipartisan action to lift children up with better educational opportunities. Many said the Every Child Achieves Act would never pass the Senate, but we proved them wrong. We proved it could actually pass by a wide bipartisan margin. In a new and more open Senate, Senator ALEXANDER, a Republican, and Senator MURRAY, a Democrat, were able to ensure that it ultimately did.

And after years of inaction, the Senate took bipartisan action to meaningfully improve our roads and infrastructure over the coming years. Many said that the long-term Highway and Transportation Funding Act would never pass the Senate, but we proved them wrong. We proved it could actually pass by a wide bipartisan margin. In a new and more open Senate, Senator INHOFE, a Republican, and Senator BOXER, a Democrat, were able to ensure that it ultimately did.

Today, we are on the verge of passing that bill again. We are on the verge of passing it into law. The revised legislation we will consider provides 5 full years of highway funding. It would be the longest term bill to pass Congress in almost two decades, and it would provide long-term certainty in a fiscally responsible way. In other words, this bill will finally provide State and local governments with the kind of certainty they need to focus on longer term road and bridge projects. This is a significant departure from years—years—of short-term extensions.

There is a lot more to say about what the new Congress has been able to achieve on behalf of the American people. I look forward to continuing to share these successes here on the floor.

Tuesday's announcement on the highway bill is just the latest reminder of what is possible in a new and more open Senate. It builds the basis for more wins into the future. And most importantly, it is an achievement for the American people—an achievement that only a new Congress has been able to deliver.

The PRESIDING OFFICER. The Democratic leader.

## WORK OF THE SENATE

Mr. REID. Mr. President, no matter how many times my friend—and we have served together in this body for a long, long time—comes here and talks about how wonderful this Senate is under Republican leadership, the facts aren't on his side. He talked about getting things done after years of inaction. The inaction was the result of Republican filibusters—recordbreaking filibusters.

Bill after bill was blocked. Elementary and secondary education, cyber security, everything that he mentioned—everything, without exception—would have been done a long time ago except for Republican filibusters. To now come to the floor and claim: Isn't it wonderful we were able to get things done during this Congress, because we did not block things—no matter how many times he comes, we and the pundits have already said it is the most unproductive year in the Senate's history. We have had more revotes than at any time in the history of the country and less done than at any time in the country's history.

## AFFORDABLE CARE ACT

Mr. REID. Mr. President, I wonder what my Republican friends do when they are not here in Washington, DC. Do they bother to talk to their constituents? Do they sit down and meet them at townhall meetings or across a fence in someone's backyard? I have a hard time believing my Republican friends are spending much time listening to constituents' concerns. I already talked about guns today.

It seems to me what we are doing is counter to the needs of constituents. This absurd—absurd—attempt to repeal the Affordable Care Act through reconciliation is a perfect example. Every day the Republican leader comes to the floor and rails against ObamaCare, yet more than 10 percent of his constituents are benefiting from the Affordable Care Act—500,000 people. I can't believe those people in Kentucky are telling the Republican leader to take away their health care.

Now, he is not alone in pushing the repeal that would expressly hurt people back home. He and the junior Senator from Wyoming both oppose the Affordable Care Act and the law's expansion of Medicaid, but their own Republican Governor—the Governor of Wyoming—is using ObamaCare to expand health coverage for the people of Wyoming.

Wyoming Governor Matt Mead is proposing a Medicaid expansion that will help 17,000 people. Now, 17,000 people in the sparsely populated State of Wyoming is a lot of people. Governor Mead wrote this to the State legislature:

> This economic boost would stabilize services and inject tax dollars paid by Wyoming citizens back into Wyoming communities. The numbers are compelling.

But apparently those facts are not compelling enough for the Senators from Wyoming, who are both voting for repeal.

The Republican Senator from North Dakota has also been a critic of the Affordable Care Act. Once again, his opposition does not jibe with what North Dakota's Governor is saying. North Dakota Governor Dennis Daugaard is fighting in the State legislature to expand Medicaid access to residents. He is a Republican and served for 10 years as JOHN HOEVEN's Lieutenant Governor, but Senator HOEVEN will vote for repeal.

The junior Senator from Montana is opposed to Medicaid expansion. Earlier in the month he seemed supportive of Montana's expansion of Medicaid saying:

> I respect the decision of our Legislature and our governor on Medicaid expansion. I'm one who respects their rights and voices.

But today, I am told, he will perform a breathtaking about-face and vote to do away with Montana's health care.

There is a longer list. Republicans from Ohio, West Virginia, and the State of Nevada have all embraced Medicaid expansion.

In Nevada, Governor Brian Sandoval is considered by many to be a star in the Republican Party. But notwithstanding his party's anti-ObamaCare

ideology, he displayed courage by expanding health coverage for tens of thousands of Nevadans.

I hope my friend and fellow Senator from Nevada will follow our Governor's example and stand for our constituents' health care. Too few Republicans will. If ObamaCare is so awful, why are Republicans from Kentucky, Wyoming, North Dakota, and New Hampshire so eager to use it? It is simple: The Affordable Care Act expands coverage and cuts costs. It is good for the States. That is why Arizona expanded Medicaid. It is insuring hundreds of thousands of Arizonans, as we talk now.

I was disappointed with my friend. We served together, we came to the House together, we came to the Senate together, and he is the senior Senator from Arizona. He made it clear that he will vote for repeal, in spite of all the people benefiting from ObamaCare back home. This is what JOHN MCCAIN said: ''Obviously the Governor and Legislature in my state decided that they wanted that program and so it is going to trouble me in the vote.'' The senior Senator from Arizona acknowledged that he is casting a vote in direct opposition to the needs of the people of Arizona.

So if Republicans aren't listening to their constituents or State leaders, to whom are they listening? As always, the answer is corporations. Billion-dollar companies have no trouble getting congressional Republicans to do their bidding. Even as they try to snatch health coverage from 17 million Americans, Republicans are throwing money at corporations. That is what they plan to do with the money saved by repealing the Affordable Care Act. They will hand it over to corporations in the form of tax breaks.

I have news for my own Republican friends: These multibillion-dollar companies don't need your help. They are doing just fine on their own. The American middle class needs help, but this Republican Congress is doing nothing to aid working families. Why are we here if we are not here to help people back home?

When Republican Presidential candidate John Kasich—somebody whom I came to the House with in 1982—was asked earlier this year why he chose to expand Medicaid in the State of Ohio, he gave this remarkable answer:

When you die and get to the meeting with St. Peter, he's probably not going to ask you much about what you did about keeping government small. But he is going to ask you what you did for the poor. You better have a good answer.

That is from John Kasich. He is right. This is an opportunity to help unfortunate Americans who lack quality health insurance. I only wish Governor Kasich could convince the junior Senator from Ohio of that simple truth.

I say to my Republican friends: Do the right thing; stop this nonsense about repeal of ObamaCare. Everyone knows this repeal of the Affordable Care Act is going nowhere. Instead of wasting everyone's time and instead of ignoring the wishes of the people back home, let's work together to improve health care coverage. There are a lot of things we can do by working together to improve health care coverage for Americans. Let's move beyond repeal and start making the Affordable Care Act work even better for the American people.

Would the Chair announce the business of the Senate today.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ROUNDS). Under the previous order, the leadership time is reserved.

## RESTORING AMERICANS' HEALTHCARE FREEDOM RECONCILIATION ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3762, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3762) to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016.

Pending:

McConnell amendment No. 2874, in the nature of a substitute.

Murray/Wyden amendment No. 2876 (to amendment No. 2874), to ensure that this Act does not increase the number of uninsured women or increase the number of unintended pregnancies by establishing a women's health care and clinic security and safety fund.

Johnson amendment No. 2875 (to amendment No. 2874), to amend the Patient Protection and Affordable Care Act to ensure that individuals can keep their health insurance coverage.

Mr. REID. Mr. President, if I could interrupt and apologize for that, I ask unanimous consent that the time in quorums called by the Chair be divided equally between the majority and minority.

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

Under the previous order, the time until 1:30 p.m. will be equally divided in the usual form.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

### CRIMINAL JUSTICE REFORM

Mr. CORNYN. Mr. President, this morning I will be joining—at the President's invitation—a bipartisan group of Congressmen and Senators to discuss the need for criminal justice reform in the country. I am actually very glad the President has shown such an interest in this topic, one we have been working on in the Congress for a number of years.

I have said it before and I will say it again, I don't agree with the President on a lot of things, perhaps most things, but I am glad to know he is making this issue a priority. I think it is one of those rare, magical moments where you see things coming together on a bipartisan basis across the political spectrum, where we can actually make some real progress that will benefit the American people and make our criminal justice system fairer and more effective.

Of course, in the Senate, a diverse bipartisan group has shared this concern for a very long time. While I appreciate the President's vocal support and for convening the group to discuss it this morning, I want to make it clear that this legislation has been years in the making. Actually, the impetus for the part I contributed to the bill emanated from a 2007 experiment in Texas in prison reform. That legislation has manifested itself in the Senate and is now called the Sentencing Reform and Corrections Act of 2015. It is a result of a lot of hard work and some compromise, which is the only way things actually get done around here in order to build a bipartisan consensus, and it brings targeted and much needed reforms to the Federal justice system.

I am very glad to be able to join with the junior Senator from Rhode Island, somebody, again, who is probably at the opposite end of the political spectrum from me in terms of ideology, but we have found common ground on this important prison reform component.

Most prisoners will eventually be released into society, which is something we have forgotten. Unfortunately, our prisons have too often become warehouses for human beings, and we have forgotten the reality that many of them will be released back into society. Yet we have done very little to help prepare them to successfully reenter society rather than get into that turnstile that sometimes characterizes our criminal justice system and many end up right back in prison again. We can't save everybody, but I believe we can offer an opportunity for some who want to save themselves to improve themselves and be better prepared to reenter society as productive individuals.

As I said, this reform was based on an experiment in Texas starting back in 2007. People perhaps think of Texas as being tough on crime, and indeed we are, but we finally realized we also have to be smart on crime. Prisons cost money. Every time somebody reoffends and ends up back in the prison system, we have to pay the salaries of prosecutors, public defenders, judges, and others, and that is expensive. If we can find a way to be fiscally more responsible and actually be more effective when it comes to the results, we ought

to grab that opportunity. I happen to think it represents the way we ought to legislate here in Washington, DC, that is based on successful experiments in the States.

It is no coincidence that Louis Brandeis once called the States the laboratories of democracy, but it represents the opposite of what we have seen here in Washington, DC, when, for example, in ObamaCare the President decides we are going to take over one-sixth of the U.S. economy and we are going to mandate from Washington a one-size-fits-all approach for 320 million or so Americans. It just doesn't work, as we have documented time and time again on the floor.

I am optimistic we have found an area where we can work with the President and move this legislation forward. I ask that the President roll up his sleeves and work with us, along with the Democrats and both Houses of Congress, so we can make this criminal justice reform a reality.

Mr. President, I mentioned ObamaCare. That is my second topic for today.

This afternoon we will keep a promise we made to the American people that we will vote to repeal ObamaCare. ObamaCare—were this legislation signed into law—could not sustain this mortal wound that is going to be inflicted this afternoon. Are we doing this for partisan reasons? I would say, no, absolutely not. What we are doing is listening to our constituents who told us that they have had one bad experience after another with ObamaCare. They have been forced by the Federal Government to buy coverage that they don't want, don't need, and can't afford. So we proposed to send a bill to the President that would repeal ObamaCare and then replace it with affordable coverage that people actually want. We made it clear to the American people that if they gave us the privilege of leading in the Congress, we would keep this promise, and we will fulfill that promise in the Senate today.

I remember voting at 7 a.m. on Christmas Eve in 2009, when 60 Democrats voted to jam ObamaCare down the throats of the American people. They made promise after promise. The President himself said: If you like what you have, you can keep it. That proved not to be true. The President said a family of four would see an average reduction in their premium cost by $2,500, and that wasn't true.

So as somebody who has spent a little bit of time in law enforcement as a former attorney general in my State, I would call this a deceptive trade practice. This is defrauding the American people, selling them a product based on a set of promises that ends up not being true.

I believe it is time to repeal this bad law and to replace it with something that people want and that they can afford.

My State has been hit hard, as all States have been, including the State of the Presiding Officer, by the effects of ObamaCare. Almost every day we read news accounts of escalating health care costs, including premiums and fewer choices and options and less access for our constituents.

Just recently, the Houston Chronicle reported that next year the Houston-area patients won't have access to any plans on the ObamaCare exchange that cover costs at MD Anderson, the premier cancer-treating facility in America. If we can't buy insurance to cover catastrophic events like cancer at the hospital of our choice, what good is it?

As a matter of fact, I remember our former colleague, Senator Tom Coburn from Oklahoma, who has used up most of his nine lives, but he has experienced cancer at least three times, to my recollection, and he actually was seeking treatment at MD Anderson. He said that as a result of ObamaCare, he could no longer get coverage from the insurance policy he had because MD Anderson wasn't an acceptable provider under the ObamaCare policy.

So today I will provide a very quick snapshot of the thousands of letters I have received, and I am sure they are typical of the letters we have all received from our constituents about the problems they have encountered with ObamaCare.

One of my constituents recently wrote to me to tell me her story, and it is similar to the narrative I have heard from many others. Her insurance plan was canceled last fall because it didn't meet the mandates of ObamaCare. As a result, she had to switch to a more expensive policy, one with a higher monthly payment and an $11,000 deductible. What good is it to have an insurance policy with an $11,000 deductible? How many Americans can self-insure and pay that bill so that they can take advantage of what limited coverage they actually have under such a policy?

She went on to say that she was notified that her plan would once again be terminated for the next year, and her monthly costs would go up again as a result. To top it off, she would end up losing her primary care provider. In other words, the doctor she preferred would no longer be available to her under this new policy that she would be forced to buy at a higher price.

She is like a lot of folks around the country—full of questions and frustrations and seemingly nowhere to turn to find any relief for her spouse, for her children, or for their small business.

This particular constituent implored me and Congress to do something about it. She said: ''Senator CORNYN, this has caused turmoil throughout Texas . . . we are terrorized in our own country by the so-called benefit of the Affordable Care Act.'' Those are her words, not mine. She said her family was terrorized by ObamaCare.

The strong message she conveyed is not all that different from what I have heard from other people. Another constituent raised a similar issue. He is now, for the third time in as many years, searching for yet another health insurance plan after his was canceled. He went on to highlight another theme that is impossible to miss when I talk to folks back home about this topic. He said:

> I seem to remember the President saying something about liking your insurance and being able to keep it? For myself and my family it's been just the opposite. We loved our insurance prior to the passage of the act and have since been forced to purchase much more expensive insurance with much higher deductibles.

Well, he is right. And in just a few hours we are going to have a chance to vote on the Johnson amendment to this legislation we are considering, which is an ''If you like it, you can keep it'' amendment, to keep that guarantee. We will see how our friends on the other side of the aisle vote, who forced this flawed legislation down the throats of the American people, based on this experience.

Just like many other Texans, the people I have talked about back home have seen their premiums and their deductibles skyrocket to unaffordable levels. Along with this anemic economy and flat wages, people have found themselves with less and less money in their pockets and found themselves with a decreased and diminished standard of living, which has caused a lot of frustration.

This particular constituent ended his letter to me by asking the Members of Congress to ''do anything within your power to reverse this terrible healthcare trend. . . . I need relief,'' he said.

We have reached a pretty scary time in our Nation's history when we have Americans writing and calling their elected representatives saying they need relief from their own government. The threat is not outside; people are being threatened by their own government and the overreach they see and the negative impact it has on their quality of life and their standard of living.

So we have a duty now—we have a mandate, I believe—to repeal this terrible law and to make it a relic of the past, and we are going to do our duty. We are going to keep our promise to the American people today.

There was an outcry from my constituents back home on another topic that gripped our attention—the horrific videos released showing Planned Parenthood executives callously discussing the harvesting of organs from unborn children. We seem to have forgotten those terrible videos and what they have depicted.

This bill will also do something to defund Planned Parenthood and redirect those funds to the many community health centers that exist in Texas and across the country that day in and day out diligently provide health care to people in my State and around the country. There will be no less money directed toward public health care; it

will be redirected away from Planned Parenthood and to the community health centers.

By the way, there are a whole lot more community health centers, so there will actually be improved access for most Americans at community health centers.

By repealing ObamaCare, we are doing more than just delivering on a promise; we are providing a way forward for millions of Americans around this country who have been hurt—not helped but hurt—by ObamaCare. We will do our best to help them find some relief, as one of my constituents whom I just quoted implored.

We look forward to passing this legislation to scrap ObamaCare and to bring this country one step closer to making it history.

Again, this isn't just about repealing ObamaCare; this is about replacing it with coverage that people want and that suits their personal needs at a price they can afford. One would have thought that health care reform would be about making health care more affordable, but, in fact, ObamaCare was just the opposite. It made it more expensive and less affordable, as we have seen and as I have tried to point out in my remarks.

I don't see any other Senator seeking recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

TRAGEDY IN SAN BERNARDINO

Mrs. BOXER. Mr. President, when I woke up this morning, I had hoped that yesterday's tragedy in San Bernardino was just an unimaginable nightmare. Then, as I usually do in the morning, I went through the clips from my State and I read the headlines:

''Bloodbath in San Bernardino.''

''14 slain at California office party.''

''Carnage in California.''

''Shooting Rampage Sows Terror in California.''

''At Least 14 Dead in Mass Shooting.''

''Deadly rampage at holiday party.''

''A Day of Horror.''

''Horror Hits Home.''

'' 'Horrific'.'' Just one word.

''Masked Mass Murder.''

These are papers all over my State and a couple of national headlines.

My heart is broken after this rampage that led to the tragic loss of life, so many injuries, so much trauma and pain for the people of San Bernardino.

I thank the medical personnel who are working as we speak to save lives and all the brave, courageous law enforcement officers who rushed to the scene and later stopped these killers.

We know the victims in this attack were county employees at the San Bernardino Department of Public Health. I began my career as a county supervisor, and I oversaw in Marin County the Department of Public Health. I know how dedicated those county employees are. They are right there. They are right there in the communities. And the facility was dedicated to helping disabled people. So for this to happen at a holiday party where these employees were gathering in friendship—it is a stunning shock.

While details about the motive behind this despicable attack are still unknown, here is what we do know: Because these killers used military-style weapons, 14 people died and 17 people were wounded in a matter of minutes.

The purpose of these guns, these military-style guns, is to kill a lot of people very fast. The scene looked like a war zone, and there is a reason for that—again, because these weapons are designed for the military. They are designed for the police.

I have to be honest with my colleagues: I have never heard one persuasive argument about why anyone else would need to have this type of weapon. These weapons of war just don't belong on our streets and in our communities. My colleague Senator FEINSTEIN for years has been pushing sensible legislation that would keep these military-style weapons off our streets. We need to stand with her. We need to stand with her across party lines and pass it.

It is so discouraging that we can't even pass legislation here that would keep suspected terrorists who are on the no-fly list from legally buying a weapon—any kind of a weapon.

It isn't enough for us to keep lamenting these tragedies; we need to take action now, before something else like this happens again in the Presiding Officer's State, in my State. When we take an oath of office, we swear that we will protect and defend the American people. I just don't think we are protecting them when we allow these types of weapons to get into the wrong hands.

This year we are averaging more than one mass shooting every single day—multiple people killed by guns, innocent people, every day. This is America. This doesn't happen in other industrialized nations. Thirty-one people die every day from gun violence. After 10 years of the Vietnam war, we lost nearly 60,000 Americans, and people were in despair. We lose more than that in gun violence in less than 2 years in this great Nation. If there were anything else that caused the death of 30,000 Americans a year, every single Senator would be in their chair and we would be demanding action and we would be crossing over party lines to stop it because that, my friends, is an epidemic.

People deserve to feel safe in their communities. I don't understand it. They deserve to feel safe when they go to a holiday party at work. They deserve to be safe sitting in these galleries. They deserve to be safe going to a movie theater. They deserve to be safe in their school when they are 6 years old or 16 or 26. They deserve to be safe in their workplace, at a shopping mall, at a restaurant, and at a health care clinic.

This is our job, to keep our people safe. We know the threats that face us abroad, and we have threats at home. So we need to do both. We need to protect our people abroad from threats abroad and from threats at home. The very best way to honor the victims of gun violence is to take sensible steps that are supported by the American people, such as universal background checks, safety features on guns, keeping assault weapons in the hands of our military and our police, and keeping guns out of the hands of people who are unbalanced, unstable, criminals. Then we can prevent these tragedies.

Will we prevent every tragedy? No. I know my friends will say: Well, someone can have a knife. Yes. It is a lot easier to get away from a knife than an automatic weapon that mows you down before you can even look up and figure out what is happening.

I am crying out today for support for sensible gun laws, and regardless of motive—regardless of motive—we need to make sure that military weapons belong in the hands of the military and the police. It is pretty straightforward. Our people are not safe. I don't care what State you look at, I don't care what city you look at, I don't care what county you look at.

San Bernardino is a beautiful place. I don't live far from there. I have an office about 15 minutes or less from there. People deserve to feel safe in our communities. So I send my love, my prayers, my solidarity to the community, to the families, to the first responders, and to everyone there. Yes, we are going to pull together, as all these communities do, but we need to prevent these things from happening because if we don't, we are liable.

I believe we are liable. We know what is killing people every day. It is gun violence, and we know it. I am not a lawyer, but I have a lot of family members who are lawyers—my son is, my father was, my husband is—and I think once you know something is happening and you can do something about it and you don't do something about it, you are liable—maybe not in a legal sense, but in a moral sense.

So I hope we can come together around this. Every time the press comes in and asks me, tragedy after tragedy after tragedy: Will something happen now? After Sandy Hook, I said: Absolutely. We are going to come together. We did not. We did not.

I want to close with this. In California we have tough gun laws. I don't know how these weapons got where they were. We will find out. People say: Well, we have these gun laws. Look at this; we have had a 56 percent reduction of gun violence since 1993 in my great State because we have taken action. But this is one Nation under God.

If somebody comes from a nearby State, from the North, from the East, and they have a gun—that is why it is so important for us to work together to have sensible national laws and universal background checks. Almost 90 percent of the people support it. The majority of NRA members support it. What is wrong with us that we can't do that? What are we afraid of?

These military assault-style weapons kill so fast—and so many people. We should make sure they are in the hands of the military and the police.

My heart is heavy and will remain so. This is supposed to be a great day for a lot of us who worked so long and hard on the highway bill. This was a moment we were waiting for, and that is what life's about. You know, there are these moments that you savor, and there are moments that you wish to God you never had to talk about or experience. That is the kind of day it is for this particular Senator, and I know Senator FEINSTEIN feels the same way.

I thank you very much, and I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I rise today to discuss an amendment I filed to the reconciliation bill, amendment No. 2887, to strengthen Pell grants.

This amendment provides middle-class families with the kind of stable funding source that they can rely on when it comes to paying for college. Pell grants have historically been the key investment in helping low-income students pay for college. Most of my colleagues would agree that a good education is one of the surest paths to the middle class.

In 1980, the maximum Federal Pell grant covered about 77 percent of in-state, 4-year college tuition. Now Pell grants account for only one-third of those costs. Rising college costs prevent many low-income students, no matter how hard they work, from being able to go to college and thus from reaching the middle class.

If the Senate can accomplish one thing that invests in our Nation's future, it should be to enact policies that help to stabilize and expand the middle class. We all know there is a growing income disparity in our country that is whittling down our middle class and making it harder and harder for people to get ahead in the first place. Key to the path forward for many is college affordability. Pell grants are a critical part of college affordability.

Almost half of all college students in the United States receive Pell grants to help fund their education, including 23,000 students in my home State of Hawaii. Unfortunately, Pell grants—the largest Federal student aid program—which are primarily funded by discretionary, not mandatory, funding appropriations, do not provide the kind of stable funding source that families can rely upon. Each year Congress in its discretion determines how much funding goes to Pell grants. This should change. Federal financial aid should be a resource that students and their families can count on, that they can plan around.

To that end, the amendment I filed would do two things. First, it would convert the Pell Grant Program from the discretionary side of the budget to the mandatory side of the budget for 5 years. That way, eligible families won't have to worry each year about congressional appropriations, at least for 5 years, and they can plan their financing for an entire 4-year degree. Second, my amendment would index Pell grants annually for inflation. That means that as college costs rise, so, too, will they allow Federal aid to low-income students.

Students and their families should have confidence that if they commit to earning an education, Federal support will be there for their hard work. My amendment would give them that stability.

This amendment is paid for by closing tax loopholes for corporate executives and hedge fund managers and by instituting the Buffett rule, to ensure that Americans who earn over $1 million per year pay their fair share of taxes—tax fairness from those who earn more in a year than many college graduates may earn in their lifetimes.

To give a hand-up to the next generation of strivers is more than reasonable to me. Access to educational opportunity is not a handout. Graduates will still have to work hard to get good jobs, start businesses, and succeed, and when they succeed, our country succeeds.

I urge my colleagues to support my amendment to stabilize and strengthen the middle class and to invest in our next generation of leaders.

The amendment to the underlying bill would improve it, but the underlying bill is deeply flawed. The underlying bill before us would take away health care access for millions of women, seniors, and low-income working people by gutting the Affordable Care Act, defunding Planned Parenthood, and undermining investment and prevention and research. The resultant harm to our people is a poison pill that we cannot impose on American families. This Republican bill, which does little for the middle class and working people, will be vetoed by the President. The Republicans know this, and yet they are bound and determined to pass this harmful legislation as soon and as fast as possible.

I ask my colleagues to stop, pause, and get our country back on track by supporting and strengthening the middle class, by giving a hand-up to the people who represent our country's future, and by not yanking the rug out from under the millions of Americans who rely on health care.

I yield back.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, a few months ago I asked my Republican colleagues if they had fallen down, hit their heads, and thought they woke up in the 1950s. Today I am back to check on my Republican colleagues because it appears they are suffering from a serious case of memory loss.

Before I call the doctors at Mass General, I have to say this really isn't a joke. I truly, honestly cannot come up with a better reason why my Republican colleagues have forced us back to the Senate floor once again to talk about another reckless scheme to defund Planned Parenthood. What is with you guys?

Remember this summer? Republicans launched a deliberate, orchestrated plan to defund women's health care centers. Let me just clarify. This was not a plan to defund abortions because for nearly 40 years the Federal Government has prohibited Federal funding for abortion. Nope. The plan was to defund Planned Parenthood health care centers that nearly 2.7 million people use every year, health care centers that one in five women across America has used for cancer screenings, pregnancy and STD tests, birth control, and other basic medical care.

To a lot of women and to a lot of men, the effort to defund Planned Parenthood health care centers was an overt attack on women's access to needed and legal health care. When the Republicans forced the Senate to vote on a bill to defund Planned Parenthood, it failed—and rightly so. That should have been the end of it, but Republican extremists just won't quit. In fact, they are doubling down.

Today Senate Republicans will use a special maneuver to hold another vote to defund Planned Parenthood, this time needing only 50 votes to pass instead of the usual 60. Even if they pass this reconciliation bill, President Obama has said he will veto it, but some Republican extremists vow to press on, using the most extreme tactics possible, taking the government hostage. They want to attach a rider to the government funding bill and threaten to shut down the government 10 days from now unless the Democrats agree to defund Planned Parenthood. Does that sound familiar? Well, that is because it is the very same tactic used in 2013 when Republicans shut down the government over the Affordable Care Act and flushed $24 billion down the drain—the very same tactic that former Speaker John Boehner admitted was a ''predictable disaster.''

Republicans may like playing politics with Planned Parenthood, but this isn't a game for the millions of women who depend on Planned Parenthood for basic medical care every year and who have nowhere else to go. Threatening to shut down the government is certainly not a game. It is not a game for cancer patients who could be turned away from clinical trials at NIH. It is not a game for small businesses that depend on our national parks being open for tourist visits. It is not a game for seniors who need their Medicare paperwork processed or for the veterans

whose benefits could be at risk, and it is not a game for the hundreds of thousands of Federal employees across this country—from park rangers to scientists to cafeteria workers and janitors at government buildings—who could be sent home 2 weeks before Christmas with no paycheck coming in.

This radical assault on women's health care and reproductive rights has gone on long enough. So in case my Republican colleagues are suffering from short-term memory loss, let me spell this out again loud and clear. We will not allow you to turn back the clock on women's health and women's rights. If you try to sneak provisions into the government funding bill to defund Planned Parenthood, we will fight you every step of the way, and we will win. That is not a threat; that is a promise.

I yield back the remainder of my time.

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

Mrs. SHAHEEN. Madam President, I rise this morning in opposition to the reconciliation bill that we are considering today. There are a number of reasons I have concerns, but one of the most important has to do with its repeal of the Affordable Care Act. The Affordable Care Act, while it is not perfect, is working. More Americans than ever before have access to health care.

In New Hampshire, almost 45,000 people have received health insurance through the exchange. Most of those people did not have health care coverage before the Affordable Care Act, and the majority of these people are getting insurance premium support to make it more affordable.

In New Hampshire, another 44,000 people are getting coverage through Medicaid expansion. The Governor and the State legislature worked long and hard to come to a bipartisan agreement—a Democratic Governor and a Republican legislature—on how to expand Medicaid in a way that works for New Hampshire. The reconciliation bill that we are considering today would turn back the clock on all of that work. It would repeal Medicaid expansion, and it would eliminate coverage for so many of the people who need it the most.

In short, this bill would wreak havoc on the lives of families and individuals, people such as Deborah from Conway, NH. She and her husband own a small business. They work hard, and they live within their means. But for 17 years, they have been without health insurance, and they have had to forego health care services because of costs.

As a result of Medicaid expansion, Deborah was recently able to go to the doctor for her first physical in 18 years. Imagine that; it was her first physical in 18 years. During that exam, she discovered that she has high blood pressure and that she is at risk for cancer. Thanks to the Affordable Care Act, she is able to take the preventive measures. She expects to live a long, healthy life and is probably going to save money because she has received this preventive care. We cannot turn our backs on people such as Deborah and her family.

Finally, the reconciliation bill would defund Planned Parenthood, which would deny access to 12,000 women in New Hampshire access to health care providers they trust and to services they need. For many of those women, Planned Parenthood is the easiest, most affordable, and best way for them, and—in many cases—the only way for them to get the care they need. I proudly stand with the millions of women who rely on Planned Parenthood, and I will continue to oppose any attempt to defund such an important component of our health care system.

While I remain gravely concerned about the underlying bill, I am pleased to join Senators WYDEN and MURRAY today in offering an amendment to address an issue that is vitally important to New Hampshire, to northern New England, and to much of the country, and that is this epidemic of heroin and opioid abuse.

In New Hampshire and across this country, drug abuse has reached epidemic proportions. Each day 120 Americans die of drug overdoses. That is two deaths every hour.

In New Hampshire we are losing a person a day due to drug overdoses. Drug overdose deaths have exceeded car crashes as the No. 1 cause of fatalities in the United States. We just had a report come out that shows that for the first time in years, the lifespan of White Americans is going down. It is going down for one reason that was cited, and that is because of drug overdoses. Mental health illness and drug abuse is a national public health emergency, and it is time for us to act.

What the amendment we are offering will do is to take important steps to provide critical resources for the prevention, intervention, and treatment of mental illness and substance abuse disorders. The amendment will ensure that any health insurance plan purchased on the exchange is held to mental health parity and addiction equity standards, and it will make it easy for consumers to know what benefits are covered and the insurance plan's denial records.

Importantly, the amendment makes it easier for patients to receive medication-assisted treatment drugs—drugs such as methadone, naltrexone and naloxone, commonly known as Narcan, and it prohibits lifetime limits on those drugs.

Our amendment also strengthens Medicaid coverage of services to prevent and treat mental illness and substance abuse disorders. Again, not only do we have this epidemic, but we don't have enough treatment beds, we don't have enough treatment facilities, and we don't have enough providers to assist and support those people who are trying to get clean. For years, Medicaid has been prohibited from reimbursing medically necessary care to patients in residential or treatment facilities with more than 16 beds.

Historically, this has been a barrier for patients who need these treatments for drug abuse and who have limited access to that treatment. Our amendment would enable more people to receive these services by allowing reimbursement for these facilities in States that have expanded Medicaid, such as New Hampshire. The amendment will also provide additional Medicaid Federal funding to help States provide community treatment programs and health homes for those in need of help.

Finally, this amendment provides over $15 billion of needed funding to States and municipalities to help address the public health emergency in those States and communities that are the frontlines of this crisis.

Through the substance abuse prevention and treatment block grants and the community mental health service block grants, this service is targeted to those most at risk for substance abuse and mental illness, giving the States flexibility to develop and fund programs that work best for them. This prevention, intervention, and treatment of substance abuse and mental health disorders have the potential to make the difference in millions of lives.

The amendment is fully paid for by closing tax loopholes. With the tools provided in this amendment, we can change the lives of those struggling with mental illness and substance abuse disorders, and we can turn the tide of this national public health epidemic.

I thank you all, and I hope that as we consider this reconciliation bill, we will have the opportunity to vote on this amendment and that there would be support to address the critical crisis we are facing because of heroin and opioid abuse.

I yield the floor.

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. SULLIVAN. 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. SULLIVAN. Madam President, I am going to take a few minutes to talk about the reconciliation bill that we are discussing and debating on the Senate floor this week, particularly the focus on repealing the Affordable Care Act, or what is called ObamaCare. There are many, many aspects of the bill that we are debating—the individual mandate, the Cadillac tax, the employer mandate. These will all be gone. Essentially, we will start the process of what I believe the vast majority of Americans want, which is real, affordable health care, not what we currently have.

I was recently home in Anchorage, AK. A lot of us get a sense of what our

constituents are feeling by going about doing our basic chores and running errands when we are back home. Two weeks ago, in the course of 2 hours of getting gas, at a grocery store, and at Lowe's, I had three different Alaskans come up to me and plead to do something about ObamaCare, how it was wiping out their home income and their small business—three in 2 hours.

Similarly, I was in Fairbanks a few days ago and heard from another small business owner. They made the same plea that many small business owners I have heard from in Alaska have talked about. They have had health insurance for their employees for years where they have taken care of them. Yet the increases in the costs of these plans are such that their companies will not be able to operate. They have this huge dilemma: to continue to cover their employees whom they care a lot about—some of whom have been working for decades—or to dump them into the marketplace, because that is the only way the company can survive.

That is the dilemma that this bill is putting people into. Hardly a day passes where I don't hear from constituents about the problems they are having. Let me give you a couple of examples.

A family in Eagle River, AK, will pay $1,200 a month in premiums with a $10,000 deductible under the new Affordable Care Act. A couple in Anchorage will be paying $3,131 a month in premiums—almost $38,000 a year.

Here is an excerpt from a constituent letter:

> The renewal paperwork that I just received estimated our new payment to be just over $1,000/month—doubling our monthly expense. . . . What is a young family to do?

Here is another constituent: ''There is nothing 'affordable' about the Affordable Health Care Act.''

Another constituent said:

> Insurance rates are killing my small business. . . . We have tried to keep our employees and their families covered but don't see how we can continue to [be in business].

Here is another constituent of mine: ''Please, please help us!!'' They are begging for help.

Teachers, construction workers, small business owners, self-sufficient Alaskans—so many of them—are asking for help because of what this Federal Government did to them.

The numbers don't lie. In Alaska and throughout the country, workers and families are suffering. Small businesses are being squeezed. Job creation is being stymied. Nearly every single promise made by the President of the United States and the supporters of this bill in the Congress has been broken.

Let me remind my colleagues what some of those promises were. Here is one from the President: ''If you like your health care plan, you'll be able to keep your health care plan.''

Here is another one from the President: ''If you like your doctor, you can keep your doctor.''

The law, he told the American people, ''means more choice, more competition, lower costs for millions of Americans.''

He told the American public that premiums would be reduced on average for Americans for their health care plans by $2,500. But again, the numbers we see don't lie. Costs are soaring all over our country. For example, a bronze plan under ObamaCare, the least expensive insurance available on the exchange, costs on average—this is a national average—$420 a month, with an average deductible of $5,653 for an individual and close to $11,600 for a family.

Remember former Speaker of the House and ObamaCare promoter NANCY PELOSI with her line about how important it was to pass ObamaCare so we could all figure out what was in it. She promised that ObamaCare would create ''4 million jobs—400,000 jobs almost immediately.'' That was the former Speaker.

Let's see what the Congressional Budget Office says about that promise. Recently, the CBO projected that ObamaCare will result in 2 million fewer jobs in 2017 and 2.5 million fewer jobs in America by 2024. Obviously, that promise didn't come true. Promise after promise was unfulfilled. It is no wonder the American people have such a low opinion of the Federal Government and the Congress.

What is of the laudable goal of health insurance for the uninsured? It is a very laudable goal, and there is no doubt about it—affordable health insurance for the uninsured. ObamaCare is barely moving the needle. Today there are 35 million people who don't have health insurance. According to the CBO, 10 years from now there is still going to be approximately 27 million people who don't have coverage under this system.

Let me get a little more specific in terms of my State. Probably no other State in the country has been more negatively damaged by ObamaCare than Alaska. Five insurance companies originally offered coverage in our exchanges in Alaska, offering a glimmer of hope of what is really needed in the health care market, which is competition. Today only two are left to provide individual insurance on the health care exchange. Both will be increasing premiums by approximately 40 percent this year. In Anchorage, for the lowest level plan—a bronze plan—premiums are going to go up 46 percent.

There you go—major metropolitan areas in the United States. Look at the far left. That is Anchorage, AK, and at 46 percent in 1 year, it will make it one of the most expensive and the biggest increase in terms of metropolitan areas in the United States.

Let me give you another example. A 40-year-old nonsmoker—individual—who doesn't receive subsidies will pay anywhere from $579 to $678 a month in premiums for a bronze plan with a deductible of either $5,250 for the more expensive premium or $6,850 for the less expensive premium.

Remember, ObamaCare requires Alaskans and Americans to purchase these plans. Remember what it did for the first time in U.S. history. The Congress of the United States told the American people: You must buy a product; you have to or you will be penalized.

That brings me to the penalties. Because of the prohibitive costs, some in Alaska and many across the country have chosen to go without coverage and pay the yearly fine under ObamaCare. But that fine is also very expensive. Alaskans and Americans are asking: What is the point? What is the point of having health insurance that has been forced on them by their Federal Government and that they can't afford? Others are foregoing seeing their doctors altogether.

A recent Gallup poll found that in 2014 one in three Americans says they have put off getting medical treatment they or their family members need because with these numbers it is too expensive. They are not going to the doctor. Again, what is the point? You have health insurance, but you can't go see your doctor because it is too expensive. That number, by the way—one in three—is among the highest number in the Gallup poll's 14-year history of posing this question.

As the costs rise, the numbers will continue to rise. Not surprisingly, given all of these numbers, given that number, a recent poll found that despite 6 years of being under ObamaCare, where our citizens of the United States were supposed to finally be comfortable with it, to understand it, to have it working, still 52 percent of Americans have an unfavorable view of it—only 44 percent, favorable.

For Alaskans, this is only going to get worse. The so-called Cadillac tax—one of the numerous taxes embedded in ObamaCare—is going to kick in for 2018. It will be devastating for individual Alaskans, for union members, and for small businesses across Alaska. It has been estimated that as many as 90 percent of Alaska businesses will be faced with the increased Cadillac tax. That is a tax of an additional 40 percent on these benefits. Many small businesses in Alaska will not be able to afford this. An employer with 20 employees, under the Cadillac tax will pay an estimated $28,000 a year more in taxes—just for the Cadillac tax on a small business. That can be the difference between make or break for that business.

Who is going to get hurt by this? Small businesses, but more importantly, their employees, their workers will. Those extra costs are going to trickle down to the workers, likely in the form of reduced benefits and reduced wages and more problems with their health insurance plan.

As I mentioned, it is not just small businesses. Hard-working Alaskans covered under union plans will also very likely be hit by the Cadillac tax, requiring them to pay much more, and

so will State and local government employer plans.

For all of these reasons, one of my campaign promises was to vote to repeal ObamaCare. I certainly plan to do it today when we take up this reconciliation measure. I certainly hope it is going to pass.

When this legislation gets to the President's desk, what will happen then? Well, he is likely going to veto it again. I hope he looks at these numbers and recognizes what a mistake this bill was and agrees with us to work together to replace it, but he is likely going to veto it, and in doing so will likely mislead Americans again by claiming that ObamaCare is working. It is not working.

Let me give you another example of how it is not working. UnitedHealth, one of the Nation's biggest insurance companies, recently announced that because of its huge losses, it may pull out of ObamaCare altogether. If United pulls out, then others are likely to follow.

Premera Blue Cross Blue Shield of Alaska, one of the only health insurers left in Alaska offering coverage on the exchange, said that it can't continue to sustain losses under the exchange.

As bad laws often do, ObamaCare contains the seed of its own destruction. But for the sake of millions of Americans and thousands of Alaskans who have been sold a false bill of goods, we can't simply wait to see it self-destruct. This was not the health care that was promised to Americans, and we can't let it get worse. We need to act, and that is why I am joining with my colleagues today to repeal this law. We need to look at replacing it with one that includes provisions that are missing, such as tort reform. We need a system that encourages purchasing insurance across State lines, encourages patient-centered care, and allows the kind of doctor-patient relationship that has been the hallmark of American care for many years.

Contrary to what some on the other side of the aisle have claimed, there have been many alternatives proposed to ObamaCare. The plan in the Senate has been introduced by Senators HATCH and BURR and Congressman FRED UPTON on the House side. Their legislation includes many of these important reforms. It will allow people to actually get involved in their own health care and not watch this train wreck in terms of health care becoming unaffordable for Americans throughout all of the different States.

When selling the law to the public, President Obama talked about the fierce urgency of now. That is exactly what I am hearing from my constituents when they write: Please, please help us. What is a young family to do? The fierce urgency of now is now.

Finally, I wish to comment on a number of my colleagues on the other side of the aisle who have been lamenting that this reconciliation vote we are going to take today is going to be along party lines. They have been lamenting that this might be some kind of partisan vote.

As the Presiding Officer knows, this is a bit rich and a bit ironic. It is very important to remember that 6 years ago, almost to the day, this legislation passed in the Senate and the House by a party-line vote—a partisan vote—so to hear their concerns now rings a little hollow. That was not a wise move back then.

One important lesson of U.S. history is that most, if not all, major pieces of legislation in the Congress on important social issues have been passed with bipartisan majorities, which helps to make legislation sustainable. That happens when the American people back that kind of legislation.

The American people have never backed this legislation, but democracy has an interesting way of working—not always quickly, but eventually. This law is not popular. It was never supported by the American people, and they are noticing. As a matter of fact, of the 60 U.S. Senators who voted for this law 6 years ago, 30 are no longer in this Chamber. That is democracy working.

We are going to take that vote again today. I am hoping some of my colleagues on the other side of the aisle will join us in repealing a law that doesn't work and is dramatically harming Americans so we can move on to a health care plan that helps us, helps families, and prevents constituents from writing to their Members of the Senate and begging for help, which is what is going on right now because of this bill.

I yield the floor.

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. CASEY. 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. CASEY. Madam President, I ask unanimous consent to speak as in morning business.

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

Mr. CASEY. Madam President, I rise to speak about some of the matters we are working on today with regard to votes that will take place later on.

We now are in a period in our economic history where we have had a significant recovery, but we still have a ways to go and still have families across the country who are living with some economic uncertainty. We can take steps today and certainly over the next couple of days and, we hope, in 2016 to ease some of that uncertainty or to create more economic certainty for our families, especially middle-class families.

One of the most important steps we can take to address some of the challenges our families face is to boost middle-class incomes. The most significant challenge we have as a nation right now, I believe over the long term, is what will happen to incomes—especially what will happen to middle-class incomes—over time.

I have an amendment today that will address part of the solution or part of the strategy to raising incomes. One of those ideas is an expansion of the child and dependent care tax credit, which is a tax credit that helps families afford childcare, and so I will speak about that for a couple of minutes today. The other issue we are going to deal with is the so-called dual-earner tax credit, which helps families who have young children where both parents work outside the home.

I don't think it is a news bulletin to anyone here or across the country that the cost of childcare has skyrocketed, especially in recent years. A recent study by the Pew Foundation found that average weekly childcare expenses rose 70 percent between 1985 and 2013. So the cost every week that a family is paying for childcare is up basically 70 percent in 30 years or 25 to 30 years.

That is one of the many costs that have gone up in the lives of middle-class families. Their childcare costs have gone way up, the cost of higher education has gone way up in that time period, the cost of health care, the cost of energy, and the cost of food. It seems as though for a middle-class family, every cost or every number we would hope would be going down or leveling off is going up. As a result, childcare is increasingly becoming literally unaffordable for middle-class families.

That is a reality in a context where we know that the cost is going up at a time when all the evidence shows that quality childcare can have a substantially positive impact on a child's life. One of the reasons quality childcare matters so much to a child is because they have opportunities to learn. One thing I have said over and over again is that if our children learn more now—meaning when they are in those early years—when they are in childcare settings, they are going to earn more later. That direct linkage, which all the evidence shows—all the data shows, all the studies show—the linkage between learning and earning is substantial. One of the best ways to make sure kids learn more now and earn more later when they are in the workforce is to make sure they have quality childcare.

To give one example, in Pennsylvania the average cost for full-time daycare for an infant is $10,640. For a 4-year-old, it is $8,072. Those numbers sound almost like approaching college tuition maybe at some public universities. Double-figure, thousand-dollar numbers for childcare is almost hard to comprehend—$10,640 for an infant and $8,072 for a 4-year-old. So what does that mean for, for example, married couples in Pennsylvania? It means that about 12 percent of their annual income is dedicated to childcare. How

about for a single-parent family? For a single mother, those numbers translate into 44 percent of her income. Forty-four percent of that single mom's income is going to childcare. And she has to have it because she has to work. This isn't something extra, something nice to do; she has to have that childcare. She has to be able to pay for it. And in a State such as Pennsylvania, which I think is fairly typical of the country when it comes to these costs, if that single mother is having to pay 44 percent of her income on childcare, that makes it very hard for her to makes ends meet, if not impossible.

That is why the Tax Code has long recognized the need to provide families with tax relief to offset childcare expenses through the child and dependent care tax credit. However, the way this tax credit is currently structured, it means that few families can benefit from it.

Here is what we should do. We should make the full credit available to most working families. More than 85 percent of taxpayers in Pennsylvania, for example, with children would receive the full benefit if our amendment passes. We should increase the maximum amount of the credit for children under 5 from $1,500 to $3,000, thereby reducing the cost of childcare by 35 percent. That would be one of the positive benefits of passing the amendment. Third, we should ensure that lower income families are better able to benefit from the credit by making it fully refundable. We have not done that. We should do that. That is what families would benefit from. Finally, we should retain the value over time by indexing the benefits in income thresholds to inflation.

That is what we do on the child and dependent care tax credit—a substantially positive advancement for families trying to pay for childcare as the cost of everything in their life is going up, for middle-class families especially.

Second, we have the so-called dual-earner tax credit. We want to expand those tax credits for working parents with young children. The amendment includes a provision which would provide up to a $700 tax credit on secondary earners' income for parents with children who are under the age of 12.

We know that as our workforce changes, we must develop policy that ensures that our Tax Code rewards work and expands opportunity for working middle-class families. That should be the goal of everyone here. I think on a lot of days it is, but sometimes the Senate doesn't focus on those priorities. Make the Tax Code reward work and expand opportunity. If we enact these policies we will guarantee that these middle-class families see their incomes go up and we can do it in a fiscally responsible way that pays for these tax cuts by closing the most egregious tax loopholes.

The amendment will say that companies can no longer evade U.S. taxes through so-called corporate inversions, which is when a large company buys another company overseas and then claims their headquarters are abroad. The inversion strategy that some companies have employed has been an abuse of the Tax Code and frankly an insult to working Americans.

We also ask, as a way to pay for these changes, that the very wealthy who have received lots of relief over the last decade—the kind of tax relief we have not seen in my judgment in human history, not just U.S. history—those folks at the very top have gotten a very good deal for the last couple of decades, especially the last decade or so, and this Senator thinks a lot of those folks would like to help their country and would like to help us pay for these commonsense tax relief provisions for middle-class families, especially as it relates to paying for the costs of childcare.

How do we do that? We can enact as part of one of the pay-fors the so-called Buffett rule, named after Warren Buffett—a pretty wealthy guy—but he has supported a measure that would ensure that a secretary or teacher doesn't have a higher tax rate than someone making millions of dollars a year or literally billions a year.

Finally, we would ensure that those who run very large corporations aren't able to use loopholes to avoid paying taxes. So these basic, commonsense steps would make sure our Tax Code works for the middle class and not just those at the very top. In particular, the way the Senate can focus on middle-class incomes is to put in place policies that help families pay for some of the biggest expenses they face, such as childcare.

Finally, Madam President, I will move to the issue of Medicaid. I know my colleague Senator BROWN is on the floor and has worked so hard on this issue over many years. I want to talk about a matter we are working on together, and I appreciate his leadership on Medicaid.

The effort we are undertaking would bolster the work we have done over the last 5 years to expand access to Medicaid. When Medicaid was expanded on the Affordable Care Act, the so-called Federal medical assistance percentage, FMAP, basically is when the Federal Government contributes to help States cover the cost of Medicaid. That was set at 100 percent for 2016. Beginning in 2017 the Federal Government's contribution would decrease until it gets to 90 percent in 2020. The amendment that Senator BROWN, I, and others will put forth will keep the Federal contribution at 100 percent until 2020, instead of letting it drop to 90 percent at 2020.

Pennsylvania has expanded into the Medicaid Program. We are happy about that, but in doing that what Pennsylvania did is they ensured that all individuals with incomes up to 133 percent of poverty were covered. Other States have not done this. This has created a so-called coverage gap that is impacting over 3 million people around the country.

One of the reasons States point to in refusing to expand Medicaid is they cannot afford to pay the costs they will incur, beginning in 2017, when the Federal share goes to 90 percent. The States at that point will have to pay more, and some are using that or citing that as a reason they will not expand Medicaid. This amendment would remove that concern that has been asserted by Governors and others around the country. States would be free to expand Medicaid without having to worry about how they pay the bill.

Wrapping up, let's remember what Medicaid means. Medicaid isn't some far-off program that doesn't affect a lot of Americans. It directly affects tens of millions of Americans and tens of millions more indirectly. For example, Medicaid pays for almost half of all the births in the country. Half of all the babies born in the country are paid for by Medicaid. Every Senator in both parties should remember that. So this isn't some program that you don't have to worry about, that can be cut and slashed without consequence. Half of the babies born in our country are paid for by Medicaid.

How about older citizens? Skilled nursing home payments—that is a shorthand way of saying nursing homes—60 percent of those payments are covered by Medicaid, and 65 percent of almost 23 million publicly paid resident days of care in the State of Pennsylvania are paid for by Medicaid, compared to 13 percent by Medicare. So Medicaid has a huge impact on long-term care for families across the country.

By the way, Medicaid is not just for low-income families. A lot of middle-income families benefit directly from the payments made by Medicaid for long-term care. So if you care about older citizens in your own family getting nursing home placement, if you care about 45 percent of all the babies born in the country, you better care about Medicaid, and you better care about efforts, in a sensible way, to expand Medicaid across the country, which would be better for all of us, especially the children, older citizens, and Americans who have disabilities who are all affected by Medicaid.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I understood that the Senator from Ohio was seeking consent to speak after me.

I would like to take a few minutes this morning to speak about how the Affordable Care Act is harming the people of the State of Alaska. This Senator has come to the floor a lot to talk about the fact that we in the State of Alaska have the highest insurance premiums. Well, again, we have the highest insurance premiums in the country. Believe me, I am hearing from

folks back home all the time about the burden that these costs place on them.

Our State's largest newspaper has been reporting, as we have seen these premium increases coming out over these past several months—they have been detailing the incredible rise of premiums throughout the State. The average monthly premium for a single 40-year-old in the State of Alaska is now over $700 a month—$700 a month for the average single 40-year-old—more than double the national average. People are paying thousands of dollars each month to insure their families. The insurance premium costs have gone up somewhere between 25 percent to 40 percent each year. How do you budget for that?

A family of three in Ketchikan—I got the information from them—are going to be paying almost $2,000 a month next year for one of the cheapest bronze plans available. This is a family of three paying for one of the cheapest plans, and they are going to be paying $2,000 a month. This plan comes with a $10,500 deductible. Heck of a deal. In spite of paying almost $24,000 on insurance, nearly all the medical bills will still be paid out of pocket for this family. They will not see any benefit until they have spent just about $35,000. Contrast the $2,000 per month for health insurance with their mortgage payment. Their monthly mortgage payment is $1,250. Does this seem right to anyone? It should not cost more to provide health care coverage for your family than to own your home.

We have a married couple in Wasilla who were paying $850 a month prior to the ACA, but that plan wasn't acceptable under the new regulations. The promise that you can keep the plan if you like it—well, that didn't hold. They had to find other insurance. Next year this married couple is going to be paying over $2,300 per month. That means they are going to be paying over $17,000 more per year for the same coverage. This is a 268-percent increase in just one calendar year. This is not right. This is unconscionable. It is not that this married couple has somehow increased their income by an additional $17,000 last year. No, this is just the cost to cover their insurance.

A self-employed man down in Homer whose insurance covers him, his wife, and his son has seen his costs increase from $325 per month 2 years ago to $1,325 a month since the ACA was passed. That is an additional $1,000 per month that these folks are now paying for the cheapest bronze plan available with a $12,000 deductible. This is not some Cadillac plan. This is the cheapest plan available. This is a $12,000 deductible. This is what these folks at home are paying.

The ACA repeal bill that we are currently debating addresses the problem by reducing the penalty for not buying insurance to zero. Alaskans could choose to buy insurance or simply save the thousands of dollars they would be paying each month that could be spent on medical bills as needed but would be available for the families to use as they see fit.

On top of the outrageous costs that we are seeing that come with the individual mandate, the Cadillac tax that I just mentioned hits Alaskans harder than anywhere else in the country. Premera is the largest insurer in our State and they tell me that about 62 percent of their customers in Alaska will be forced to pay these tax penalties under the Cadillac tax in 2018, the first year of the tax. The average cost will be $420. That would be the tax on the plan that they would be paying that first year. It is not as if these plans are grand. The problem is with the high cost of health care within our State. The tax penalizes Alaskans because our health care is more expensive in a rural State with a low population.

This tax is going to hit the State, the boroughs, and our school districts. It will take away money from public education and other services that the State provides. I am hearing from school districts. Instead of saying they are concerned about testing or some of the other issues we are dealing with in education, they are saying their No. 1 concern is the implementation of the Cadillac tax. It is the single greatest threat to quality public education. That is how Robert Boyle, the superintendent of the Ketchikan Gateway Borough School District describes the ACA, as the single greatest threat to quality public education. Bob's district faces a tax penalty of over $500,000 due to the Cadillac tax coming up in 2018, the first year of the tax, and the penalties only increase from there. The Ketchikan Gateway Borough School District is looking at a half-million-dollar tax coming due in 2018. They are not getting more money to run their school district. This is money out the door that isn't improving the education of a single child in that district.

We are facing a financial crisis in the State. The State cut the education budget this year, and they are looking hard at cutting it again next year. We are a State that relies on oil revenues, and you see what is going on with the price of oil. That is an impact to us. We are feeling it—desperately feeling it. School districts cannot afford the imposition of hundreds of thousands of dollars of new taxes on top of a budget reduction. The money, as you and I know, would be far better spent paying teachers what they deserve. School districts are now looking to possibly reduce benefits for teachers in order to avoid paying the new tax. With low pay and no benefits, how are our schools going to get ahead? How can we expect to attract and retain quality teachers? The answer is pretty real—we just can't do it. Without quality teachers who suffers? It is going to be the kids.

The bill we are debating solves the problem for 6 years by delaying the Cadillac tax for 6 years until 2024. That gives us time to find a way to address it permanently and in a responsible way. This Senator advocates eliminating the Cadillac tax altogether.

The problems with the ACA don't end with hundreds of thousands of dollars in new taxes on schools or charging individuals outrageous premiums. It also impacts our small businesses. I heard from so many business owners around the State who want to expand but are saying they just can't do it. They can't do it. They cannot afford to both expand their business and then hit the 50-employee threshold at which they are required to provide the insurance. So, at best, these businesses are kind of treading water right now. The ACA requires every business owned by an individual to be grouped together when counting employees.

I have heard from a fellow in my State from Fairbanks. He owns several businesses there. It is a mix of businesses. One is a plumbing distribution company, but he also has a whole handful of little coffee shops. There is quite a difference between plumbing distribution and coffee shops.

For tax purposes, Mr. Vivlamore's businesses are all treated as separate entities, and for legal purposes, they are all treated as separate entities. That makes sense. But for some reason, for purposes of health insurance, they are all lumped into one bucket. He has his employees from the coffee shop, and he has employees from the plumbing distribution business, so he is going to be required to provide health insurance when the mandate kicks in because he employs more than 50 people across all of his companies together, even though he doesn't have 50 employees in every one of his very different businesses. He has talked to me about what he is going to do about the prospect of possibly downsizing because the cost of doing business under the ACA for him is just too high.

This issue is also resolved in the bill by reducing to zero the penalty for noncompliance with the employer mandate. Employers will once again be free to offer workers more hours, hire more staff, or expand operations without facing a large tax penalty for not offering insurance or an equally significant cost increase when they are forced to provide insurance.

I have been on the floor before, and I have asked the question before, but it is worth repeating: For whom is the Affordable Care Act actually affordable? It is certainly not affordable for the average, hard-working Alaskan who is being forced to shell out thousands of dollars for their premiums each month. It is not affordable for the school districts and other State entities that will pay huge taxes. It isn't affordable for the kids whose educations will potentially suffer.

This law is not affordable for us in Alaska. That is why I support the bill that repeals the ACA and wipes out these harmful impacts. We cannot stand by and see these premiums shoot through the roof 30 percent or more each year, see our businesses artificially constrained, and see the quality

of public education decline. It just doesn't work.

I appreciate the time this morning and look forward to the opportunity this afternoon to weigh in on some of these very significant issues that have great and considerable impact on the people of Alaska.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I thank Senator MURKOWSKI for the consent request.

Madam President, I ask unanimous consent to speak for up to 12 minutes as in morning business.

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

OMNIBUS APPROPRIATIONS BILL AND POLICY RIDERS

Mr. BROWN. Madam President, many in Washington and on Wall Street seem to have collective amnesia. They seem to have forgotten, amazingly enough, about the destructive, devastating impact of the financial crisis even though it took place well less than a decade ago.

For millions of Americans, that crisis is unforgettable; millions haven't recovered. My wife and I live in the city of Cleveland in ZIP Code 44105. That ZIP Code in the first half of 2007 had more foreclosures than any ZIP Code in the United States of America. That was in large part because of Wall Street greed and a number of companies that engaged in predatory lending.

In September of 2008, Lehman Brothers collapsed—the largest bankruptcy in U.S. history—following a decade of unfair lending, Wall Street recklessness, lax supervision, and co-optation in too many cases by regulators and Members of Congress.

I recently interviewed former Federal Reserve Chairman Ben Bernanke on C–SPAN about his new book. The book title he was originally writing when he joined the Federal Reserve over a decade ago was going to be called ''The Age of Delusion: How Politicians and Central Bankers Created the Great Depression.'' This was about the Great Depression. I asked him what he would call a similar book or what a historian 20 years from now might call a similar book about the great recession, from which we have emerged over the last decade. He said it would be called ''Asleep at the Switch'' or ''Too Complacent.''

That complacency took a devastating toll on American families. That was the complacency of Congress, of the Bush administration, of regulators, of far too many people at OCC and the Fed who were captured, if you will—cognitive capture, regulatory capture, too close to the banking industry, too close to Wall Street, believing too much in the myths that were woven by Alan Greenspan and that crowd more than a decade ago.

The meltdown triggered a crisis that left America's economy hemorrhaging more than 750,000 jobs a month. Think back to January of 2009, when President Obama took the oath of office. We lost 750,000 jobs that month when Bush left office and Obama took office. The hemorrhaging, of course, didn't stop immediately, although over the last 5½ years, almost 6 years, we have seen job growth every single month.

By the time we hit bottom, we had lost 9 million jobs, the unemployment rate soared to 10 percent, and 5 million Americans lost their homes. The crisis—the worst since the Great Depression—took a shattering financial and psychological toll on a generation of Americans. Thirteen trillion dollars in household wealth was wiped out—again because of complacency and co-optation of the Federal Reserve under Alan Greenspan, of this U.S. Congress, and of the Bush administration.

Congress responded by passing Dodd-Frank. We put in place new rules to bring stability to markets, to ensure strong consumer investor protections, and to crack down on the reckless and irresponsible behavior of Wall Street. Again, to repeat: Since 2010, we have seen 68 months, 69 months, and 70 consecutive months of job growth—I believe the longest in modern economic history.

One of Wall Street reform's most important achievements was the creation of the Consumer Financial Protection Bureau. It has an accountable director to serve as a counterbalance to the Wall Street lobby, and it has an independent funding stream. It was created to ensure that never again would consumers be an afterthought in our Nation's financial system.

Because of Wall Street reform, banks are required to fund themselves using more of their shareholders' money and to hold more cash or assets that can be sold easily—we call that liquidity—when they run into trouble, to undergo strength tests, and to strengthen risk management. That is why this banking system is more stable and safer than it was during the Bush years.

The law also created the Financial Stability Oversight Council to fill gaps in the regulatory framework and establish a forum for agencies to identify risks to preempt, precipitate, and preempt the identifiable risks that could contribute to the next financial crisis.

An overwhelming majority of Americans support regulation of Wall Street. They know that Wall Street did serious damage to our country. But in May the Senate banking committee reported out a sweeping financial deregulation package along party lines. I tried to negotiate with Senator SHELBY during the spring. They broke down once it became clear that the effort wasn't about negotiating; it was really about rolling back the most important parts of Wall Street reform.

Senate Republicans are now working to move this controversial bill—this repeal, this rollback, this slicing of Wall Street, of Dodd-Frank—to roll back these reforms through the appropriations process. This move, unprecedented in its scale, shows the Republicans will try to ram their agenda through Congress any way possible.

Last year, Republicans slipped a repeal of section 716 of Wall Street reform into the end-of-year funding bill. They have tried the same stealth strategy to undermine Wall Street reform, only this time it goes far beyond one provision. Under the guise of so-called regulatory relief for community banks and credit unions, Republicans are trying to undermine consumer protections, sensible regulations for larger bank holding oversight companies, and the Financial Stability Oversight Council. These are a lot of words, perhaps, but what we know is they again want to do Wall Street's bidding—not on the floor of the Senate. We are not debating these issues on the floor; they want to do back-room deals to take care of their Wall Street friends. That is what all of this is about. That is why we introduced our alternative proposal last year.

Now the good news is this: Republicans and Democrats agreed with our approach in the House of moving noncontroversial bipartisan provisions. I wish to give a couple of examples.

Under the Surface Transportation Conference Report, which we will be voting on later today, we included changes in the bank exam cycle for small banks—a major help for community banks. It was sponsored by Senator TOOMEY and Senator DONNELLY, a Republican and a Democrat. It streamlines privacy notices. It is something I had worked on last session as a sponsor. This session Senator MORAN and Senator HEITKAMP introduced it. It allows privately insured credit unions to become members of the Federal Home Loan Bank system, something I have worked on for some time. We have put these in the Transportation bill. We have done what we should do for community banks—not everything we should do, but we have done much of the agenda for the community banks and the small credit unions.

Our goal is to do this right, to debate these issues on the floor, and to help those institutions under $10 billion. They didn't cause the financial crisis; we know that—nor did banks the size of Huntington, $55 billion; of Fifth Third Bank, $130 billion. KeyCorp was $90 billion and is about to do an acquisition that will make them a little larger.

As the ranking member of Senate banking, I have heard time and again the calls for legislation to undermine the new financial rules. Let's help these community banks, but let's not do the bidding of Wall Street. In this bill, we are helping those community banks be more efficient, be able to cut some of their administrative costs, and still protect consumers.

What people want to do in the back room on the omnibus bill is jam all kinds of issues through the Senate that, frankly, are weakening Dodd-Frank. It will challenge and undermine the financial stability of our system.

It is pretty clear to me that far too many Members of this body have forgotten the lessons and forgotten what happened in 2007 to our country and to people in our great country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

GUN CONTROL

Mr. SHELBY. Madam President, the tragic murders that occurred in California yesterday are unthinkable and by all standards horrific. My thoughts and prayers today go out to all of the victims, their families, and the entire community. Today I would also like to take a moment to thank the brave first responders there who selflessly and honorably risked their own lives in order to protect the lives of others.

Following the tragic events of yesterday, President Obama unsurprisingly called to limit the Second Amendment rights of the American people through stricter gun control. I believe this is yet another example of the President using tragic events to push his political agenda.

Infringing on the rights of law-abiding citizens to keep and bear arms is not the answer to curbing violent crime in America. Restrictive gun control measures only prevent law-abiding citizens from protecting themselves because criminal criminals, by definition, refuse to follow the law.

In addition to President Obama's misguided calls for gun control, he recently issued an Executive order to remove unarmed military surplus vehicles that were obtained through the section 1033 program from local law enforcement. These vehicles have been valuable to local law enforcement officials in my home State of Alabama, specifically in Calhoun County. They were also used by the local law enforcement people seeking to protect those in harm's way yesterday in California.

I have called on the President to reverse the dangerous decision he made in which he abuses the authority of his office, I believe, by making unilateral decisions through executive fiat. During this time of increased uncertainty at home and abroad, I believe the American people are looking to us for certainty that we will do everything in our power to keep them safe.

Unfortunately, I believe President Obama has once again chosen to attack and weaken law enforcement and law-abiding citizens instead of focusing on fighting against criminals and radical Islamic terrorists.

Let me be clear here today. The President's calls to increase gun control and remove equipment from law enforcement used to keep us safe only undermines the safety and security of the American people. We simply cannot and must not continue to let this administration infringe upon our constitutional rights and put law-abiding Americans in harm's way. I hope we will continue to fight for our constitutional rights here.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

NOMINATIONS

Mr. CARDIN. Madam President, shortly I will be asking consent to advance certain nominations of the President for confirmation by the Senate. I do that in my capacity as the ranking Democrat on the Senate Foreign Relations Committee. There are seven that I will bring up today, but there are many more waiting for action. Seven represents some of these nominees. There are others waiting for action.

What these seven all have in common—all seven—is that they are well qualified for the position, they have gone through the process in the Senate Foreign Relations Committee—the committee of jurisdiction—they have had hearings, there have been questions asked, the vetting has been done, and they have cleared the committee by unanimous vote. There is no reason to withhold their confirmation when looking at their qualifications for the positions they have been nominated for.

In some cases, these nominees have been waiting as long as 6 months for confirmation on the floor of the Senate. In each of these instances, we are talking about confirming individuals to positions that have importance for our national security and that will be directly involved in protecting our country. Recent events only underscore the importance to have confirmed executive nominees to handle the challenges that are brought before our country.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR NO. 375

Let me start by first mentioning Tom Shannon. Tom Shannon has been nominated to be Under Secretary of State for Political Affairs and is the Department's fourth ranking official, responsible for the management of six regional bureaus of the Department as well as the Bureau of International Organization Affairs. This is a tremendously important leadership position on key national security issues.

Among the many issues with which the Under Secretary will contend, we have the implementation of the Iran nuclear deal. This is the person who is responsible within the State Department as its top management, and I think every Member of the Senate wants to see this implementation done in a way that prevents Iran from becoming a nuclear weapons state. This individual also will be monitoring the civil wars raging in Syria, Libya and Yemen, which we know have a major impact on the voids created that allow ISIL to be able to gain footholds. The growing turmoil in Venezuela, the conflict in eastern Ukraine, and the need to ensure the full implementation of the Minsk agreement, as it relates to Ukraine, are all on the plate of the person who holds this position.

Tom Shannon has been nominated and has gone through the process. He has received the full support of the Senate Foreign Relations Committee. He is a seasoned diplomat. We are fortunate that Ambassador Tom Shannon, a career member of our diplomatic corps who is held in universal respect and esteem by his colleagues, has been nominated to this position. Few diplomats have served our Nation under both Republican and Democratic administrations with as much integrity and ability.

In his current role as Counselor of the Department, he provides the Secretary with his insight and advice on a wide range of issues. He has previously served as Ambassador to Brazil, as Assistant Secretary of State, as Senior Director for Western Hemisphere Affairs at the National Security Council, and in challenging posts in Venezuela and South Africa, among others. He has also served as Acting Secretary for Political Affairs. So he already has the experience and the job training in order to accomplish this.

So as I said, there has been no objection raised as far as his qualifications and the need to confirm this appointment.

Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 375; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Madam President, reserving the right to object, in the hours that have followed the tragic shooting in San Bernardino, when all our prayers are with the families of those who were murdered and those who were injured, more and more of us are becoming concerned that this reflects a manifestation of radical Islamic terrorism here in America. The facts are still not entirely clear, but in the wake of the Paris attack, it is appearing more and more likely that is what this was.

In the wake of these horrific attacks by radical Islamic terrorists, it has become abundantly clear that President Obama's Iranian nuclear deal——

Mr. CARDIN. Madam President, I ask unanimous consent that the Senator's comments come off Republican time.

The PRESIDING OFFICER. Is there objection?

Mr. CRUZ. I didn't hear.

Mr. CARDIN. This is your time, not our time.

Mr. CRUZ. Sure.

The PRESIDING OFFICER. Without objection, the time consumed by the Senator from Texas will come off the Republican time.

Mr. CRUZ. In light of these terrorist attacks, President Obama's Iranian nuclear deal looks worse and worse and worse.

The idea that the United States of America would be sending over $100 billion to the Ayatollah Khamenei—the

leading financier of terrorism in the world—is profoundly foolhardy. At the time that deal was being negotiated, I sent a letter to Secretary Kerry informing Secretary Kerry that under no circumstances should the Obama administration attempt to go to the United Nations and circumvent Congress with this foolhardy and catastrophic deal. In that letter to Secretary Kerry I said explicitly: Under no circumstances should the executive branch take such action before the congressional review process is complete. Thus, I ask that you provide written assurances that you will take all necessary steps to block any U.N. Security Council resolution approving the JCPOA until the statutory time line for congressional review has run its course. Until you provide such assurances, I intend to block all nominees for the Department of State and hold any legislation that reauthorizes funds for the Department of State.

This was fair warning, given ahead of time, that the State Department should not try to circumvent the Congress, should not try to undermine U.S. sovereignty, and should not go to the United Nations to try to approve a deal—particularly a deal that profoundly endangers the national security of this country. The Obama administration ignored my warnings and went to the United Nations anyway.

I would note that under the terms of the Congressional Review Act, the congressional review period has not yet run. The Congressional Review Act says that time does not begin to run until the President submits the entire deal to Congress. That statute defines the entire deal to include any and all side agreements. We know of at least two side agreements governing inspections that have not yet been given to this body. So, accordingly, the congressional review period has not yet begun, much less ceased.

When I told Secretary Kerry that if the State Department circumvented Congress and went to the United Nations, I would block State Department nominees, that was not an empty threat. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. CARDIN. Madam President, I certainly understand the right of the Senator to object. I would just hope that this could be resolved. It is not about the State Department being put at a disadvantage by not having these confirmed positions; it is the American people. These are security positions for which we have to have representatives, and not only of the State Department. As I go through these nominations, we will be talking about the Legal Adviser at the Department of State, and we will be talking about ambassadors.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR NO. 204

Next, Madam President, let me mention Brian Egan to be State Department Legal Adviser. The Legal Adviser is the principal adviser to the Department of State on all legal matters, domestic and international, arising in the context of the work of the Secretary of State and the Department as a whole. The Legal Adviser also advises the President and the National Security Council, as well as other Federal agencies, on all legal matters involving the conduct of foreign relations.

I think we are all familiar with the challenges we have that are raised every day in the Senate—issues raised about whether this is legally acceptable or not. We really should have a confirmed Legal Adviser to the State Department in order to respond to the concerns not only of the Congress but of the American people and our international partners.

Like Ambassador Shannon, Mr. Eagan has also served in both Republican and Democratic administrations. He entered public service in 2005 as a civil servant in the Office of Legal Adviser of the State Department, which was headed at the time by Secretary of State Condoleezza Rice. He has worked in the private sector. He has served as Assistant General Counsel for Enforcement and Intelligence at the Treasury Department. He has served on the National Security Council staff.

His is a nonpartisan, fairminded individual who clearly has the skills and ability to advise our policymakers well and lead the Office of Legal Adviser.

He has been waiting since June for floor action. This is not a matter that just recently came to the floor of the Senate. He has been waiting since June. It has now been 6 months.

Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 204; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Madam President, reserving the right to object, the single greatest national security threat facing the United States today is the threat of a nuclear Iran. The President's catastrophic Iran deal only increases the likelihood the Ayatollah Khamenei will possess nuclear weapons.

There are some in this body who suggest we should trust Iran. Well, I do trust Iran. When the Ayatollah Khamenei, with a cheering crowd, burns Israeli flags and American flags and promises ''Death to America,'' I trust the Ayatollah means what he is saying. Therefore, we should not be giving him over $100 billion and facilitating his getting nuclear weapons. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR NOS. 332 AND 333

Mr. CARDIN. Madam President, I next would like to address the nomination of David Robinson to the position of Assistant Secretary of State for Conflict and Stabilization Operations.

The Bureau of Conflict and Stabilization Operations has an important role to play in helping the Department of State to address the multiplying violent conflicts around the world and the rise of violent extremist groups. I don't have to tell this body how many challenges we have globally in conflicts dealing with extremists. This is the key person to deal with this issue. Ambassador Robinson clearly has the background and skills to excel in the position for which he has been nominated. He is a career diplomat. This is a career diplomat. This is a person who at an early age went into service for our country—at great risk, as we know. With over 30 years of experience, he currently serves as the Principal Deputy High Representative in Bosnia and Herzegovina, where he oversees the implementation of the peace agreement that ended the war in Bosnia and Herzegovina. He has served both Democratic and Republican administrations far and wide under dangerous and demanding circumstances. He was the Assistant Chief of Mission at the U.S. Embassy in Kabul, Afghanistan. Ambassador Robinson has served as the Principal Deputy Assistant Secretary for Populations, Refugees, and Migration, and as U.S. Ambassador to Guyana from 2006 to 2008, and as Deputy Chief of Mission in Guyana and Paraguay.

This is a highly qualified individual, a career diplomat who has shown his commitment and dedication to serving our country. The position he has been nominated for is a critically important position at this time in our history.

Therefore, Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 332 and 333; that the Senate proceed to vote without intervening action or debate on the nominations; that if confirmed, the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Madam President, reserving the right to object, I have not placed a hold on this nomination, because my hold has been limited to political nominees, not to career foreign service officers serving as ambassadors. That being said, Mr. GRASSLEY, the senior Senator from Iowa, has filed a formal notice of intent to object to this nomination, and, therefore, on behalf of the senior Senator from Iowa, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR NOS. 148 AND 263

Mr. CARDIN. Madam President, Azita Raji has been nominated for Ambassador to Sweden and Samuel Heins

as Ambassador to Norway. Having representatives on the ground in Scandinavian countries is urgently needed. Both Sweden and Norway are key strategic allies and members of the Arctic Council. Russia's recent military activities in the Arctic and its disputed territorial claims in vast stretches of waters make the presence of a strong American voice in Sweden and Norway essential.

Moreover, nearly 300 Swedish citizens have left to fight in Syria or Iraq, making it the second largest country of origin per capita for foreign fighters in Europe. Put simply, we need representation in Stockholm and Oslo to protect the U.S. strategic interests abroad.

I particularly want to note the close ties and deep friendship the United States and Norway have, symbolized by the 32-foot Christmas tree at Union Station that is annually gifted to the American people by Norway, their gratitude for U.S. assistance during and after World War II.

Norway is a founding member of NATO alliance and has been more than diligent in attending to its obligations. It has contributed personnel to NATO's operations in Afghanistan, Libya, and the Balkans. Its former Prime Minister currently serves as the 13th Secretary General of NATO. Just this year, Norway assumed leadership responsibilities for NATO's air-policing mission over the Baltic States and is participating in a large-scale NATO anti-submarine exercise.

I am also pleased to note that these nominees for these critical positions have incredible backgrounds. Neither were controversial during the consideration by the Senate Foreign Relations Committee. Azita Raji is an accomplished businesswoman with impressive international credentials. She was the vice president of J.P. Morgan Securities in New York, Tokyo, and Japan. She speaks five languages and has published in the Journal of the American Medical Association.

Samuel Heins is not only a highly respected lawyer in his home State of Minnesota, but with over 40 years of legal experience he is also a distinguished human rights advocate. He founded Minnesota Advocates for Human Rights. He was a private citizen member of the 2011 U.S. mission to the United Nations Human Rights Council in Geneva and has won human rights awards.

Samuel Heins has been waiting for 200 days. This is not a recent matter. Azita Raji has been waiting almost a year for confirmation. These are people who are ready to serve our country, critical allies.

Mr. President, therefore, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 148; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

This is the Azita Raji nomination

The PRESIDING OFFICER (Mr. SASSE). Is there objection?

The Senator from Texas.

Mr. CRUZ. Mr. President, reserving the right to object. When Secretary Kerry chose to ignore my request that the State Department not submit this catastrophic Iranian nuclear deal to the United Nations, Secretary Kerry did so with open eyes. He did so knowing the consequences because I had spelled them out explicitly; that the political nominees he would want to put forward at the Department of State would not proceed if Secretary Kerry chose to undermine the authority of the Congress of the United States, to undermine the sovereignty of this country, and to instead treat the United Nations as the relevant decisionmaking body. He did so nonetheless.

As a consequence, the Obama administration is proceeding forward under this Iranian nuclear deal as if it is binding law. The Obama administration is proceeding ultra vires. They are proceeding contrary to law under the explicit terms of the Congressional Review Act. The period of time for congressional review has not begun to commence because the Obama administration has not submitted the entire deal to the U.S. Congress. They have not submitted the side deals. As a consequence, under explicit U.S. law, it is contrary to the law for the Obama administration to lift sanctions on Iran.

I wish to note to any bank at home or abroad that is in possession of Iranian assets, any bank that chooses to release those assets to the Ayatollah Khamenei or to other Iranian interests will be acting directly contrary to Federal statutory law. Even though President Obama and Secretary Kerry are choosing to disregard the law, that does not exonerate the private banks from potential civil liability in the billions or even criminal liability. The stakes are too high. I move to lay that motion on the table.

As we wrestle with the ravages of radical Islamic terrorism, the idea that the President of the United States is trying to send over $100 billion to the Ayatollah Khameini—a theocratic zealot who promises death to America—makes no sense at all. It means that if and when those billions of dollars are used to fund jihadists who murder Americans, the blood of those murders will be on this administration's hands. If you give billions of dollars to jihadists who have pledged to commit murder, you cannot wash your hands of responsibility for their doing exactly what they have told you they would do. Accordingly, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. CARDIN. Let me remind our colleagues we are talking about the Ambassador to Sweden.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 263; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

This is the Samuel Heins nomination.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR NO. 127

Mr. CARDIN. Mr. President, I wish to address the nomination of Cassandra Butts to the post to be Ambassador to the Bahamas. Cassandra Butts is currently a senior advisor to the CEO of the Millennium Challenge Corporation in Washington, DC. She is a leading attorney and former Deputy White House Counsel. She is known for her expertise in both domestic and foreign policy, particularly in economic development and migration policy, due to her work on the board of the National Immigration Forum.

I am confident she will apply these essential skills to the task of furthering the bilateral relationships between the Government of the Bahamas, a key U.S. Caribbean partner.

Therefore, Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 127; that the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Mr. President, reserving the right to object. Today the single greatest national security threat facing America is the threat of a nuclear Iran. President Obama's catastrophic Iranian nuclear deal dramatically increases the likelihood that the Ayatollah Khamenei will possess nuclear weapons and will use those nuclear weapons to commit horrific acts of terror. Moreover, Secretary Kerry's decision to go to the United Nations and circumvent the Congress of the United States, disregard the authority of the people of the United States was unacceptable and was profoundly damaging to this country. Accordingly, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. CARDIN. Mr. President, the nominees I went through unanimous consent requests—all are important to our national security. We are talking about Ambassadors. We are talking about career people whom we depend upon for advice, for handling conflict areas. It is in our national security interests to get these nominees confirmed. They have been held up for as long as a year in some cases.

I understand the right of individual Senators. I urge my colleagues, we have a responsibility to act on these nominations. I urge my colleagues to work with us. I applaud Senator CORKER. He has moved these nominations through the committee. For these reasons, I urge my colleagues to work with us so we can get these individuals serving our country. They are public servants and they deserve our consideration.

The PRESIDING OFFICER. The Senator from Oregon.

H.R. 1599

Mr. MERKLEY. Mr. President, I want to note that right at this moment there are Senators of this esteemed body who are doing something that is not so esteemed. They are working to put into some of the must-pass legislation that we will be considering today and in the days to come something known as the DARK Act. The DARK Act is the Deny Americans the Right to Know Act. It takes away the ability of States to make sure the citizens of their State have the knowledge they would like to have about the food they eat.

We have seen in the toxics discussion in the Senate how important it is to individual States to have the ability to identify for their citizens what is in the everyday household products they have: their spoons, their plates, their bedding, and so forth—but it is much more important. It is an order of magnitude more important to citizens to have the right at the State level to decide how to inform individuals about what is in the food they eat.

This proposal to put the DARK Act—taking away the rights of the States, taking away the rights of citizens to use their democracy to be able to know what is in the food they eat—is being proposed to be put into a bill in the dark of night. The DARK Act should never go into legislation in this Senate. It should never be considered airdropped in, in the dark of night, into must-pass legislation. It should be debated openly in committee, thoroughly vetted, thoroughly considered, because that certainly is the type of consideration merited by an issue so fundamental to citizens as knowledge about the food they eat and the food their children eat.

Let us not, as a Senate, commit such a disgraceful act as taking away the State right and the individual desire to have knowledge about the fundamental food that we consume. Let us not have that airdropped in the dark of night. That would be a huge mistake.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, it has now been over 5 years since President Obama signed into law this so-called Affordable Care Act, a sweeping health care overhaul that had passed this Chamber without a single Republican vote. While legislation as important as this should have been held to the highest standard and included broad bipartisan support, President Obama and then the 60-vote congressional Democrats relied on fuzzy math and false promises to jam through this enormous, unwieldy health care measure that the American people overwhelmingly oppose. Such unilateral action has become President Obama's signature domestic policy legacy, but today all that bullying and brinkmanship comes to a screeching halt.

The legislation we will vote on today takes a critical step forward in lifting the burden that ObamaCare has placed on hard-working citizens across the country who have been saddled by rising premiums, increased health care costs, and reduced access to doctors and hospitals. It continues our long fight to repeal this harmful law and build a bridge to health care solutions that work.

Since ObamaCare's enactment, Americans have been left wondering what happened to all the promises: the promise to remove obstacles to obtaining coverage, the President's promise to reduce yearly premiums by up to $2,500 for a typical family, his promise to maintain existing providers. Remember, if you like your doctor you can keep him, his promise to prevent any form of new tax increases, and a promise to increase competition and provide greater choice.

Despite all of the President's assurances, ObamaCare has been full of empty promises that have made our Nation's health care problems worse. One of the reasons I voted against ObamaCare was because despite being portrayed as affordable, there were numerous predictions that Americans across the country would be faced with increased health care costs. Guess what. Such predictions have become reality. Just as recently as this past summer, the President promised that under ObamaCare health insurance premium increases would be ''modest.'' This is despite the fact that the State insurance regulators and actuaries were predicting the exact opposite outcome.

Let's take a look at how modest these cost increases will be for my home State of Arizona. Data released last month by the Department of Health and Human Services shows that Americans enrolled in the Federal marketplace will see an average premium increase of at least 7.5 percent with the second lowest so-called silver plans known as benchmark plans.

In Arizona, 24 exchange plans will see double-digit rate hikes in 2016. In Phoenix, premium increases are projected to top 19 percent. The highest average premium increase in my home State is projected to reach a whopping 78 percent.

My constituents in Arizona call and write me daily, begging and pleading that something be done to alleviate the financial hardship of ObamaCare.

Thomas from Flagstaff wrote to me and said his monthly premiums jumped from $200 to $600 a month. Jim, a resident of Arizona for over 25 years, will soon pay an additional $160 per week. It goes on and on and on. Stories such as these are unacceptable.

While the President and my colleagues on the other side of the aisle continue to describe ObamaCare as a success, families, patients, doctors, and small businesses across America continue to suffer from the disastrous effects of the President's failed health care law.

Today I am proud to once again stand with my Republican colleagues as we continue the fight to repeal and replace ObamaCare. From the start, I opposed this sweeping scope of the health care law and proudly proposed the first Republican amendment to ObamaCare in 2009 which would have prevented the President from slashing Medicare by half a trillion dollars. Since then, I have continued my efforts by sponsoring numerous other pieces of legislation that would lift the burden that has been placed on individuals and small businesses alike.

Most recently, I introduced the Obamacare Opt-Out Act with Senator BARRASSO in this Congress, which would give Americans the freedom to opt-out of the individual mandate for health insurance coverage required by ObamaCare. It is critical that we eliminate this costly mandate which is estimated to cost Americans who decide not to enroll in ObamaCare roughly $695 per adult and $347 per child in 2016 and even more in the years ahead.

This legislation we will vote on today takes an even bigger step forward in freeing Americans from the harmful effects of this law. It provides relief to individuals and employers alike by eliminating costly penalties for those who fail to comply with ObamaCare's mandate. It repeals draconian tax increases—such as the medical device tax and the Cadillac tax—that have made health care more expensive and driven innovative companies to move critical operations and research and development overseas. It ensures that Americans will not experience any disruption in their health care coverage by delaying the implementation date by 2 years. Most importantly, it gets the government out of the way and puts patients in charge of their health care decisions and needs.

The fact is, we can repeal and replace ObamaCare with health care policies that work. For years I have underscored commonsense policy alternatives, such as providing Americans with a direct, refundable tax credit to help them pay for private health care, expanding the benefits of health savings accounts, passing medical liability reform, or ''tort reform,'' and extending the freedom to purchase health care across State lines. These are proposals that would provide immediate relief to Americans and my fellow Arizonans who have been left to choose between buying groceries or paying for health insurance under ObamaCare.

Perhaps the greatest flaw in President Obama's health care law is that it has severely limited consumers' access to quality care. Today, limited access is now commonplace, costs are increasing, and government bureaucrats remain at the center of an individual's health care decisions.

It is clear that any serious attempt to improve our health care system must begin with full repeal and replacement of ObamaCare—a mission I remain fully committed to fighting on behalf of the people of Arizona.

I urge my colleagues to vote yes on this critically important bill today. It will build a bridge from the President's broken promises to a better health care system for hard-working families in Arizona and across the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that during the vote series related to H.R. 3762, there be 2 minutes equally divided between each vote and that the first votes in the series be in relation to the Murray amendment No. 2876 and the Johnson amendment No. 2875, with a 60-vote affirmative threshold required for adoption.

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

Mr. ENZI. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, we are on the verge of a series of votes, and we are also just a few days away from the third anniversary of the hideous and horrific shootings at Sandy Hook.

Once again, the unspeakable has happened in America. The mass murders in San Bernardino reminds us of the inaction by this body. Congress has become complicit by its inaction in this mass slaughter which continues in America. Yet, listening to the debate on the floor, one would think it is business as usual.

We are debating whether to repeal the Affordable Care Act again. How many times have we voted on that issue? How many times have we voted to defund Planned Parenthood? Yet what we see on the floor of the Senate and throughout Congress is a shrug of the shoulders. It can't be done or won't be done.

Now is the time for action. We are past the point of platitudes and prayers. We need them. San Bernardino deserves them. But prayers, thoughts, and hearts need to be matched by action. The time for action is now. We need to pass sensible, commonsense measures that will make America safer and better.

There is no single solution or panacea to stop gun violence, but inaction is not an option. A shrug of the shoulders is not acceptable. That is not what we were elected to do. We were elected to act and provide solutions. Strong laws, such as what we have in Connecticut, are a good start, but State laws will not prevent guns from crossing borders from States without strong laws. The States with the strongest laws are at the mercy of States with the weakest protection because borders are porous.

The question in America today is, What will it take—30,000 deaths a year, a mass shooting every day? A mass shooting is four or more individuals shot. What will it take for this body to act?

We are not going away. We are not giving up. We are not abandoning this fight. We are on the right side of history, and we will prevail. Today will be an opportunity to show which side we are on.

I urge my colleagues to support these sensible, commonsense amendments which will at least take a step—by no means a complete or even a fully adequate step—in the right direction.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, this week we have been debating the future of ObamaCare, which still remains unworkable, unaffordable, and more unpopular than ever. For millions of Americans, the law today represents nothing more than broken promises, higher costs, and fewer choices. Recent polling shows that most Americans still oppose this unprecedented expansion of government intrusion into health care decisions for hard-working families and small businesses.

That is why Leader MCCONNELL promised that we would send a bill to the President's desk repealing ObamaCare using budget reconciliation, and that is exactly what we are doing. There is a special provision under the budget that allows us to send a bill to the desk with a majority of votes in the House and a majority of votes in the Senate. The majority of votes in the House has occurred, and now we are debating changes to that bill.

The amendment's repeal of ObamaCare allowed under the rules of reconciliation—including its taxes, regulations and mandates—sets the stage for real health care reforms that strengthen the doctor-patient relationship, expands choices, lowers health care cost, and improves access to quality, affordable, innovative health care for each and every American.

As I noted at the start of this debate, ObamaCare will crush American households with more than $1 trillion in new taxes over the next 10 years. This means ObamaCare will cost taxpayers more than $116 billion every year and result in smaller paychecks for families while holding back small businesses from expanding and hiring new workers. For hardworking taxpayers, ObamaCare has meant more government, more bureaucracy, and more rules and regulations, along with soaring health care costs and less access to care.

By the time we are done, the Senate-passed ObamaCare repeal will eliminate more than $1 trillion in tax increases placed on the American people, while saving more than $500 billion in spending. Lifting the burdens and higher costs the President's law has placed on all Americans will help the Nation move forward from ObamaCare's broken promises to a better health care system for hardworking families across the country.

ObamaCare contained more than $1 trillion in tax hikes from over 20 different tax increases. These tax increases included a new excise tax on employer-sponsored insurance plans, the so-called ''Cadillac tax,'' taxes on insurance providers, prescription drugs, medical devices, a new tax on investment income, and additional taxes and other restrictions on Health Savings Accounts, among others. Eliminating these taxes can help boost economic growth.

The Senate bill repeals $1 trillion in tax increases included in ObamaCare: Cadillac tax, which would force companies to shift costs to employees or to reduce the value of the health care benefits they provide; medical device tax, which would harm healthcare innovation, stifle job creation, and increase the difficulty of delivering high quality patient care; health insurance tax, which would increase health insurance premiums; individual and employer mandates, which forced people to purchase a government defined level of health insurance; prescription drugs taxes, which would make critical medication more expensive; and health savings accounts tax, which would essentially make over-the-counter medicines more expensive by making them ineligible as qualified medical expenses.

According to the Congressional Budget Office, CBO, repealing ObamaCare would raise economic output, mainly by boosting the supply of labor. The resulting increase in public and private sector growth, GDP is projected to average .7 percent over the 2021 through 2025 period. Alone, those effects would reduce Federal overspending by $216 billion over the 2016 to 2025 period according to the CBO and Joint Committee on Taxation, JCT, estimate.

ObamaCare included over $800 billion in Medicare cuts. Instead of using those savings to strengthen and secure Medicare, the President, along with Congressional Democrats, took those funds and used them to create new entitlement programs. This bill ends the raid on Medicare to pay for ObamaCare and puts those funds back into Medicare, where they belong.

State exchanges were almost exclusively financed through $5.4 billion in grant money from the Centers for Medicare and Medicaid Services, CMS. While costing billions of taxpayer dollars from hardworking families, most State exchanges have dramatically underperformed or failed. Some exchanges have received hundreds of millions of dollars in Federal grants, yet

are or were unable to accomplish their stated goal. In fact, recent news reports highlight more than $474 million of taxpayer funds were spent on failed exchanges for Massachusetts, Oregon, Nevada, and Maryland. Our measure ends this waste of taxpayer dollars.

Medicaid spending currently consumes nearly a quarter of every State dollar, passing education as the largest state budgetary commitment. This expansion under ObamaCare includes an unsustainable and costly guarantee of 90 to 100 percent Federal funds that will likely be shifted back to the States as the Federal Government begins looking for ways to cut spending and addressing its almost $19 trillion national debt. Most importantly, the bill provides for a transition to a more sustainable State partnership.

As I noted earlier, our Nation has made great strides in improving the quality of life for all Americans, but these transformative changes were always forged in the spirit of bipartisan compromise and cooperation. We still need health care reform, but it has to be done the right way. The bill the Senate will approve can help build a bridge from these broken promises to better care for each and every American.

I yield the floor to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

FARM BILL

Mr. GRASSLEY. Mr. President, I rise to speak about the 2014 farm bill and attempts to change it by Members of this Congress. The farm bill process was a long, hard, and frustrating exercise. Nobody got everything they wanted, but in the end we got a new bill for farmers across the country.

I believe our country needs good farm policy, which means an adequate, yet limited safety net for farmers.

Our farmers face real, uncontrollable risks every year. The farm bill provides farmers with a number of programs that help mitigate those risks. That is why I was very concerned when I learned the budget deal was cutting $3 billion from the Federal crop insurance program.

That cut would have forced the Risk Management Agency at the Department of Agriculture to renegotiate the Standard Reinsurance Agreement next year and save $300 million per year. These cuts were almost universally opposed by rural America. Lenders, commodity groups, input suppliers, and many others opposed the cuts to the crop insurance program.

Beyond being bad policy, I opposed the crop insurance cuts because—like many of my colleagues on both the House and Senate Agriculture committees—I do not support reopening the 2014 farm bill. I am very glad the highway bill is going to reverse these cuts to the crop insurance program.

I also want to speak to the importance of not reopening the farm bill in the omnibus.

Section 739 of the House Agriculture Appropriations bill reauthorized commodity certificates. For those who don't remember what commodity certificates are, they are a way around payment limits. The language in the House bill specifically directs the USDA to administer commodity certificates as they were in 2008 when they were not subject to any payment limits at all.

I want to be very clear so there is no misunderstanding by those in this body or the agriculture lobby. Section 739 of the House Agriculture Appropriations bill brings back commodity certificates, which reopens the 2014 Farm Bill. If the agriculture community wants to be taken seriously, we should heed our own advice and not reopen the Farm Bill by reauthorizing commodity certificates.

I am opposing cuts to the crop insurance program today because that would reopen the farm bill. I hope tomorrow I don't have to oppose commodity certificates in the Omnibus because a few people want to reinstate unlimited farm subsidies.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. 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. 2876

There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2876, offered by the Senator from Washington, Mrs. MURRAY.

Mrs. MURRAY. Mr. President, I am well aware that there are serious disagreements between Republicans and Democrats when it comes to women's health, but I would hope that despite our disagreements, they would at least allow us to vote on the important amendment I have offered to strike the harmful language defunding Planned Parenthood in this legislation and replace it with a new fund to support women's health care and clinic safety for staff and patients. Unfortunately, apparently my Republican colleagues are going to choose instead to just simply push this amendment aside and everything with it that we are doing for women and families.

Well, Planned Parenthood doctors and staff are not going to be pushed aside, even by the terrible violence we have seen all too often at women's health clinics. They are keeping their doors open. And the women and families who rely on these centers for their care and who believe women should be able to make their own choices aren't letting the political attacks we have seen today get in their way. They are standing up for what they believe.

While Republicans may want to avoid taking this tough vote, Democrats are going to keep making it very clear exactly where we stand: with Planned Parenthood and with women across the country.

I urge my colleagues to vote against the tabling amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to oppose this amendment.

Senator MURRAY proposes to establish a new women's health care and clinic safety and security fund to ensure that, among other goals, all women and men have access to health care services without threat of violence. No one disagrees with the goal of making sure all Americans have access to health care without fearing threats or violence. We certainly don't condone any of the violence anywhere in the United States.

The best way to ensure that women and men have affordable health care is to pass this repeal bill and repeal ObamaCare. For every American, ObamaCare has meant more government, more bureaucracy, and more rules and regulations, along with soaring health care costs and less access to care.

The most effective solution to improving the quality of and access to women's health care is to lower the cost and provide access to health care, not to create another fund with another new tax. ObamaCare already contains more than $1 trillion in new taxes, funding new and duplicative programs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. I yield back any time, although evidently there is none.

Mr. President, I move to table the Murray amendment No. 2876 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—54

| | | |
|---|---|---|
| Alexander | Ernst | Murkowski |
| Ayotte | Fischer | Paul |
| Barrasso | Flake | Perdue |
| Blunt | Gardner | Portman |
| Boozman | Graham | Risch |
| Burr | Grassley | Roberts |
| Capito | Hatch | Rounds |
| Cassidy | Heller | Rubio |
| Coats | Hoeven | Sasse |
| Cochran | Inhofe | Scott |
| Collins | Isakson | Sessions |
| Corker | Johnson | Shelby |
| Cornyn | Lankford | Sullivan |
| Cotton | Lee | Thune |
| Crapo | Manchin | Tillis |
| Cruz | McCain | Toomey |
| Daines | McConnell | Vitter |
| Enzi | Moran | Wicker |

NAYS—46

| | | |
|---|---|---|
| Baldwin | Booker | Cantwell |
| Bennet | Boxer | Cardin |
| Blumenthal | Brown | Carper |

| | | |
|---|---|---|
| Casey | Klobuchar | Sanders |
| Coons | Leahy | Schatz |
| Donnelly | Markey | Schumer |
| Durbin | McCaskill | Shaheen |
| Feinstein | Menendez | Stabenow |
| Franken | Merkley | Tester |
| Gillibrand | Mikulski | Udall |
| Heinrich | Murphy | Warner |
| Heitkamp | Murray | Warren |
| Hirono | Nelson | Whitehouse |
| Kaine | Peters | Wyden |
| King | Reed | |
| Kirk | Reid | |

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the remaining votes be 10 minutes in length and that the following amendments be in order following disposition of the Johnson amendment: the Brown-Wyden amendment No. 2883 and the Collins amendment No. 2885.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2875

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2875, offered by the Senator from Wisconsin, Mr. JOHNSON.

The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, on June 15, 2009, President Obama went to the American Medical Association to sell his health care plan to the doctors and to the American people. President Obama addressed the doctors, and he said:

> I know that there are millions of Americans who are content with their health care coverage—they like their plan and, most importantly, they value their relationship with their doctor. They trust you. And that means no matter how we reform health care, we will keep this promise to the American people: If you like your doctor, you will be able to keep your doctor, period. If you like your health care plan, you will be able to keep your health care plan, period. No one will take that away, no matter what.

Now, Mr. President, we all know, unfortunately, that promise has been broken. So many people who supported the bill made that similar promise. But PolitiFact called it something else; they called it 2013's ''Lie of the Year.''

My amendment would restore that promise. My amendment would keep that promise to the American people.

I urge my colleagues, particularly those who made that promise—you have the opportunity to restore and convert that lie into a promise.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JOHNSON. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I strongly oppose the amendment that has just been described. Our colleague from Wisconsin is seeking to bring back the so-called grandfathered health plans that existed between 2010 and the end of 2013. My view is that this is something of a health care Frankenstein. All the plans that were grandfathered on December 31, 2013, and disappeared on that date would somehow be magically brought back to life by the Senator from Wisconsin. That is not the way the private health insurance market works in America. Many of the plans that were in existence on December 31, 2013, don't exist anymore. In the private market, which I support, plans change continually. Plans changed in 2014 and they changed again at the beginning of 2015.

It seems to me that what this amendment does is it distorts the private marketplace. I urge my colleagues to oppose it.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2875.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—56

| | | |
|---|---|---|
| Alexander | Enzi | Murkowski |
| Ayotte | Ernst | Paul |
| Barrasso | Fischer | Perdue |
| Bennet | Flake | Portman |
| Blunt | Gardner | Risch |
| Boozman | Graham | Roberts |
| Burr | Grassley | Rounds |
| Capito | Hatch | Rubio |
| Cassidy | Heller | Sasse |
| Coats | Hoeven | Scott |
| Cochran | Inhofe | Sessions |
| Collins | Isakson | Shelby |
| Corker | Johnson | Sullivan |
| Cornyn | Kirk | Thune |
| Cotton | Lankford | Tillis |
| Crapo | Lee | Toomey |
| Cruz | McCain | Vitter |
| Daines | McConnell | Wicker |
| Donnelly | Moran | |

NAYS—44

| | | |
|---|---|---|
| Baldwin | Heitkamp | Peters |
| Blumenthal | Hirono | Reed |
| Booker | Kaine | Reid |
| Boxer | King | Sanders |
| Brown | Klobuchar | Schatz |
| Cantwell | Leahy | Schumer |
| Cardin | Manchin | Shaheen |
| Carper | Markey | Stabenow |
| Casey | McCaskill | Tester |
| Coons | Menendez | Udall |
| Durbin | Merkley | Warner |
| Feinstein | Mikulski | Warren |
| Franken | Murphy | Whitehouse |
| Gillibrand | Murray | Wyden |
| Heinrich | Nelson | |

The PRESIDING OFFICER (Mr. HOEVEN). Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Ohio.

Mr. BROWN. Mr. President, I have the floor for Senator ENZI and myself.

AMENDMENT NO. 2883 TO AMENDMENT NO. 2874

(Purpose: To maintain the 100 percent FMAP for the Medicaid expansion population)

I call up amendment No. 2883.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Ohio [Mr. BROWN] proposes an amendment numbered 2883 to amendment No. 2874.

Mr. BROWN. I ask unanimous consent that the reading of the amendment be despensed with.

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

(The amendment is printed in the RECORD of December 2, 2015, under ''Text of Amendments.'')

The PRESIDING OFFICER. There is now 2 minutes of debate on the amendment.

The Senator from Ohio.

Mr. BROWN. Mr. President, the Brown-Casey-Wyden-Stabenow-Hirono amendment would permanently extend the Medicaid expansion matching rate at 100 percent. It would help strengthen Medicaid for 71 million Americans who rely on this program for quality, affordable health insurance.

Because of the ACA, more Americans can access comprehensive affordable care. Because of the Affordable Care Act, people in my State—600,000 Ohioans—now have Medicaid and affordable health insurance, in addition to other provisions of ACA. The best way to support States that have expanded Medicaid is by making the enhanced FMAP permanent.

Mr. President, that means States will now bear none of the cost of Medicaid expansion. We would pay for this amendment by closing corporate tax loopholes. It would provide States with fiscal security and free up State Medicaid budgets, as I have heard Senator ALEXANDER talk about so often. It would free up State Medicaid budgets for higher education and other kinds of State expenditures.

I encourage my colleagues to do the right thing and provide health care and to do smart budgeting.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to oppose this amendment. I refuse to ask more American taxpayers, who have sacrificed so much already, to satiate the boundless Washington appetite for spending. Spending on Medicaid has experienced a 137 percent increase from $200 billion in 2000 to $476 billion in 2014, and many expect those figures to increase.

We all want individuals to have access to high quality health insurance. However, a 2011 study found that 31 percent of doctors are unwilling to accept new Medicaid patients. How can Americans access quality health care if doctors will not treat them?

Most importantly, adding more people to Medicaid will lead to a loss of jobs. A 2013 study concluded that for every 21 million adults who joined Medicaid, the economy will employ 511,000 to 2.2 million fewer people. The Obama recovery is a jobless recovery, and I refuse to exacerbate the unemployment. Instead of adding more and more people to the rolls of a failing Medicaid program——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. Mr. President, the pending amendment No. 2883 offered by the Senator from Ohio would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays. Therefore, I raise a point of order against this amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 45, nays 55, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—45

| | | |
|---|---|---|
| Baldwin | Heinrich | Nelson |
| Bennet | Heitkamp | Peters |
| Blumenthal | Hirono | Reed |
| Booker | Kaine | Reid |
| Boxer | King | Sanders |
| Brown | Klobuchar | Schatz |
| Cantwell | Leahy | Schumer |
| Cardin | Manchin | Shaheen |
| Casey | Markey | Stabenow |
| Coons | McCaskill | Tester |
| Donnelly | Menendez | Udall |
| Durbin | Merkley | Warner |
| Feinstein | Mikulski | Warren |
| Franken | Murphy | Whitehouse |
| Gillibrand | Murray | Wyden |

NAYS—55

| | | |
|---|---|---|
| Alexander | Ernst | Paul |
| Ayotte | Fischer | Perdue |
| Barrasso | Flake | Portman |
| Blunt | Gardner | Risch |
| Boozman | Graham | Roberts |
| Burr | Grassley | Rounds |
| Capito | Hatch | Rubio |
| Carper | Heller | Sasse |
| Cassidy | Hoeven | Scott |
| Coats | Inhofe | Sessions |
| Cochran | Isakson | Shelby |
| Collins | Johnson | Sullivan |
| Corker | Kirk | Thune |
| Cornyn | Lankford | Tillis |
| Cotton | Lee | Toomey |
| Crapo | McCain | Vitter |
| Cruz | McConnell | Wicker |
| Daines | Moran | |
| Enzi | Murkowski | |

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 55.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the next amendments in order be the following: Casey, No. 2893; and Heller, No. 2882.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine.

AMENDMENT NO. 2885 TO AMENDMENT NO. 2874

Ms. COLLINS. Mr. President, I call up amendment No. 2885.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 2885 to amendment No. 2874.

Ms. COLLINS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike section 101.

Ms. COLLINS. Mr. President, this amendment, which I offer with my colleagues Senator MURKOWSKI and Senator KIRK, would strike the provisions that would eliminate Federal funding, including Medicaid reimbursements, for Planned Parenthood. Otherwise, the likely result would be the closure of several hundred clinics across the country, depriving millions of women of the health care provider of their choice.

I want to make clear that our amendment does not include any new spending, it does not increase taxes, and it retains the current Hyde amendment language, which prohibits the use of Federal funds for abortions except in cases of rape, incest or where the life of the mother is at risk.

I urge adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, Senator COLLINS, who is my friend and colleague from Maine, would strike a provision in this bill defunding Planned Parenthood and would continue directing Federal funds to that organization.

Earlier this year, I joined Senator ERNST, Senator PAUL, and other colleagues, and we introduced legislation that prohibits taxpayer dollars from funding Planned Parenthood and reasserts Congress's support for directing those funds to current providers of women's health care.

We absolutely should support health care choices for women. But Planned Parenthood is the single largest provider of abortions in the country. Directing increased taxpayer dollars to community health centers provides quality health care options to women without supporting the largest provider of abortions in the country. I urge my colleagues to oppose this amendment.

I yield back.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—48

| | | |
|---|---|---|
| Baldwin | Gillibrand | Murray |
| Bennet | Heinrich | Nelson |
| Blumenthal | Heitkamp | Peters |
| Booker | Hirono | Reed |
| Boxer | Kaine | Reid |
| Brown | King | Sanders |
| Cantwell | Kirk | Schatz |
| Cardin | Klobuchar | Schumer |
| Carper | Leahy | Shaheen |
| Casey | Markey | Stabenow |
| Collins | McCaskill | Tester |
| Coons | Menendez | Udall |
| Donnelly | Merkley | Warner |
| Durbin | Mikulski | Warren |
| Feinstein | Murkowski | Whitehouse |
| Franken | Murphy | Wyden |

NAYS—52

| | | |
|---|---|---|
| Alexander | Fischer | Perdue |
| Ayotte | Flake | Portman |
| Barrasso | Gardner | Risch |
| Blunt | Graham | Roberts |
| Boozman | Grassley | Rounds |
| Burr | Hatch | Rubio |
| Capito | Heller | Sasse |
| Cassidy | Hoeven | Scott |
| Coats | Inhofe | Sessions |
| Cochran | Isakson | Shelby |
| Corker | Johnson | Sullivan |
| Cornyn | Lankford | Thune |
| Cotton | Lee | Tillis |
| Crapo | Manchin | Toomey |
| Cruz | McCain | Vitter |
| Daines | McConnell | Wicker |
| Enzi | Moran | |
| Ernst | Paul | |

The amendment (No. 2885) was rejected.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2893 TO AMENDMENT NO. 2874

(Purpose: To amend the Internal Revenue Code of 1986 to establish a credit for married couples who are both employed and have young children, and for other purposes)

Mr. CASEY. Mr. President, I call up amendment No. 2893.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY] proposes an amendment numbered 2893 to amendment No. 2874.

Mr. CASEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

Mr. CASEY. Mr. President, I rise to talk about an amendment that deals with a fundamental issue for working families, and that is the cost childcare. By way of example, the weekly cost of childcare in Pennsylvania, roughly over the last 30 years, has gone up by 70 percent. In a State like ours that can mean over $10,600 per infant per family. We want to make sure this credit is fully available to working families. We want to increase the maximum amount to $3,000. Finally, we want to make sure it is fully refundable.

This amendment is paid for by offsets.

I thank Senator BALDWIN for the great work she did with us on this amendment.

I ask unanimous consent that Senators MURRAY and REED of Rhode Island be added as cosponsors of this amendment.

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

The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to oppose this amendment.

Senators CASEY and BALDWIN have proposed an amendment to further shift the tax burden onto high-income taxpayers. It would pay for new tax credits with the Buffett tax through taxing foreign inversion corporations as domestic and by expanding limitations on executive compensation deductibility.

This legislation is not the place to add one-sided cuts that have not been included in regular order negotiations going on between Congress and the administration and in the Finance Committee.

Further, passing this reconciliation legislation will repeal a dozen new taxes used to offset the cost of ObamaCare.

Comprehensive tax reform is needed to examine our system of credits and deductions to create a pro-growth tax policy across income spectrums, but not in this bill.

Washington already takes over $3 trillion per year from the American public, which is more than enough to fund necessary government functions. Increasing the tax burden on the most successful Americans discourages the work and jobs and investment necessary to grow America's economy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. I ask my colleagues to oppose this amendment.

Mr. President, the pending amendment No. 2893 offered by Senator CASEY would cause the underlying legislation to exceed the authorizing committees's 302(a) allocation of new budget authority or outlays. Therefore, I raise a point of order against this amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 315 Leg.]

YEAS—46

| | | |
|---|---|---|
| Baldwin | Booker | Cantwell |
| Bennet | Boxer | Cardin |
| Blumenthal | Brown | Carper |
| Casey | Leahy | Sanders |
| Coons | Manchin | Schatz |
| Donnelly | Markey | Schumer |
| Durbin | McCaskill | Shaheen |
| Feinstein | Menendez | Stabenow |
| Franken | Merkley | Tester |
| Gillibrand | Mikulski | Udall |
| Heinrich | Murphy | Warner |
| Heitkamp | Murray | Warren |
| Hirono | Nelson | Whitehouse |
| Kaine | Peters | Wyden |
| King | Reed | |
| Klobuchar | Reid | |

NAYS—54

| | | |
|---|---|---|
| Alexander | Ernst | Murkowski |
| Ayotte | Fischer | Paul |
| Barrasso | Flake | Perdue |
| Blunt | Gardner | Portman |
| Boozman | Graham | Risch |
| Burr | Grassley | Roberts |
| Capito | Hatch | Rounds |
| Cassidy | Heller | Rubio |
| Coats | Hoeven | Sasse |
| Cochran | Inhofe | Scott |
| Collins | Isakson | Sessions |
| Corker | Johnson | Shelby |
| Cornyn | Kirk | Sullivan |
| Cotton | Lankford | Thune |
| Crapo | Lee | Tillis |
| Cruz | McCain | Toomey |
| Daines | McConnell | Vitter |
| Enzi | Moran | Wicker |

The PRESIDING OFFICER (Mr. RUBIO). On this vote, the yeas are 46, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Wyoming.

Mr. ENZI. Mr. President, continuing this advanced notice of what is coming up, I ask unanimous consent that the next amendment in order be the following: Shaheen amendment No. 2892.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nevada.

AMENDMENT NO. 2882 TO AMENDMENT NO. 2874

Mr. HELLER. Mr. President, I call up my amendment No. 2882.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. HELLER] proposes an amendment numbered 2882 to amendment No. 2874.

Mr. HELLER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike the reinstatement of the tax on employee health insurance premiums and health plan benefits)

On page 5, beginning with line 24, strike through page 6, line 3.

Mr. HELLER. Mr. President, my amendment postpones the implementation of the Cadillac tax for the next 10 years. I think that is a good start on the legislation we have in front of us today. In fact, I think it is a great start, but I think we ought to take the next step. The next step is to repeal it altogether, and that is exactly what this amendment does. It is the only bipartisan piece of legislation that does just that.

To that end, I thank the Senator from New Mexico, Mr. HEINRICH, for his help and support in moving this legislation forward to where we are today.

Mr. President, there is no opposition to this legislation. There is no opposition in America to this legislation. I have 83 groups and organizations around this country. Unions support this amendment. The Chamber supports this amendment. Seniors support this amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. We yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 316 Leg.]

YEAS—90

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

NAYS—10

| | | |
|---|---|---|
| Boxer | Durbin | Sasse |
| Carper | Kaine | Warner |
| Coats | Manchin | |
| Corker | McCaskill | |

The amendment (No. 2882) was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the next amendments in order be the following: Cornyn amendment No. 2912 and Feinstein amendment No. 2910.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ENZI. Mr. President, for the information of my colleagues, I expect the amendments next in order after those will be Grassley amendment No. 2914, followed by Manchin amendment No. 2908, but that is not locked in yet.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2892 TO AMENDMENT NO. 2874

(Purpose: To improve mental health and substance use prevention and treatment)

Mrs. SHAHEEN. Mr. President, I call up amendment No. 2892.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mrs. SHAHEEN] proposes an amendment numbered 2892 to amendment No. 2874.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

Mrs. SHAHEEN. Mr. President, we are facing a public health emergency in New Hampshire and States across the country. Heroin and opioid abuse are at epidemic levels. This is important because it affects every State that is represented on the Senate floor. Each day, 120 Americans die of drug overdose; that is 2 deaths every hour. In New Hampshire we are losing one person every day from drug overdose. Drug overdose deaths have exceeded car crashes as the No. 1 cause of fatalities in this country.

This amendment recognizes that this is a public health emergency and that we need to provide additional resources to address it.

It does three things. First, it ensures that all health plans bought on the exchange cover mental health and addiction-related benefits. Second, it eliminates the Medicaid coverage exclusion that currently prohibits reimbursement for critically important inpatient facilities that treat mental illness. That is the 16-bed limit on those inpatient treatment facilities. Finally, it provides much needed funding to help States, municipalities, and their implementing partners prevent and treat mental illness and substance use disorders.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. SHAHEEN. This is a public health emergency. This amendment is fully paid for. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to oppose this amendment. I share my colleague's concern with the current state of mental health and substance abuse policies in the United States. Our health care system in many ways has failed to treat those who need care most desperately. However, as deeply as I believe we must strengthen mental health, I believe we have to do it right.

Consideration of mental health legislation should be thoughtful and should examine the real barriers to appropriate treatment. Simply throwing more money at the problem has proven time and again to be ineffective. That is why I am proud of the work being done by the Health, Education, Labor and Pensions Committee. Chairman ALEXANDER, Ranking Member MURRAY, and 26 other Senators, including me, support the Mental Health Awareness and Improvement Act. That bill takes important steps to increase mental health awareness, prevention, and education; encourages the sharing of relevant mental health information; and assesses the barriers to integrating mental and behavioral health into primary care. It is a good step and should be done through the committee process.

I thank Senator SHAHEEN for offering this amendment and support the intent, but it has to be done right. And this increases taxes.

Mr. President, the pending amendment No. 2892 offered by Senator SHAHEEN would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays. Therefore, I raise a point of order against this amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

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

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—47

| | | |
|---|---|---|
| Ayotte | Franken | Murray |
| Baldwin | Gillibrand | Nelson |
| Bennet | Heinrich | Peters |
| Blumenthal | Heitkamp | Reed |
| Booker | Hirono | Reid |
| Boxer | Kaine | Sanders |
| Brown | King | Schatz |
| Cantwell | Klobuchar | Schumer |
| Cardin | Leahy | Shaheen |
| Carper | Manchin | Stabenow |
| Casey | Markey | Tester |
| Collins | McCaskill | Udall |
| Coons | Menendez | Warren |
| Donnelly | Merkley | Whitehouse |
| Durbin | Mikulski | Wyden |
| Feinstein | Murphy | |

NAYS—52

| | | |
|---|---|---|
| Alexander | Cornyn | Graham |
| Barrasso | Cotton | Grassley |
| Blunt | Crapo | Hatch |
| Boozman | Cruz | Heller |
| Burr | Daines | Hoeven |
| Capito | Enzi | Inhofe |
| Cassidy | Ernst | Isakson |
| Coats | Fischer | Johnson |
| Cochran | Flake | Kirk |
| Corker | Gardner | Lankford |
| Lee | Risch | Sullivan |
| McCain | Roberts | Thune |
| McConnell | Rounds | Tillis |
| Moran | Rubio | Toomey |
| Murkowski | Sasse | Vitter |
| Paul | Scott | Wicker |
| Perdue | Sessions | |
| Portman | Shelby | |

NOT VOTING—1

Warner

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The majority whip.

AMENDMENT NO. 2912 TO AMENDMENT NO. 2874

Mr. CORNYN. Mr. President, I call up amendment No. 2912.

The PRESIDING OFFICER (Mr. CASSIDY). The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 2912 to amendment No. 2874.

Mr. CORNYN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

Mr. CORNYN. Mr. President, this is an alternative to the Feinstein amendment we will be voting on next. Under the Feinstein amendment, the government without due process can take away from you valuable constitutional rights. They happen to be Second Amendment rights without notice and the opportunity to be heard. If you believe that the Federal Government is omniscient and all competent, vote for the Feinstein amendment, but I wish to point out that even our former colleague Teddy Kennedy was on this terror watch list at one point. Despite numerous efforts to try to get off of it, he never could—as well as our friend Catherine Stevens, former Ted Stevens' spouse.

My amendment would provide that due process, notice, and an opportunity to be heard, and provide new tools and increased authorities to prevent terrorism and prevent violence by blocking the transfer of firearms following that notice and opportunity to be heard, which would also give the judicial authority an opportunity to grant an emergency terrorism order which would actually detain the person who is identified and proven to be a terrorist.

I encourage my colleagues to support this amendment, to give law enforcement the ability to take terrorists off the streets and prevent them from obtaining firearms while preserving important constitutional rights of law-abiding Americans.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I have great respect for the senior Senator from Texas, a former member of the Texas Supreme Court. How he could

make an argument like this is beyond my ability to comprehend.

This Republican amendment ties the hands of law enforcement. This amendment doesn't keep terrorists from getting guns. It simply delays their efforts for up to 72 hours. This amendment means that all a lawyer needs to do is gum up the works for a short time and an FBI terrorist suspect can walk away with a firearm—a legal firearm. That would be relatively easy to do. There are a lot of lawyers in this Chamber. Courts can't do virtually anything in 72 hours. How long does it take to shoot up a school, a mall, someone's home? Fifteen minutes? Five minutes? You could be on the terrorist watch list, go buy a gun, and let the time go by.

This is outrageous that people would try to run from this amendment. If you are on a terrorist watch list, you shouldn't be able to buy a gun. This would allow a terrorist to not only buy a gun but keep it for up to 72 hours.

The second aspect of this amendment is equally alarming. It takes money away from law enforcement. Here again, we are voting on something again and again. We already voted down this Vitter amendment, sanctuary cities bill, last month, which strips all local law enforcement from vital Federal community policing grants.

I am using a little bit of my leader time right now.

This strips local law enforcement from vital Federal community policing grants, targeted public safety and to build community trust. It cuts community development block grants, and the purpose of this is to ensure affordable housing and provide services to the most vulnerable in our communities.

Very quickly, this amendment takes the FBI out of the equation when it comes to keeping guns away from terrorists, and it takes away from local law enforcement agencies, threatening public safety. Is it any wonder that this is an anti-law enforcement amendment?

The legislation is opposed by the Fraternal Order of Police, Major Cities Chiefs Association, United States Conference of Mayors, and many others. This is a dangerous amendment. First of all, to use Senator Kennedy, let him be on the watch list. He is not going to go buy a gun and hurt anybody. These ridiculous assertions are just that—ridiculous. We are trying to say if you are on a watch list as being a terrorist, you shouldn't be able to buy a gun. It is as simple as that. My friend the Senator from California will lay this out. She has been the leader on guns in this Chamber for two decades.

Mr. CORNYN addressed the Chair.

The PRESIDING OFFICER. No time for debate remains.

Mr. CORNYN. Mr. President, I ask unanimous consent for 10 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Mr. President, to accept the argument of the Democratic leader, you would have to believe that the Federal Government is always right and is all-knowing and can deprive you of valuable constitutional rights without giving notice and an opportunity to be heard in front of an impartial tribunal—a judge. That is what the Democratic leader is suggesting. I think it is wrong and it is un-American. It violates the very core constitutional protections afforded to all Americans.

I urge Senators to vote for my alternative to the Feinstein amendment and against the Feinstein amendment, which would deprive people of their due process rights under the Constitution.

Mr. REID. Mr. President, there is nothing unconstitutional about keeping a terrorist from buying a gun. That is what this is all about. Do we want people on a terrorist watch list to go buy a gun? The answer is no. That is what this amendment is all about. The Senator from California will explain it.

I raise a point of order against this ridiculous amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of the applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of amendment No. 2912, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

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

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—55

| | | |
|---|---|---|
| Alexander | Ernst | Paul |
| Ayotte | Fischer | Perdue |
| Barrasso | Flake | Portman |
| Blunt | Gardner | Risch |
| Boozman | Graham | Roberts |
| Burr | Grassley | Rounds |
| Capito | Hatch | Rubio |
| Cassidy | Heller | Sasse |
| Coats | Hoeven | Scott |
| Cochran | Inhofe | Sessions |
| Collins | Isakson | Shelby |
| Corker | Johnson | Sullivan |
| Cornyn | Lankford | Thune |
| Cotton | Lee | Tillis |
| Crapo | Manchin | Toomey |
| Cruz | McCain | Vitter |
| Daines | McConnell | Wicker |
| Donnelly | Moran | |
| Enzi | Murkowski | |

NAYS—44

| | | |
|---|---|---|
| Baldwin | Booker | Cantwell |
| Bennet | Boxer | Cardin |
| Blumenthal | Brown | Carper |
| Casey | Klobuchar | Reid |
| Coons | Leahy | Sanders |
| Durbin | Markey | Schatz |
| Feinstein | McCaskill | Schumer |
| Franken | Menendez | Shaheen |
| Gillibrand | Merkley | Stabenow |
| Heinrich | Mikulski | Tester |
| Heitkamp | Murphy | Udall |
| Hirono | Murray | Warren |
| Kaine | Nelson | Whitehouse |
| King | Peters | Wyden |
| Kirk | Reed | |

NOT VOTING—1

Warner

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Wyoming.

Mr. ENZI. Mr. President, continuing to march through the amendments, I ask unanimous consent that the next amendments in order be the following: Grassley amendment No. 2914 Manchin amendment No. 2908.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

AMENDMENT NO. 2910 TO AMENDMENT NO. 2874

(Purpose: To increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists)

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 2910.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 2910 to amendment No. 2874.

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

Mrs. FEINSTEIN. Mr. President, I rise to speak on an amendment which is identical to a bill I have introduced with Republican Congressman PETER KING. This amendment was proposed by the Bush administration's Department of Justice in 2007. It would allow the Attorney General to prevent a person from buying a gun or explosive if, one, the recipient is a known or suspected terrorist; and, two, the Attorney General has a reasonable belief that the recipient would use the firearm in connection with a terrorist act.

The bill has very broad law enforcement support, including the Major Cities Chiefs Association and the International Association of Chiefs of Police. New York Police Commissioner Bill Bratton, who was also chief of the Los Angeles Police Department, recently said on Meet the Press:

If Congress really wants to do something instead of just talking about something, help us out with that Terrorist Watch List, those thousands of people that can purchase firearms in this country. I'm more worried about them than I am about Syrian refugees, to be quite frank with you.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, if you believe the Federal Government should be able to deprive an American citizen of one of their core constitutional rights without notice and an opportunity to be heard, then you should vote for the Senator's amendment. This is not the way we are supposed to do things in this country. If you think that the Federal Government never makes a mistake and that presumptively the decisions the Federal Government makes about putting you on a list because of some suspicions, then you should vote for the Senator's amendment. But we all know better than that. I have used the example of Teddy Kennedy, Captain Stevens, and others who were placed on these lists.

At the very least we ought to provide those individuals with an opportunity to be notified, and they should have a right to be heard by an impartial judicial tribunal to make those decisions.

I urge my colleagues to vote against the Senator's amendment.

I have one other reason. The whole purpose of this amendment is to destroy the privileged status of this reconciliation bill. If this bill passes, it will destroy our ability to pass this reconciliation bill with 51 votes.

Again, I urge all of my colleagues to vote against it.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, the pending amendment No. 2910, offered by Senator FEINSTEIN, contains matter that is not within the jurisdiction of the Finance Committee or the HELP Committee, and it is extraneous to H.R. 3762, a reconciliation bill. Therefore, I raise a point of order against the amendment pursuant to section 313(b)(1)(C) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

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

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—45

| | | |
|---|---|---|
| Baldwin | Gillibrand | Murray |
| Bennet | Heinrich | Nelson |
| Blumenthal | Hirono | Peters |
| Booker | Kaine | Reed |
| Boxer | King | Reid |
| Brown | Kirk | Sanders |
| Cantwell | Klobuchar | Schatz |
| Cardin | Leahy | Schumer |
| Carper | Manchin | Shaheen |
| Casey | Markey | Stabenow |
| Coons | McCaskill | Tester |
| Donnelly | Menendez | Udall |
| Durbin | Merkley | Warren |
| Feinstein | Mikulski | Whitehouse |
| Franken | Murphy | Wyden |

NAYS—54

| | | |
|---|---|---|
| Alexander | Ernst | Murkowski |
| Ayotte | Fischer | Paul |
| Barrasso | Flake | Perdue |
| Blunt | Gardner | Portman |
| Boozman | Graham | Risch |
| Burr | Grassley | Roberts |
| Capito | Hatch | Rounds |
| Cassidy | Heitkamp | Rubio |
| Coats | Heller | Sasse |
| Cochran | Hoeven | Scott |
| Collins | Inhofe | Sessions |
| Corker | Isakson | Shelby |
| Cornyn | Johnson | Sullivan |
| Cotton | Lankford | Thune |
| Crapo | Lee | Tillis |
| Cruz | McCain | Toomey |
| Daines | McConnell | Vitter |
| Enzi | Moran | Wicker |

NOT VOTING—1

Warner

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, after we finish the Grassley amendment and the Manchin amendment, I ask unanimous consent that the next amendments in order be the following: Bennet No. 2907 and Paul No. 2899.

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

The Senator from Iowa.

AMENDMENT NO. 2914 TO AMENDMENT NO. 2874

(Purpose: To address gun violence, improve the availability of records to the National Instant Criminal Background Check System, address mental illness in the criminal justice system, and end straw purchases and trafficking of illegal firearms, and for other purposes)

Mr. GRASSLEY. Mr. President, I call up amendment No. 2914.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2914 to amendment No. 2874.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

Mr. GRASSLEY. The Manchin-Toomey amendment that is going to be up next, I am told, won't prevent the next shooting or reduce crime or fix our mental health system. We need to also be worried about protecting the Second Amendment.

My amendment addresses the Obama administration's reduction in gun prosecutions by providing money to expand Project Exile and funding for prosecuting felons and fugitives who fail background checks, targeted to the highest crime jurisdictions. It criminalizes straw purchasing and gun trafficking, provides more resources for Secure Our Schools grants, and increases funding for mental health initiatives. It incentivizes States to provide mental health records to the background check database, clarifies what records should be submitted to the NCIS system, and it provides that military members can buy firearms in their State of residence or where they are stationed, so that what happened in Chattanooga doesn't happen again. Finally, this amendment also reduces funding to those municipalities that continue to defy the law with regard to the enforcement of immigration offenses, otherwise known as sanctuary cities.

I ask for adoption of the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, the victims of gun violence and their families deserve more than a moment of silence; they deserve a moment of sanity.

We have coming before us a proposal by a Republican Senator and a Democratic Senator, Senator TOOMEY and Senator MANCHIN, a proposal to close the loopholes so that people who are convicted felons and people who are mentally unstable cannot buy firearms. Unfortunately, in the 100-page amendment being offered by the Senator from Iowa, exactly the opposite occurs. The loopholes are opened. When it comes to background checks, unfortunately, this doesn't do anything.

It does do one thing: It reduces the amount of money available to police departments and COP grants all across the United States if the Senator disagrees with their immigration policy. That is why the Fraternal Order of Police opposes it.

Let's have a moment of sanity. Let's please vote no on the Grassley amendment.

Mr. President, I raise a point of order that the pending amendment violates section 313(b)(1)(C) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for the purposes of amendment No. 2914, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

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

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—53

| | | |
|---|---|---|
| Alexander | Enzi | Paul |
| Ayotte | Ernst | Perdue |
| Barrasso | Fischer | Portman |
| Blunt | Flake | Risch |
| Boozman | Gardner | Roberts |
| Burr | Graham | Rounds |
| Capito | Grassley | Rubio |
| Cassidy | Hatch | Sasse |
| Coats | Heller | Scott |
| Cochran | Hoeven | Sessions |
| Collins | Inhofe | Shelby |
| Corker | Isakson | Sullivan |
| Cornyn | Johnson | Thune |
| Cotton | Lankford | Tillis |
| Crapo | McCain | Toomey |
| Cruz | McConnell | Vitter |
| Daines | Moran | Wicker |
| Donnelly | Murkowski | |

NAYS—46

| | | |
|---|---|---|
| Baldwin | Heitkamp | Nelson |
| Bennet | Hirono | Peters |
| Blumenthal | Kaine | Reed |
| Booker | King | Reid |
| Boxer | Kirk | Sanders |
| Brown | Klobuchar | Schatz |
| Cantwell | Leahy | Schumer |
| Cardin | Lee | Shaheen |
| Carper | Manchin | Stabenow |
| Casey | Markey | Tester |
| Coons | McCaskill | Udall |
| Durbin | Menendez | Warren |
| Feinstein | Merkley | Whitehouse |
| Franken | Mikulski | Wyden |
| Gillibrand | Murphy | |
| Heinrich | Murray | |

NOT VOTING—1

Warner

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from West Virginia.

AMENDMENT NO. 2908 TO AMENDMENT NO. 2874

(Purpose: To protect Second Amendment rights, ensure that all individuals who should be prohibited from buying a firearm are listed in the National Instant Criminal Background Check System, and provide a responsible and consistent background check process)

Mr. MANCHIN. Mr. President, I call up my amendment No. 2908.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. MANCHIN] proposes an amendment numbered 2908 to Amendment No. 2874.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

Mr. MANCHIN. Mr. President, I rise again today to offer this important piece of legislation with my good friend PAT TOOMEY. It is a bipartisan piece of legislation. It makes all the sense in the world. Most of America supports the background checks that we are talking about.

As a law-abiding gun owner, I can assure you that basically I have been taught not to sell my gun to a stranger, not to sell my gun to a criminal, and not to sell my gun to someone who is severely mentally ill. That is how we were trained, and that is how most American law-abiding gun owners are trained. All this bill does is not infringe upon the rights of a personal transaction.

The only thing this piece of legislation does is to close a loophole in commercial transactions such as gun shows and Internet sales. I don't know if that person is a criminal. I don't know if that person is severely mentally ill. I just don't know that person. I was taught not to sell to that person or to give to that person unless I knew him.

This is the most commonsense idea supported by an overwhelming majority of Americans and an overwhelming majority of law-abiding gun owners in America.

I urge all of my colleagues on both sides of the aisle in this bipartisan legislation to please support this. It is basically something that is long, long overdue, and these tragedies continue to happen.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, on this side, we yield back all of our time.

Mr. President, the pending amendment No. 2908 contains matter that is not within the jurisdiction of the Finance or HELP Committees and is extraneous to H.R. 3762, a reconciliation bill. Therefore, I raise a point of order that the pending amendment violates section 313(b)(1)(C) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Wisconsin (Mr. JOHNSON).

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

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

The yeas and nays resulted—yeas 48, nays 50, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—48

| | | |
|---|---|---|
| Baldwin | Blumenthal | Boxer |
| Bennet | Booker | Brown |
| Cantwell | King | Peters |
| Cardin | Kirk | Reed |
| Carper | Klobuchar | Reid |
| Casey | Leahy | Sanders |
| Collins | Manchin | Schatz |
| Coons | Markey | Schumer |
| Donnelly | McCain | Shaheen |
| Durbin | McCaskill | Stabenow |
| Feinstein | Menendez | Tester |
| Franken | Merkley | Toomey |
| Gillibrand | Mikulski | Udall |
| Heinrich | Murphy | Warren |
| Hirono | Murray | Whitehouse |
| Kaine | Nelson | Wyden |

NAYS—50

| | | |
|---|---|---|
| Alexander | Ernst | Paul |
| Ayotte | Fischer | Perdue |
| Barrasso | Flake | Portman |
| Blunt | Gardner | Risch |
| Boozman | Graham | Roberts |
| Burr | Grassley | Rounds |
| Capito | Hatch | Rubio |
| Cassidy | Heitkamp | Sasse |
| Coats | Heller | Scott |
| Cochran | Hoeven | Sessions |
| Corker | Inhofe | Shelby |
| Cornyn | Isakson | Sullivan |
| Cotton | Lankford | Thune |
| Crapo | Lee | Tillis |
| Cruz | McConnell | Vitter |
| Daines | Moran | Wicker |
| Enzi | Murkowski | |

NOT VOTING—2

Johnson Warner

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 50.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Colorado.

AMENDMENT NO. 2907 TO AMENDMENT NO. 2874

Mr. BENNET. Mr. President, I call up amendment No. 2907.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BENNET] proposes an amendment numbered 2907 to amendment No. 2874.

The amendment is as follows:

(Purpose: To provide additional amounts to the Department of Veterans Affairs to increase the access of veterans to care and improve the physical infrastructure of the Department of Veterans Affairs and to impose a fair share tax on high-income taxpayers)

At the appropriate place, insert the following:

**SEC. _____. ADDITIONAL FUNDING TO INCREASE ACCESS OF VETERANS TO CARE AND IMPROVE PHYSICAL INFRASTRUCTURE OF DEPARTMENT OF VETERANS AFFAIRS.**

Notwithstanding any other provision of law, with respect to any increase in revenues received in the Treasury as the result of the enactment of section 59A of the Internal Revenue Code of 1986—

(1) $20,000,000,000 shall be made available, without further appropriation, to carry out the purposes described in section 801(b) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note); and

(2) any remaining amounts shall be used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

**SEC. _____. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.**

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

**"PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS**

''Sec. 59A. Fair share tax.

**"SEC. 59A. FAIR SHARE TAX.**

''(a) GENERAL RULE.—

''(1) IMPOSITITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

''(A) the amount determined under paragraph (2), and

''(B) a fraction (not to exceed 1)—

''(i) the numerator of which is the excess of—

''(I) the taxpayer's adjusted gross income, over

''(II) the dollar amount in effect under subsection (c)(1), and

''(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

''(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

''(A) the tentative fair share tax for the taxable year, over

''(B) the excess of—

''(i) the sum of—

''(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

''(II) the tax imposed by section 55 for the taxable year, plus

''(III) the payroll tax for the taxable year, over

''(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

''(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

''(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

''(A) the adjusted gross income of the taxpayer, over

''(B) the modified charitable contribution deduction for the taxable year.

''(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

''(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

''(ii) such amount, determined before the application of section 68.

''(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

''(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'high-income taxpayer' means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of $1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the $1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the next lowest multiple of $10,000.

''(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

''(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

''(2) the deduction allowable under section 164(f) for such taxable year.

''(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

''(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

Mr. BENNET. Mr. President, this amendment will help improve access to care for veterans all across the country and fill a huge unmet need. It provides funding to hire more doctors, nurses, social workers, and mental health professionals to serve our veterans. It will also help improve VA medical facilities by supporting upgrades and minor construction improvements.

In Colorado, our VA system has been plagued by long waiting times and a lack of access. Across the State, we have shortages of physicians, nurses, and mental health professionals, particularly in rural areas such as Alamosa and the San Luis Valley. We also know all too well in Colorado that much more accountability is needed within the VA, and we will continue to work to improve a bureaucracy that has plagued access to quality care.

The 400,000 veterans in Colorado and across the Nation deserve the best care we can offer. They deserve what they have been promised. This amendment is fully paid for, and I urge my colleagues to vote yes on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to oppose this amendment. I commend my colleague from Colorado for working to advance the needs of veterans. However, Senator BENNET proposes a $20-billion increase in spending paid for by a tax increase.

I believe the problem with Washington's finances is that our government spends too much and lives outside its means. I am continually working to put our country's finances on a sustainable path so that more Americans can keep more of their hard-earned money. What we don't need are higher taxes, and we do need bills that go through the proper committees.

Congress has continually rejected this one-sided tax policy. Comprehensive tax reform is needed to examine our system of credits. Washington already takes $3 trillion per year from the American public, which is more than enough to fund necessary government functions, provided we get through the regular process. So I urge my colleagues to oppose this.

Mr. President, the pending amendment No. 2907 would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays. Therefore, I raise a point of order against this amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, first, through the Chair, I say thank you to my colleague from Wyoming for his kind words about our efforts with respect to veterans.

Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable provisions of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

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

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 322 Leg.]

YEAS—47

| | | |
|---|---|---|
| Ayotte | Franken | Murray |
| Baldwin | Gillibrand | Nelson |
| Bennet | Heinrich | Peters |
| Blumenthal | Heitkamp | Reed |
| Booker | Hirono | Reid |
| Boxer | Kaine | Sanders |
| Brown | King | Schatz |
| Cantwell | Klobuchar | Schumer |
| Cardin | Leahy | Shaheen |
| Carper | Manchin | Stabenow |
| Casey | Markey | Tester |
| Collins | McCaskill | Udall |
| Coons | Menendez | Warren |
| Donnelly | Merkley | Whitehouse |
| Durbin | Mikulski | Wyden |
| Feinstein | Murphy | |

NAYS—52

| | | |
|---|---|---|
| Alexander | Cochran | Ernst |
| Barrasso | Corker | Fischer |
| Blunt | Cornyn | Flake |
| Boozman | Cotton | Gardner |
| Burr | Crapo | Graham |
| Capito | Cruz | Grassley |
| Cassidy | Daines | Hatch |
| Coats | Enzi | Heller |

| | | |
|---|---|---|
| Hoeven | Murkowski | Sessions |
| Inhofe | Paul | Shelby |
| Isakson | Perdue | Sullivan |
| Johnson | Portman | Thune |
| Kirk | Risch | Tillis |
| Lankford | Roberts | Toomey |
| Lee | Rounds | Vitter |
| McCain | Rubio | Wicker |
| McConnell | Sasse | |
| Moran | Scott | |

NOT VOTING—1

Warner

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, next up of course will be the Paul amendment.

I ask unanimous consent that following the vote on that amendment, the next amendments in order be the following: Cardin amendment No. 2913 and Coats amendment No. 2888.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Kentucky.

AMENDMENT NO. 2899 TO AMENDMENT NO. 2874

(Purpose: To prevent the entry of extremists into the United States under the refugee program, and for other purposes)

Mr. PAUL. Mr. President, I call up amendment No. 2899.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2899 to amendment No. 2874.

Mr. PAUL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. There is 2 minutes evenly divided.

Mr. PAUL. Mr. President, we spend hundreds of billions of dollars defending our country, and yet we cannot truly defend our country unless we defend our border. My bill would place pause on issuing visas to countries that are at high risk for exporting terrorists to us. My bill would also say to visa waiver countries that in order to come and visit, you would have to go through global entry, which would require a background check.

I urge Senators who truly do want to defend our country and have increased border security to vote for this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I hate to say this to my good friend from Kentucky, but this is a bumper sticker kind of amendment. It says it would keep us secure, but it would even stop tourists from visiting this country for at least 30 days.

Let's say you have a relative who is dying in this country, you will have to call them up and say: Don't die for at least 30 days so I can come over and say goodbye to you. It stops some of our closest allies in the Middle East. Jordan is probably our closest ally, and this legislation would stop us from issuing visas there.

It doesn't make us safer. It kills our tourist industry, it damages our economy, but most importantly it makes it look to the rest of the world like we are cowering in our shoes. I don't want to do that.

Mr. President, I raise a point of order that the pending amendment violates section 313(b)(1)(C) of the Congressional Budget Act of 1974.

Mr. PAUL. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of the applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of amendment No. 2899, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand that there is going to be a request for a 60-vote margin on this vote. If my understanding of that is correct, I withdraw my point of order.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that there be a 60-vote threshold for adoption of this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

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

The result was announced—yeas 10, nays 89, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—10

| | | |
|---|---|---|
| Barrasso | Lee | Shelby |
| Cruz | Moran | Vitter |
| Enzi | Paul | |
| Kirk | Sessions | |

NAYS—89

| | | |
|---|---|---|
| Alexander | Boxer | Cassidy |
| Ayotte | Brown | Coats |
| Baldwin | Burr | Cochran |
| Bennet | Cantwell | Collins |
| Blumenthal | Capito | Coons |
| Blunt | Cardin | Corker |
| Booker | Carper | Cornyn |
| Boozman | Casey | Cotton |
| Crapo | Kaine | Risch |
| Daines | King | Roberts |
| Donnelly | Klobuchar | Rounds |
| Durbin | Lankford | Rubio |
| Ernst | Leahy | Sanders |
| Feinstein | Manchin | Sasse |
| Fischer | Markey | Schatz |
| Flake | McCain | Schumer |
| Franken | McCaskill | Scott |
| Gardner | McConnell | Shaheen |
| Gillibrand | Menendez | Stabenow |
| Graham | Merkley | Sullivan |
| Grassley | Mikulski | Tester |
| Hatch | Murkowski | Thune |
| Heinrich | Murphy | Tillis |
| Heitkamp | Murray | Toomey |
| Heller | Nelson | Udall |
| Hirono | Perdue | Warren |
| Hoeven | Peters | Whitehouse |
| Inhofe | Portman | Wicker |
| Isakson | Reed | Wyden |
| Johnson | Reid | |

NOT VOTING—1

Warner

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

The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that Senator MCCAIN be recognized to offer amendment No. 2884.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 2884 TO AMENDMENT NO. 2874

Mr. MCCAIN. Mr. President, I call up amendment No. 2884.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2884 to amendment No. 2874.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: 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)

At the appropriate place, insert the following:

**SEC. _____. SAFE AND AFFORDABLE DRUGS FROM CANADA.**

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

**''SEC. 810. IMPORTATION BY INDIVIDUALS OF PRESCRIPTION DRUGS FROM CANADA.**

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations permitting individuals to safely import into the United States a prescription drug described in subsection (b).

''(b) PRESCRIPTION DRUG.—A prescription drug described in this subsection—

''(1) is a prescription drug that—

''(A) is purchased from an approved Canadian pharmacy;

''(B) is dispensed by a pharmacist licensed to practice pharmacy and dispense prescription drugs in Canada;

''(C) is purchased for personal use by the individual, not for resale, in quantities that do not exceed a 90-day supply;

''(D) is filled using a valid prescription issued by a physician licensed to practice in a State in the United States; and

''(E) has the same active ingredient or ingredients, route of administration, dosage form, and strength as a prescription drug approved by the Secretary under chapter V; and

''(2) does not include—

''(A) a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(B) a biological product (as defined in section 351 of the Public Health Service Act (42 U.S.C. 262));

''(C) an infused drug (including a peritoneal dialysis solution);

''(D) an intravenously injected drug;

''(E) a drug that is inhaled during surgery;

''(F) a parenteral drug;

''(G) a drug manufactured through 1 or more biotechnology processes, including—

''(i) a therapeutic DNA plasmid product;

''(ii) a therapeutic synthetic peptide product of not more than 40 amino acids;

''(iii) a monoclonal antibody product for in vivo use; and

''(iv) a therapeutic recombinant DNA-derived product;

''(H) a drug required to be refrigerated at any time during manufacturing, packing, processing, or holding; or

''(I) a photoreactive drug.

''(c) APPROVED CANADIAN PHARMACY.—

''(1) IN GENERAL.—In this section, an approved Canadian pharmacy is a pharmacy that—

''(A) is located in Canada; and

''(B) that the Secretary certifies—

''(i) is licensed to operate and dispense prescription drugs to individuals in Canada; and

''(ii) meets the criteria under paragraph (3).

''(2) PUBLICATION OF APPROVED CANADIAN PHARMACIES.—The Secretary shall publish on the Internet Web site of the Food and Drug Administration a list of approved Canadian pharmacies, including the Internet Web site address of each such approved Canadian pharmacy, from which individuals may purchase prescription drugs in accordance with subsection (a).

''(3) ADDITIONAL CRITERIA.—To be an approved Canadian pharmacy, the Secretary shall certify that the pharmacy—

''(A) has been in existence for a period of at least 5 years preceding the date of such certification and has a purpose other than to participate in the program established under this section;

''(B) operates in accordance with pharmacy standards set forth by the provincial pharmacy rules and regulations enacted in Canada;

''(C) has processes established by the pharmacy, or participates in another established process, to certify that the physical premises and data reporting procedures and licenses are in compliance with all applicable laws and regulations, and has implemented policies designed to monitor ongoing compliance with such laws and regulations;

''(D) conducts or commits to participate in ongoing and comprehensive quality assurance programs and implements such quality assurance measures, including blind testing, to ensure the veracity and reliability of the findings of the quality assurance program;

''(E) agrees that laboratories approved by the Secretary shall be used to conduct product testing to determine the safety and efficacy of sample pharmaceutical products;

''(F) has established, or will establish or participate in, a process for resolving grievances and will be held accountable for violations of established guidelines and rules;

''(G) does not resell products from online pharmacies located outside Canada to customers in the United States; and

''(H) meets any other criteria established by the Secretary.''.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MCCAIN. For how long?

The PRESIDING OFFICER. For 1 minute.

Mr. MCCAIN. Mr. President, I ask my colleagues to pay attention to the following: For a drug called Glumetza, the price in Canada is $157 for 90 tablets; the price in the United States is $4,643 for 90 tablets. Edecrin in Canada costs $607 per vial; in the United States, it costs $4,600 per vial. Biltricide costs $10.50 per tablet in Canada and $81 in the United States.

The list goes on and on.

My dear friends, let our citizens go to Canada and buy their prescription drugs. What is wrong with that? What is wrong with allowing them to be able to spend $157 for 90 tablets in Canada instead of $4,643 for 90 tablets? I will tell my colleagues what it is. It is the power of the pharmaceutical companies that will prevent us from letting Americans go to Canada and get those pharmaceuticals at a reasonable price.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MCCAIN. Tragically, because this will be subject to a 60-vote threshold——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCAIN. I ask unanimous consent for an additional 30 seconds.

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

Mr. MCCAIN. Tragically, some stooge of the pharmaceutical company will object on a budget point of order, so I will withdraw the amendment. But, my friends, you have not heard the last of this wonderful issue that I am having so much fun with but which is important to all of our constituents who are paying outrageous prices to the pharmaceutical companies.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senator from Arizona be given an additional half hour to explain his views.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 2884 WITHDRAWN

Mr. MCCAIN. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Maryland.

AMENDMENT NO. 2913 TO AMENDMENT NO. 2874

Mr. CARDIN. Mr. President, I call up amendment No. 2913.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 2913 to amendment No. 2874.

Mr. CARDIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to extend the special rule for seniors relating to the income level for deduction of medical care expenses and to require high-income taxpayers to pay a fair share of taxes)

At the appropriate place, insert the following:

**SEC. _____. EXTENSION OF SPECIAL RULE FOR SENIORS RELATING TO INCOME LEVEL FOR DEDUCTION OF MEDICAL CARE EXPENSES.**

Subsection (f) of section 213 of the Internal Revenue Code of 1986 is amended to read as follows:

''(f) SPECIAL RULE.—In the case of any taxable year beginning after December 31, 2012, and ending before January 1, 2024, subsection (a) shall be applied with respect to a taxpayer by substituting '7.5 percent' for '10 percent' if such taxpayer or such taxpayer's spouse has attained age 65 before the close of such taxable year.''.

**SEC. _____. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.**

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

**''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS**

''Sec. 59A. Fair share tax.

**''SEC. 59A. FAIR SHARE TAX.**

''(a) GENERAL RULE.—

''(1) IMPOSITITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

''(A) the amount determined under paragraph (2), and

''(B) a fraction (not to exceed 1)—

''(i) the numerator of which is the excess of—

''(I) the taxpayer's adjusted gross income, over

''(II) the dollar amount in effect under subsection (c)(1), and

''(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

''(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

''(A) the tentative fair share tax for the taxable year, over

''(B) the excess of—

''(i) the sum of—

''(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

''(II) the tax imposed by section 55 for the taxable year, plus

''(III) the payroll tax for the taxable year, over

''(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

''(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

''(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

''(A) the adjusted gross income of the taxpayer, over

''(B) the modified charitable contribution deduction for the taxable year.

''(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

''(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

''(ii) such amount, determined before the application of section 68.

''(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

''(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'high-income taxpayer' means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of $1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the $1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the next lowest multiple of $10,000.

''(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

''(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

''(2) the deduction allowable under section 164(f) for such taxable year.

''(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

''(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

Mr. CARDIN. Mr. President, I am not going to ask for a record vote on this amendment, and I hope that will help others try to move the process along.

This amendment is very similar to the next amendment, the Coats amendment, in that it is a clear indication that the Democrats understand that we want to extend the medical expense deduction of 7.5 percent threshold to seniors, which expires at the end of 2016. The difference is that we don't believe it should be paid for on the backs of our seniors, and that is why this amendment would have it paid for by a minimum tax of 30 percent on those who earn over $1 million dollars, the so-called Buffett rule.

The Coats amendment that is coming up next is on the backs of seniors by denying the indexing of the $85,000 threshold for seniors to pay the additional Medicare premiums. I will have a chance to talk about that in a moment, but this amendment allows us to extend the medical expense deduction of 7.5 percent threshold but does it without attacking our seniors.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I want to thank the Senator from Maryland for being willing to take a voice vote, knowing that would be in the minority.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2913.

The amendment (No. 2913) was rejected.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 2888 TO AMENDMENT NO. 2874

Mr. COATS. Mr. President, I call up amendment No. 2888.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 2888 to amendment No. 2874.

Mr. COATS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to extend the special rule for seniors relating to the income level for deduction of medical care expenses, and for other purposes)

At the appropriate place, insert the following:

**SEC. _____. EXTENSION OF SPECIAL RULE FOR SENIORS RELATING TO INCOME LEVEL FOR DEDUCTION OF MEDICAL CARE EXPENSES.**

Subsection (f) of section 213 of the Internal Revenue Code of 1986 is amended to read as follows:

''(f) SPECIAL RULE.—In the case of any taxable year beginning after December 31, 2012, and ending before January 1, 2024, subsection (a) shall be applied with respect to a taxpayer by substituting '7.5 percent' for '10 percent' if such taxpayer or such taxpayer's spouse has attained age 65 before the close of such taxable year.''.

**SEC. ___. TEMPORARY SUSPENSION OF THE INFLATION ADJUSTMENT IN THE CALCULATION OF MEDICARE PART B AND PART D PREMIUMS.**

Section 1839(i)(5) of the Social Security Act (42 U.S.C. 1395r(i)(5)) is amended—

(1) in the matter preceding clause (i), by striking ''2018 and 2019'' and inserting ''in 2018 through 2025''; and

(2) in clause (ii), by striking ''2020, August 2018'' and inserting ''2026, August 2024''.

Mr. COATS. Mr. President, similarly, as Mr. CARDIN has said, what this does is to continue something that was put into the Affordable Care Act, a rise between 7.5 percent of adjusted gross income before you can begin deducting to 10 percent of adjusted gross income before you can deduct. For seniors, an exemption was provided so that seniors could stay at the 7.5 percent level. This expires next year. My amendment essentially extends this for 7 years. It is to the benefit of seniors to do this. For those seniors who find excessive medical expenses facing them, this is something that was supported, obviously, by everyone across the aisle in the Affordable Care Act, and I am extending this for an additional 7 years with this amendment.

I urge my colleagues to support for low-income and middle-income seniors the excessive medical cost by adopting the amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I would urge my colleagues to vote against this amendment because of how it is paid for. Seniors who have $85,000 of income have to pay a higher Part B premium today. We have indexed that because, as I think Members on both sides of the aisle agree, we believe that brackets should have that type of index so that our seniors are protected from inflationary growth.

The problem with the Coats amendment is that he removes that index through 2025. This is an attack on our seniors. There is no way that we should be paying for this worthwhile extender. I don't disagree with the extender, but I do take exception with paying for it on the backs of our seniors, and I urge my colleagues to reject the amendment.

Mr. COATS. Mr. President, if I could just respond.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 2888.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—60

| | | |
|---|---|---|
| Alexander | Crapo | Isakson |
| Ayotte | Cruz | Johnson |
| Barrasso | Daines | Kaine |
| Blunt | Enzi | King |
| Boozman | Ernst | Kirk |
| Burr | Fischer | Lankford |
| Capito | Flake | Lee |
| Cassidy | Gardner | Manchin |
| Coats | Graham | McCain |
| Cochran | Grassley | McCaskill |
| Collins | Hatch | McConnell |
| Corker | Heller | Moran |
| Cornyn | Hoeven | Murkowski |
| Cotton | Inhofe | Paul |

| | | |
|---|---|---|
| Perdue | Sasse | Thune |
| Portman | Scott | Tillis |
| Risch | Sessions | Toomey |
| Roberts | Shelby | Vitter |
| Rounds | Sullivan | Warner |
| Rubio | Tester | Wicker |

NAYS—39

| | | |
|---|---|---|
| Baldwin | Feinstein | Murray |
| Bennet | Franken | Nelson |
| Blumenthal | Gillibrand | Peters |
| Booker | Heinrich | Reed |
| Boxer | Heitkamp | Reid |
| Brown | Hirono | Schatz |
| Cantwell | Klobuchar | Schumer |
| Cardin | Leahy | Shaheen |
| Carper | Markey | Stabenow |
| Casey | Menendez | Udall |
| Coons | Merkley | Warren |
| Donnelly | Mikulski | Whitehouse |
| Durbin | Murphy | Wyden |

NOT VOTING—1

Sanders

The amendment (No. 2888) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following disposition of the Paul amendment, Senator MCCONNELL or his designee be recognized to offer amendment No. 2916; further, that Senator REID or his designee be recognized to offer Byrd points of order against amendment No. 2916 and that Senator MCCONNELL or his designee be recognized to make the relevant motion to waive; and that following the disposition of the motion to waive, the only three amendments remaining in order be the following: Reid amendment No. 2917, Baldwin amendment No. 2919, and Murphy amendment No. 2918.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 22

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following the disposition of H.R. 3762, the Chair lay before the Senate the conference report to accompany H.R. 22; further, that it be in order for the majority leader or his designee to offer a cloture motion on the conference report; and that notwithstanding the provisions of rule XXII, that there be 30 minutes of debate equally divided between the two leaders or their designees on the cloture motion; I further ask that upon the use or yielding back of time, the Senate vote on the motion to invoke cloture; finally, if cloture is invoked, all postcloture time be yielded back and the Senate vote on adoption of the conference report to accompany H.R. 22.

The PRESIDING OFFICER. Is there objection?

The Senator from California.

Mrs. BOXER. Mr. President, I reserve the right to object.

I am so not going to object. I just wanted to thank you and thank everybody. I think this is a moment all of us have waited for, for a long time, so I am not objecting.

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

Mr. MCCONNELL. Mr. President, I wish to announce to everybody there will be up to five votes, and on those five votes we will have 10-minute rollcall votes. We intend to enforce the 10 minutes, so it would be a good idea for everybody to stay close to the Chamber.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I appreciate very much the direction we are going, but I would hope that we would have, really, 10-minute votes. One way to enforce that is to have people miss a couple of these votes, OK? Because people come strolling in thinking they are going to be protected, so I would hope it would be 10-minute votes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the next amendment be Paul amendment No. 2915 and that it be subject to a 60-vote affirmative threshold for adoption.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Kentucky.

AMENDMENT NO. 2915 TO AMENDMENT NO. 2874

(Purpose: To restore Second Amendment rights in the District of Columbia)

Mr. PAUL. Mr. President, I call up amendment No. 2915.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2915 to amendment No. 2874.

Mr. PAUL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

The PRESIDING OFFICER. There is 2 minutes equally divided on the amendment.

Mr. PAUL. Mr. President, last week the District of Columbia police chief said that if you see an active shooter, take them down. The problem is it is very difficult to own a gun in DC, and it is nearly impossible to have a gun with you if you were to see an active shooter.

So my amendment would create a District of Columbia concealed carry permit program. It would also allow national reciprocity for concealed carry. It would also allow Active-Duty Forces to carry concealed carry-on Department of Defense properties.

I ask the Senate and those Senators who believe in self-defense to vote for this amendment.

Thank you.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am rather shocked at this amendment by my friend—and he is my friend. If I stood here and said: I don't like the laws in Lexington, KY, and I think that Big Brother ought to decide we should repeal their laws because I don't like it—that is ridiculous. The fact is, I am shocked that a Libertarian would stand here and offer this.

I thought that Libertarians believe in freedom of localities over Big Government. So why would you wipe out duly enacted local laws? DC has its own unique needs. We know how many diplomats come here. We know the rest. It is quite different. We are a definite target, but the fact is, I urge my colleagues to stand and be counted here on behalf of local control.

I started off as a county supervisor. I didn't want other entities telling me what to do. I think we ought to vote no on this.

The PRESIDING OFFICER. The question occurs on agreeing to Paul amendment No. 2915.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—54

| | | |
|---|---|---|
| Alexander | Enzi | Murkowski |
| Ayotte | Ernst | Paul |
| Barrasso | Fischer | Perdue |
| Blunt | Flake | Portman |
| Boozman | Gardner | Risch |
| Burr | Graham | Roberts |
| Capito | Grassley | Rounds |
| Cassidy | Hatch | Rubio |
| Coats | Heller | Sasse |
| Cochran | Hoeven | Scott |
| Collins | Inhofe | Sessions |
| Corker | Isakson | Shelby |
| Cornyn | Johnson | Sullivan |
| Cotton | Lankford | Thune |
| Crapo | Lee | Tillis |
| Cruz | McCain | Toomey |
| Daines | McConnell | Vitter |
| Donnelly | Moran | Wicker |

NAYS—45

| | | |
|---|---|---|
| Baldwin | Heinrich | Murray |
| Bennet | Heitkamp | Nelson |
| Blumenthal | Hirono | Peters |
| Booker | Kaine | Reed |
| Boxer | King | Reid |
| Brown | Kirk | Schatz |
| Cantwell | Klobuchar | Schumer |
| Cardin | Leahy | Shaheen |
| Carper | Manchin | Stabenow |
| Casey | Markey | Tester |
| Coons | McCaskill | Udall |
| Durbin | Menendez | Warner |
| Feinstein | Merkley | Warren |
| Franken | Mikulski | Whitehouse |
| Gillibrand | Murphy | Wyden |

NOT VOTING—1

Sanders

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

The Senator from Wyoming.

AMENDMENT NO. 2916 TO AMENDMENT NO. 2874

(Purpose: In the nature of a substitute)

Mr. ENZI. Mr. President, I call up amendment No. 2916.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. MCCONNELL, proposes an amendment numbered 2916 to amendment No. 2874.

Mr. ENZI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, over the last several years our country has taken some important steps forward when it comes to health care. More than 16 million people have gained the peace of mind and security that comes with having health care coverage. Tens of millions of people with preexisting conditions no longer have to worry about insurance companies turning them away. Young adults in our country are able to stay covered under their parents' insurance as they start out in life. And there is so much more. But, as I have said many times, the work did not end when the Affordable Care Act passed—far from it. I am ready to continue working with anyone who has good ideas about how to continue making health care more affordable, expand coverage, and improve quality of care.

Unfortunately, with this latest tired political effort to dismantle critical health care reforms, my Republican colleagues are once again making it clear that they want to take our health care system back to the bad old days. This is a major substitute amendment that my Republican colleagues just offered. It is yet another effort to pander to the extreme political base rather than working with us to strengthen health care for our families.

Even the Parliamentarian agreed with us today that repealing these important premium stabilization programs does not have a sufficient budget impact and is subject to the Byrd rule.

So I am raising a point of order today to strike section 105(b) from the amendment, which repeals the risk corridor program. It is a vital program to make sure premiums are affordable and stable for our working families. Repealing it would result in increased premiums, more uninsured, and less competition in the market.

This amendment represents a step forward for our health care system, not backward. I hope Republicans will drop the politics and join us in supporting it.

Mr. President, I raise a point of order that section 105(b) of the pending amendment violates section 313(b)(1)(D) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, ''premium stabilization'' is a fancy term for bailout. What this basically seeks to strike out is a provision that takes out the money for a bailout fund, for taxpayer money that would be used to bail out insurance companies that participate in ObamaCare. Why should the American taxpayer have to bail out private insurance companies that are losing money on ObamaCare?

Last year, because we passed this provision, we saved the American taxpayers $2.5 billion. But now, because these companies have lobbyists who come up here and lobby to get their money, we are supposed to leave in this fund to bail out private insurance companies. This is outrageous.

If you want to be involved in the exchanges—and of course I want us to repeal the whole lot, but if you want to be involved in these exchanges and you lose money, the American taxpayer should not have to bail you out to the tune of over $2 billion, and that is what they are asking for.

Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of amendment No. 2916, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—52

| | | |
|---|---|---|
| Alexander | Fischer | Perdue |
| Ayotte | Flake | Portman |
| Barrasso | Gardner | Risch |
| Blunt | Graham | Roberts |
| Boozman | Grassley | Rounds |
| Burr | Hatch | Rubio |
| Capito | Heller | Sasse |
| Cassidy | Hoeven | Scott |
| Coats | Inhofe | Sessions |
| Cochran | Isakson | Shelby |
| Collins | Johnson | Sullivan |
| Cornyn | Lankford | Thune |
| Cotton | Lee | Tillis |
| Crapo | McCain | Toomey |
| Cruz | McConnell | Vitter |
| Daines | Moran | Wicker |
| Enzi | Murkowski | |
| Ernst | Paul | |

NAYS—47

| | | |
|---|---|---|
| Baldwin | Durbin | Markey |
| Bennet | Feinstein | McCaskill |
| Blumenthal | Franken | Menendez |
| Booker | Gillibrand | Merkley |
| Boxer | Heinrich | Mikulski |
| Brown | Heitkamp | Murphy |
| Cantwell | Hirono | Murray |
| Cardin | Kaine | Nelson |
| Carper | King | Peters |
| Casey | Kirk | Reed |
| Coons | Klobuchar | Reid |
| Corker | Leahy | Schatz |
| Donnelly | Manchin | Schumer |
| Shaheen | Udall | Whitehouse |
| Stabenow | Warner | Wyden |
| Tester | Warren | |

NOT VOTING—1

Sanders

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and section 105(b) is stricken.

The Democratic leader.

AMENDMENT NO. 2917 TO AMENDMENT NO. 2916

Mr. REID. Mr. President, I ask the clerk to report amendment No. 2917.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2917 to amendment No. 2916.

The amendment is as follows:

(Purpose: To strike the reinstatement of the tax on employee health insurance premiums and health plan benefits)

In section 209, strike subsection (c).

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. There is no shortage of contradictions today from my Republican friends. The first amendment was called, ''If you like what you have, you can keep it.'' A couple of hours later, the same Republicans came back and voted to strip the health care for 22 million Americans.

In one of the few bipartisan moments today, 90 Senators voted to remove the provision that would restart the Cadillac tax in 2025. Yet minutes later, the Republican leader offered the pending substitute amendment to put that provision back in.

Do they really believe those who oppose the Cadillac tax will not recognize that they voted with them and then immediately reversed themselves and voted against them? I am offering them a chance to correct the record.

My amendment will again remove the provision that restarts the Cadillac tax in 2025. I urge all Senators, particularly the 90 who just voted yes, to support this amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the senior Senator from Nevada protecting the bipartisan amendment that was put forward by the junior Senator from Nevada to make sure that stays in the bill. I suggest that we have a voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2917) was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2919 TO AMENDMENT NO. 2916

(Purpose: To ensure that individuals can keep their health insurance coverage)

Ms. BALDWIN. Mr. President, I call up amendment No. 2919.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Ms. BALDWIN] proposes an amendment numbered 2919 to amendment No. 2916.

Ms. BALDWIN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

Ms. BALDWIN. Mr. President, I rise to speak in support of my amendment to allow families in Wisconsin and across the country to keep their high-quality affordable health insurance under the Affordable Care Act.

My Republican friends want to repeal the Affordable Care Act and turn back the clock to the days when only the healthy and wealthy could afford the luxury of quality health insurance. The plan before us would strip millions of Americans of their premium tax credits and take away new Medicaid coverage for thousands of people across this country.

My amendment is simple. It would prevent Republicans from taking away these tax credits and Medicaid for millions of low-income Americans. Thanks to the Affordable Care Act, over 183,000 Wisconsinites—hard-working Wisconsinites—have obtained quality, affordable private health insurance coverage through the marketplace. Almost 90 percent of these Wisconsinites are receiving support to make their coverage more affordable.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. BALDWIN. I ask unanimous consent for 10 more seconds.

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

Ms. BALDWIN. Americans deserve to know their coverage will be there when they need it the most. I urge my colleagues to support this amendment because in the United States of America, health care should be a right guaranteed to all, not a privilege reserved for the few.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to oppose this amendment. This amendment would exempt individuals eligible for advanced premium tax credits from the larger tax credit repeal in the bill. As a matter of policy and fairness, I do not believe that just because an individual is eligible for an advanceable tax credit, they should be exempt from the larger repeal.

I also object to the repeated attempt to pay for this amendment by increasing taxes on hard-working Americans. I urge my colleagues to oppose this message.

The pending amendment No. 2919 would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays. Therefore, I raise a point of order against this amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—45

| | | |
|---|---|---|
| Baldwin | Gillibrand | Murray |
| Bennet | Heinrich | Nelson |
| Blumenthal | Heitkamp | Peters |
| Booker | Hirono | Reed |
| Boxer | Kaine | Reid |
| Brown | King | Schatz |
| Cantwell | Klobuchar | Schumer |
| Cardin | Leahy | Shaheen |
| Carper | Manchin | Stabenow |
| Casey | Markey | Tester |
| Coons | McCaskill | Udall |
| Donnelly | Menendez | Warner |
| Durbin | Merkley | Warren |
| Feinstein | Mikulski | Whitehouse |
| Franken | Murphy | Wyden |

NAYS—54

| | | |
|---|---|---|
| Alexander | Ernst | Murkowski |
| Ayotte | Fischer | Paul |
| Barrasso | Flake | Perdue |
| Blunt | Gardner | Portman |
| Boozman | Graham | Risch |
| Burr | Grassley | Roberts |
| Capito | Hatch | Rounds |
| Cassidy | Heller | Rubio |
| Coats | Hoeven | Sasse |
| Cochran | Inhofe | Scott |
| Collins | Isakson | Sessions |
| Corker | Johnson | Shelby |
| Cornyn | Kirk | Sullivan |
| Cotton | Lankford | Thune |
| Crapo | Lee | Tillis |
| Cruz | McCain | Toomey |
| Daines | McConnell | Vitter |
| Enzi | Moran | Wicker |

NOT VOTING—1

Sanders

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Connecticut.

AMENDMENT NO. 2918 TO AMENDMENT NO. 2916

(Purpose: To protect victims of violence or disease, veterans, workers who have lost their health insurance and their jobs, and other vulnerable populations from the repeal of the advanced premium tax credit)

Mr. MURPHY. Mr. President, I call up amendment No. 2918.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. MURPHY] proposes an amendment numbered 2918 to amendment No. 2916.

Mr. MURPHY. I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

Mr. MURPHY. Mr. President, when President Clinton proposed his health care bill in 1993, Republicans were so upset that they came up with a radical idea. This radical idea was to give tax credits to poor people to buy private insurance, to set up an insurance exchange where they could do that, to ban preexisting conditions, and to include an individual mandate—in short, the Affordable Care Act, built by Republicans, many of them still in this Chamber today.

At the heart of that proposal was the idea that people should get a tax cut in order to be able to buy private insurance. At the heart of the underlying Republican amendment is a gutting of that ability of individuals to go out and buy private insurance for themselves.

This amendment is pretty simple. It says that at the very least we can come together on the idea that we should preserve those tax credits for the most vulnerable—for pregnant women, for victims of domestic violence, for people suffering from heart disease, cancer, and Alzheimer's. At the very least, we can come together and decide to protect those tax credits—a Republican idea at the genesis for those vulnerable individuals.

I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to oppose this amendment.

Under ObamaCare, health insurance plans are decreasing, they are narrower, and they are giving sick individuals fewer choices and fewer options over their health care.

Repealing ObamaCare is the first step in moving toward health care that is better for all Americans, including those who Senators MURPHY and STABENOW intend to help.

This amendment also again proposes the Buffett tax, taxing foreign inversion corporations as domestic, and expanding limitations on executive compensation deductibility.

I believe the problem with Washington's finances is that our government spends too much and lives outside its means. I am continually working to put our country's finances on a sustainable path so that more Americans can keep more of their hard-earned money. We don't need higher taxes.

I urge my colleagues to oppose the upcoming motion to waive.

Mr. President, the pending amendment No. 2918 would cause the underlying legislation to exceed the authorizing committee's 302(a) allocation of new budget authority or outlays. Therefore, I raise a point of order against this amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 46, nays 53, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—46

| | | |
|---|---|---|
| Baldwin | Gillibrand | Nelson |
| Bennet | Heinrich | Peters |
| Blumenthal | Heitkamp | Reed |
| Booker | Hirono | Reid |
| Boxer | Kaine | Schatz |
| Brown | King | Schumer |
| Cantwell | Klobuchar | Shaheen |
| Cardin | Leahy | Stabenow |
| Carper | Manchin | Tester |
| Casey | Markey | Udall |
| Collins | McCaskill | Warner |
| Coons | Menendez | Warren |
| Donnelly | Merkley | Whitehouse |
| Durbin | Mikulski | Wyden |
| Feinstein | Murphy | |
| Franken | Murray | |

NAYS—53

| | | |
|---|---|---|
| Alexander | Fischer | Paul |
| Ayotte | Flake | Perdue |
| Barrasso | Gardner | Portman |
| Blunt | Graham | Risch |
| Boozman | Grassley | Roberts |
| Burr | Hatch | Rounds |
| Capito | Heller | Rubio |
| Cassidy | Hoeven | Sasse |
| Coats | Inhofe | Scott |
| Cochran | Isakson | Sessions |
| Corker | Johnson | Shelby |
| Cornyn | Kirk | Sullivan |
| Cotton | Lankford | Thune |
| Crapo | Lee | Tillis |
| Cruz | McCain | Toomey |
| Daines | McConnell | Vitter |
| Enzi | Moran | Wicker |
| Ernst | Murkowski | |

NOT VOTING—1

Sanders

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 53.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 2916, AS AMENDED

The PRESIDING OFFICER. The question occurs on amendment No. 2916, as amended, offered by the majority leader.

The Senator from Washington.

Mrs. MURRAY. Mr. President, we are about to have a voice vote on the substitute amendment, and I would not object to a voice vote, since I know we have all been here a long time, but I would just like to point out to everyone that the substitute amendment is a major bill that has just been introduced that we are now voting on. I assume everyone has read every word of it.

We have been debating 20 hours and just got a major amendment a few hours ago that doubles down on all of the deep and harmful bill that is in front of us, and it is really objectionable to those on our side that after 20 hours of debate on a number of amendments we get a major substitute amendment that we are voting on.

I would not object to it being a voice vote, but I urge my colleagues to vote no.

Mr. MCCONNELL. I yield back the time on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2916, as amended.

The amendment (No. 2916), as amended, was agreed to.

VOTE ON AMENDMENT NO. 2874, AS AMENDED

The PRESIDING OFFICER. The question occurs on amendment No. 2874, as amended, offered by the majority leader.

Mrs. MURRAY. I yield back our time.

Mr. MCCONNELL. I yeld back all time on this side.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 2874, as amended.

The amendment (No. 2874), as amended, was agreed to.

Mr. MCCONNELL. Mr. President, for years the American people have been calling on Washington to build a bridge away from ObamaCare. For years Democrats prevented the Senate from passing legislation to do just that, but in just a moment that will change.

It will be a victory for the middle-class families who have endured this law's pain far too long on their medical choices, on the affordability of their care, on the availability of their doctors and hospitals, and on the insurance they liked and wanted to keep. A new Senate that is back on the side of the American people will vote to move beyond all the broken promises, all the higher costs, and all the failures. We will vote to build a bridge away from ObamaCare and toward better care. We will vote for a new beginning.

We hope the House will again do the same, and then President Obama will have a choice. He can defend the status quo that has failed the middle class by vetoing the bill or he can work toward a new beginning and better care by signing it.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as I have said before, I am very proud of the progress we have made over the last few years toward a health care system that actually works for our families and puts their needs first.

Today more than 16 million people have gained the peace of mind and security that comes with health care coverage. Tens of millions of people with preexisting conditions no longer have to worry about insurance companies turning them away, and young adults in this country are able to stay covered as they start out their lives, but the work didn't end when the Affordable Care Act was passed—far from it.

So I am ready, and I know our colleagues on this side of the aisle are also, to work with anyone who has good ideas about how we continue making health care more affordable, expanding coverage, and improving the quality of care.

The legislation we have now spent the last few days debating, which has no chance for becoming law, will do the exact opposite. This will undo the progress we have made. It is not what our families and communities want.

I hope that once this partisan bill reaches the dead-end it has always been headed for, Republicans will finally drop the politics and work with us to deliver results for the families and communities we serve.

The PRESIDING OFFICER. All time has expired.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having read the third time, the question is, shall the bill pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—52

| | | |
|---|---|---|
| Alexander | Fischer | Perdue |
| Ayotte | Flake | Portman |
| Barrasso | Gardner | Risch |
| Blunt | Graham | Roberts |
| Boozman | Grassley | Rounds |
| Burr | Hatch | Rubio |
| Capito | Heller | Sasse |
| Cassidy | Hoeven | Scott |
| Coats | Inhofe | Sessions |
| Cochran | Isakson | Shelby |
| Corker | Johnson | Sullivan |
| Cornyn | Lankford | Thune |
| Cotton | Lee | Tillis |
| Crapo | McCain | Toomey |
| Cruz | McConnell | Vitter |
| Daines | Moran | Wicker |
| Enzi | Murkowski | |
| Ernst | Paul | |

NAYS—47

| | | |
|---|---|---|
| Baldwin | Casey | Heitkamp |
| Bennet | Collins | Hirono |
| Blumenthal | Coons | Kaine |
| Booker | Donnelly | King |
| Boxer | Durbin | Kirk |
| Brown | Feinstein | Klobuchar |
| Cantwell | Franken | Leahy |
| Cardin | Gillibrand | Manchin |
| Carper | Heinrich | Markey |

| | | |
|---|---|---|
| McCaskill | Peters | Tester |
| Menendez | Reed | Udall |
| Merkley | Reid | Warner |
| Mikulski | Schatz | Warren |
| Murphy | Schumer | Whitehouse |
| Murray | Shaheen | Wyden |
| Nelson | Stabenow | |

NOT VOTING—1

Sanders

The bill (H.R. 3762), as amended, was passed.

The PRESIDING OFFICER. The majority leader.

## ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that a 60-affirmative vote be required for adoption of the conference report to accompany H.R. 22.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, for the information of all of our colleagues, there will be only two votes in relation to the highway bill, and those will be the last votes of the week.

## SURFACE TRANSPORTATION REAUTHORIZATION AND REFORM ACT OF 2015—CONFERENCE REPORT

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany H.R. 22, which will be stated by title.

The senior assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 22), to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, having met, have agreed that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment and the House agree to the same, signed by a majority of the conferees on the part of both Houses.

Thereupon, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 1, 2015.)

The PRESIDING OFFICER. There are 30 minutes of debate equally divided.

Who yields time?

Mr. VITTER. Mr. President, I wish to clarify today a provision included in the FAST Act conference report.

In order to build and restore the Nation's highway infrastructure without breaking the bank to do so, we are going to need the best and latest in cost-saving construction technologies to help us attain that goal.

I supported a provision in the Senate bill that would do just that with regard to construction for key highway components, such as bridge abutments, erosion control on highway waterways, and sound walls. My language specifically identified ''innovative segmental wall technology for soil bank stabilization and roadway sound attenuation, and articulated technology for hydraulic sheer-resistant erosion control'' as technologies for research and deployment action by the Federal Highway Administration, FHWA.

A core value shared by all three technologies is that they can save taxpayer dollars. And we should certainly encourage FHWA to engage in research and deployment on them.

For example, one of the practical and expensive problems with highway construction is moving and dispensing with excavated dirt. Segmental retaining wall, or SRW, technology can reduce transportation construction costs to the taxpayers by allowing the use of in situ soils in building segmental retaining walls rather than treating the excavated dirt as waste and hauling it away. Using the native soils for bank reinforcement can save the hauling costs and time for dirt removal, also reducing construction time. Similar segmental unit technology can be used to provide additional choices that are also aesthetically appealing for transportation designers to consider for sound attenuation.

And articulated segmented unit technology for erosion control, known as ACB for the concrete blocks usually used for this purpose linked together in a durable matrix, is especially durable and resistant to overtopping in high-water events. Overtopping is a major problem in high-water events that can degrade or ruin the existing erosion control measures. Rebuilding and replacing is always a huge cost that we should seek to avoid.

While the conference report does not retain my provision, we still have options to save the taxpayers money. I would like to point out that provisions appear elsewhere in the conference report that can give FHWA essentially the same mission, albeit articulated in a different way.

Section 1428 of the conference report states that ''the Secretary shall encourage the use of durable, resilient and sustainable materials and practices, including the use of geosynthetic materials and other innovative technologies, in carrying out the activities of the Federal Highway Administration.''

Section 1428 might be an alternate means of articulating the same concepts I supported with regard to the innovative segmental wall, or SRW, technology. SRW walls use concrete block facing materials that are obviously highly durable, resilient, and sustainable. These facing units are anchored into the soils using geosynthetic ties that are also highly tough and durable and described in Section 1428.

In passing the conference report, I would like to clarify for FHWA staff to consider SRW technology, using the durable, resilient, sustainable materials anchored with geosynthetics as one of the technologies envisioned in Section 1428. ACBs and segmental block sound walls also fit the definition of durable, resilient, and sustainable materials and techniques set forth in this section and should enjoy a similar favorable view under the umbrella of Section 1428.

Mr. CARDIN. Mr. President, I rise today to speak about the highway trust fund, HTF, and the conference report we will be considering shortly to accompany the surface transportation reauthorization bill, which is called the Fixing America's Surface Transportation Act, FAST Act.

First, I am pleased to see that this bill provides 5 years of funding for our Nation's transportation infrastructure. That is the kind of long-range certainty our State and local officials and the private sector need to plan transportation infrastructure projects in a thoughtful and responsible way.

While there are many excellent provisions in the bill, I do have significant concerns about the way our Nation's surface transportation infrastructure is being funded.

First, I will speak about the policy within the bill. I am pleased that the conference committee has retained this Nation's commitment to transportation alternatives. This bill includes more than $4 billion for bike and pedestrian infrastructure, making our roads safer for everyone who uses them. My bill creating a dedicated program for nonmotorized safety is also included in the reauthorization, which will support things like bike safety training programs for both bicyclists and drivers, again making our streets safer for all who use them.

Furthermore, the section 5340 bus program has been kept intact. This program is for high-density areas like Baltimore and Washington, DC, which cannot simply widen a road to accommodate extra travelers. The FAST Act provides more than $2.7 billion to high-density areas. This is significant for Maryland in particular. Over the life of this bill, Maryland should receive more than $4.4 billion in Federal Highway Administration, FHWA, and Federal Transit Administration, FTA, funding combined. That is an extraordinary amount of funding for a State that sorely needs it.

I am concerned, however, that the FAST Act undermines the public input, environmental analysis, and judicial review guaranteed under the National Environmental Policy Act, NEPA. If Congress wants Federal agencies to approve more permits faster, then we should appropriate the requisite funds for sufficient staff and other necessary resources. We should not undermine the integrity of important project reviews. Moreover, the argument that the permitting process takes too long is a red herring. More than 95 percent of all FHWA-approved projects involve no significant impacts and therefore have limited NEPA requirements. If we really want to speed project development, we should recognize the known causes of delay and not use this bill as a Trojan horse to dismantle our Nation's foundational environmental

laws. So while I support many of the policies in the bill, I am still very concerned about the impact it will have on our environment.

While I have mixed feelings about the policies in this bill, I am not conflicted with regard to how it is funded. I am extremely disappointed in the hodgepodge of questionable pay-fors that we are using in this bill. We certainly needed to address the problem of funding our Nation's highway and transit systems beyond the myriad short-term extensions that Congress has approved in the past. But instead of opting for a reliable and permanent future revenue stream to pay for this critical government function, the FAST Act falls back on provisions completely unrelated to highways and mass transit. It relies on one-time pay-fors that are simply digging a deeper hole for the next reauthorization. That is a troublesome precedent.

I think we have missed an opportunity here to stick to the ''user pays'' principle with regard to the Federal gasoline excise tax, which hasn't been raised since 1993. According to the Congressional Budget Office, a 10-cent-per-gallon increase in the tax would fully fund the bill for 5 years.

Gasoline prices are plunging around the country, with the national average falling in 24 out of the past 30 days, according to the American Automobile Association, AAA, earlier this week. The price of a gallon of regular gasoline now stands at $2.04 nationally, down 14 cents compared to 1 month ago and 74 cents lower than this time last year. AAA officials and others anticipate that the national average price will dip below the $2.00 threshold within a matter of days.

So, as I said, I think we may be missing an opportunity here to put surface transportation infrastructure funding back on a solid foundation, appropriately based on the ''user pays'' principle.

It is also important from a policy perspective that we price carbon more appropriately to reflect its total costs, promote fuel efficiency, and accelerate the absolutely essential shift from fossil fuels to cleaner, more sustainable sources of energy. Lower gasoline prices let motorists keep more money in their pockets in the short term. But we have to think about the long term, too, and if we needlessly delay making that inevitable shift, the long-term costs to human health and the environment will dwarf any perceived short-term gains.

There is one so-called offset in the bill that I adamantly oppose: the use of private collection agencies, PCAs, to collect tax debt. I oppose this provision not only because it simply will not raise revenue but also because it is terrible tax policy that puts a target on the back of low-income and middle-class families. The Treasury Department, the Internal Revenue Service, IRS, and the National Taxpayer Advocate all join me in opposing this provision.

The Joint Committee on Taxation, JCT, scores this provision at over $2.0 billion over 10 years, but since JCT only takes into account incoming and outgoing tax revenue, its score doesn't take into account the IRS's implementation and oversight costs and the opportunity costs of farming collections out to private collectors.

Twice before, from 1996 to 1997 and from 2006 to 2009, Congress required Treasury to turn over some tax collection efforts to PCAs with miserable results. The first attempt resulted in the loss of $17 million and contractors participating were found to have violated the Fair Debt Collections Practice Act. Under legislation enacted in 2004, the IRS again attempted to use PCAs to collect Federal taxes in 2006. In September of that year, the IRS began turning over delinquent taxpayer accounts to three PCAs who were permitted to keep between 21–24 percent of the money they collected. While the program was supposed to bring in up to $2.2 billion in unpaid taxes, data from the IRS showed that the program actually resulted in a net loss of almost $4.5 million to the Federal Government after subtracting $86.2 million in administration costs and more than $16 million in commissions to the PCAs.

In analyzing the PCA offset last year, the IRS prepared a preliminary estimate of the percentage of individual taxpayers who have ''inactive tax receivables'' that would be subject to private debt collection and who are low-income. After reviewing collection data for fiscal year 2013, the IRS found that 79 percent of the cases that fell into the ''inactive tax receivables'' category involved taxpayers with incomes below 250 percent of the Federal poverty level. So nearly four-fifths of delinquent taxpayers were almost surely in the ''can't pay'' category and would be unlikely to make payments when contacted by a PCA instead of the IRS.

Not only are low-income taxpayers more vulnerable to begin with, PCAs actually provide fewer options for them to meet their tax obligations. IRS employees, unlike the PCAs, have a variety of tools at their disposal they can use to help delinquent taxpayers meet their tax obligations, especially those facing financial difficulties. These tools include the ability to postpone, extend, or suspend collection activities for limited periods of time; making available flexible payment schedules that provide for skipped or reduced monthly payments under certain circumstances; the possibility of waiving late penalties or postponing asset seizures; and offers in compromise, OIC, which are agreements between struggling taxpayers and the IRS that settle tax debts for less than the full amount owed.

In contrast, the PCAs' sole interest is to collect from a taxpayer the balance due amount they have been provided. They have no interest in whether the taxpayer owes other taxes or may not have filed required returns. They cannot provide any advice or use any of the tools IRS employees have, such as extensions or offers in compromise.

In October, I joined 15 other Senators—including several of my Finance Committee colleagues and Ranking Member WYDEN—in signing a letter the senior Senator from Ohio, Mr. BROWN, sent to leadership on the dangers and shortcomings of this provision. Unfortunately, our message was not heard. So, because we refuse to turn to obvious and commonsense financing solutions for our transportation infrastructure problems, we have decided instead to use an offset that has historically lost money, all on the backs of low-income taxpayers.

Mr. President, the FAST Act conference report is a bipartisan, bicameral achievement. I congratulate the House and Senate conferees for reaching an agreement; I know it has been an arduous process. The reauthorization contains many good provisions and provides 5 years of desperately needed funding for our Nation's crumbling transportation infrastructure. I will vote for the conference report, but I will do so with serious reservations about how this bill is funded. Our surface transportation infrastructure is a crucial component of our national security and economic competitiveness. Reauthorizing our surface transportation programs used to be a relatively routine matter; now it is becoming harder and harder to do and we are relying more and more on gimmicky funding mechanisms. These are worrisome precedents.

Mr. THUNE. Mr. President, over the past few years, the public has grown increasingly skeptical of Congress being able to function.

When Republicans took the majority in January, we promised the American people we would get the Senate working again, and we have been delivering on that promise.

This Transportation bill conference report is another major legislative achievement and the result of hard work by several committees in the House and Senate who put together key provisions to spur long overdue infrastructure investment and safety improvements.

This bill will give States and local governments the certainty they need to plan for and commit to key infrastructure projects. It will also help strengthen our Nation's transportation system by increasing transparency in the allocation of transportation dollars, streamlining the permitting and environmental review processes, and cutting red tape.

Republicans and Democrats alike got to make their voices heard during this process, and the final conference report is stronger because of it.

As chairman of the Commerce, Science, and Transportation Committee, I had the opportunity to work on various sections of the bill with Ranking Member BILL NELSON. The

provisions under our committee's jurisdiction comprise roughly half of the 1,300 pages of legislative text.

One particular focus was on enhancing the safety of our Nation's cars, trucks, and railroads, and the final bill we produced makes key reforms that will enhance transportation safety around the country.

Over the past year, the Commerce Committee has spent a lot of time focused on motor vehicle safety efforts. Last year was a record year for auto problems, with more than 63 million vehicles recalled.

Two of the defects that have spurred recent auto recalls—the faulty General Motors ignition switch and the defective airbag inflators from Takata—are responsible for numerous unnecessary deaths and injuries—at least 8 reported deaths in the case of Takata and more than 100 deaths in the case of General Motors. Indications point to the Takata recalls as being among the largest and most complex set of auto-related recalls in our Nation's history, with more than 30 million cars affected.

Given the seriousness of these recalls, when it came time to draft the highway bill, one of our priorities at the Commerce Committee was addressing auto safety issues and promoting greater consumer awareness and corporate responsibility.

The conference report includes our committee's work to triple the civil penalties that the National Highway Traffic Safety Administration can impose on automakers for a series of related safety violations—from a cap of $35 million to a cap of $105 million—which should provide a much stronger deterrent against auto safety violations like those that occurred in the case of the faulty ignition switches at General Motors.

I am also pleased that the conference report includes the Motor Vehicle Whistleblower Safety Act, which I introduced with Ranking Member NELSON and others to incentivize auto companies to adopt internal reporting systems and establish a system to reward employees who ''blow the whistle'' when manufacturers sit on important safety information. The conference report also improves notification methods to ensure that consumers are made aware of open recalls.

The new notification requirements include a provision incentivizing dealers to inform consumers of open recalls when they bring in their cars for routine maintenance, as well as a grant program to allow States to notify consumers of recalls when they register their vehicles.

Our committee also worked with the House Energy and Commerce Committee during the conference process to incorporate a modified provision from my Democrat colleague, the senior Senator from Missouri, which will prevent rental car companies from renting unrepaired cars that are subject to a recall.

In the wake of the recall over the GM ignition switch defect, the inspector general at the Department of Transportation published a scathing report identifying serious lapses at the National Highway Traffic Safety Administration—or NHTSA—the government agency responsible for overseeing safety in our Nation's cars and trucks.

The concerns raised included questions about the agency's ability to properly identify and investigate safety problems—a concern that is further underscored by the circumstances surrounding the Takata recalls.

In addition to targeting violations by automakers, our portion of the highway bill also addresses the lapses at NHTSA identified in the inspector general's report. While the conference report does increase funding for NHTSA's Office of Defects Investigation, that will only happen contingent on the agency's implementation of reforms called for by the inspector general, ensuring that this agency will be in a better position to address vehicle safety problems in the future.

Combating impaired driving is also a priority. I am pleased to announce that the conference report creates a grant for States that provide 24/7 sobriety programs. I have been a long-time champion of these programs, which have been very effective in States, like my home State of South Dakota, where it originated.

This provision is intended to allow States to certify the general practice on minimum penalties which can meet the definition under the repeat offender law, and we expect that NHTSA should reasonably defer to a State's analysis underpinning such a certification.

Another significant portion of the final conference report is made up of a bipartisan rail safety bill put together by the Republican junior Senator from Mississippi and the Democrat junior Senator from New Jersey that we merged in conference with the passenger rail bill that the House passed earlier this year.

The resulting passenger rail title includes a 5-year reauthorization of Amtrak that includes a host of safety provisions that our committee adopted following the tragic train derailment in Philadelphia. I know a number of my colleagues are very pleased with various provisions that will strengthen our Nation's rail infrastructure and smooth the way for the implementation of new safety technologies.

Our transportation infrastructure keeps our economy—and our Nation—going. Our Nation's farmers depend on our rail system to move their crops to market. Manufacturers rely on our Interstate Highway System to distribute their goods to stores across the United States.

And all of us depend on our Nation's roads and bridges to get around every day.

For too long, transportation has been the subject of short-term legislation that leaves those responsible for building and maintaining our Nation's transportation system without the certainty and predictability they need to keep our roads and highways thriving.

I am proud of the final conference report that passed the House earlier today by a strong vote of 359–65. I urge my colleagues to join in passing this long-overdue bill so it can be signed into law by the President without further delay.

I ask unanimous consent that a summary of the Commerce Committee's related provision be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMERCE COMMITTEE PROVISIONS IN FIVE-YEAR SURFACE TRANSPORTATION BILL

Below is an extended summary of key provisions in the Senate Commerce, Science, and Transportation Committee's titles in the five-year surface transportation bill:

IMPROVED PROJECT DELIVERY AND DEPARTMENT OF TRANSPORTATION (DOT) MANAGEMENT

*Project Streamlining*—Provides additional authority to streamline project delivery and consolidate burdensome permitting regulations (similar to the administration's GROW AMERICA proposal).

IMPROVING HIGHWAY SAFETY

*Keeps Drug Users Off the Roads*—Allows for more effective drug testing for commercial truck drivers. Also increases federal cooperation with state efforts to combat drug impaired driving and directs a study on the feasibility of an impairment standard for driving under the influence of marijuana.

*Prohibits Rental of Vehicles Under Recall*—Prohibits covered rental companies from renting or selling an unrepaired vehicle under recall. Based upon the Raechel and Jacqueline Houck Safe Rental Car Act of 2015 (S. 1173).

*Incentivizes Crash Avoidance Technology*—Adds that crash avoidance information be indicated on new car stickers to inform vehicle purchasing decisions and foster competition in the marketplace.

*Tire Pressure Monitoring*—Requires the National Highway Traffic Safety Administration (NHTSA) to update the rule governing tire pressure monitoring technologies; modified in conference to avoid unintended consequences and clarify that the rule should not be technology specific.

*Improves Information on Safety of Child Restraint Systems*—Improves crash data collection to include child restraint systems.

IMPROVES VEHICLE RECALL NOTIFICATION

*Improves Consumer Awareness of Recalls*—Requires NHTSA to improve the safercar.gov website and the consumer complaint filing process. Provides a study on the technological feasibility of direct vehicle notification of recalls. Also requires manufacturers to identify and include applicable part numbers when notifying NHTSA of safety defects, making this information publicly available.

*Incentivizes Dealers to Notify Consumers of Open Recalls*—Incentivizes auto dealers to inform consumers of open recalls at service appointments.

*Creates Program for States to Notify Consumers of Recalls*—Creates a state pilot grant to inform consumers of open recalls at the time of vehicle registration.

*Improves Tire Recall Efforts*—Increases the time tire owners and purchasers have to seek a remedy for tire recalls at no cost to consumers. Creates a publicly available database of tire recall information. Also includes

a provision adopted in conference to direct NHTSA to study the feasibility of requiring electronic identification on tires in order to facilitate registration and ease the burden on small businesses.

FREIGHT

*Develops a National Freight Strategy and Strategic Plan*—Sets goals to enhance U.S. economic competitiveness by improving freight transportation networks that serve our agriculture, retail, manufacturing, and energy sectors. Focuses freight planning efforts in the Office of the Secretary with the Undersecretary for Policy to provide multimodal coordination.

*Requires Additional Freight Data*—Establishes a working group and an annual reporting requirement to collect additional freight data to help improve the movement of freight throughout the country.

*Improves Freight Planning*—Improves freight planning efforts to ensure that freight planning is multimodal and addresses the links between highways, railroads, ports, airports, and pipelines.

FLEXIBILITY FOR STATES

*Federal Motor Carrier Safety Administration (FMCSA) Grant Consolidation*—Consolidates state trucking enforcement grants to provide additional flexibility to states to administer enforcement programs.

*NHTSA Grant Flexibility*—Increases emphasis on ''Section 402'' highway safety grants to address each state's unique highway safety challenges. Also increases opportunities for states to obtain grants for implementing graduated drivers licensing, distracted driving laws and impaired driving. Creates a new non-motorized grant to create programs to enhance safety for pedestrians and bicyclists.

REGULATORY REFORM & TRANSPARENCY

*Petitions*—Requires FMCSA to respond to stakeholder petitions for review of regulations or new rulemakings.

*Transparency*—Requires FMCSA to maintain updated records relating to regulatory guidance, and provides for regular review to ensure consistency and enforceability.

NHTSA OVERSIGHT & VEHICLE SAFETY ENFORCEMENT

*Vehicle Safety Enforcement*—Triples penalties for auto safety violations per incident and triples the overall penalty cap to $105 million, provided that NHTSA conducts a previously-required rulemaking on penalty assessment factors.

*Whistleblower Incentives*—Incentivizes auto employees to come forward with information about safety violations by authorizing the Secretary to award a percentage of certain collected sanctions to whistleblowers. Based upon the bipartisan Motor Vehicle Safety Whistleblower Act, which passed the Senate by voice vote in April (S. 304).

*Increases Funding for Vehicle Safety*—Following the record number of auto recalls in 2014, the bill authorizes additional funding increases to GROW AMERICA levels for vehicle safety efforts, but only if the DOT Secretary certifies that certain reforms have been implemented following the scathing inspector general (IG) audit of NHTSA following the GM ignition switch defect.

*Increases Corporate Responsibility*—Requires rules on corporate responsibility for reports to NHTSA and updates recall obligations under bankruptcy; increases the retention period during which manufacturers must maintain safety records and expands the time frame for remedying defects at no cost to consumers.

*Provides Increased Oversight of NHTSA*—Requires DOT IG and NHTSA to provide updates on progress to implement IG recommendations to improve defect identification, requires an annual agenda, clarifies the limits of agency guidelines, and directs IG and Government Accountability Office GAO audits of NHTSA's management of vehicle safety recalls, public awareness of recall information, and NHTSA's research efforts.

CONSUMER PRIVACY

*Driver Privacy*—Makes clear that the owner of a vehicle is the owner of any information collected by an event data recorder. Based on the bipartisan Driver Privacy Act, which the Committee approved in March (S. 766).

TRUCKING REFORMS & IMPROVEMENTS

*CSA Reform*—Addresses shortcomings in the Compliance, Safety, and Accountability (CSA) program following concerns raised by the DOT IG, the GAO, and a DOT internal review team about the reliance on flawed analysis in the scores used to evaluate freight companies, while maintaining public information on enforcement data and consumer information on the scores of intercity buses.

*Beyond Compliance*—Establishes new incentives for trucking companies to adopt innovative safety technology and practices.

*Commercial Driver Opportunities for Veterans*—Establishes a pilot program to address the driver shortage by allowing qualified current or former members of the armed forces, who are between 18 and 21 years old, to operate a commercial motor vehicle in interstate commerce. Currently, 48 states allow 18–21 year olds to drive intrastate on county, state, and Interstate highways.

RAIL

*Passenger Rail Reform*—Reauthorizes Amtrak services through 2020, empowers states, improves planning, and better leverages private sector resources. It also creates a working group and rail restoration program to explore options for resuming service discontinued after Hurricane Katrina. Many of these provisions are based on the bipartisan Railroad Reform, Enhancement, and Efficiency Act (S. 1626), which passed the Commerce Committee by voice vote in June.

*Railroad Loan Financing Reform*—Reforms the existing $35 billion Railroad Rehabilitation and Improvement Financing Program to increase transparency and flexibility, expand access for limited option freight rail shippers, and provide tools to reduce taxpayer risks.

*Rail Infrastructure Improvements*—Improves rail infrastructure and safety by consolidating rail grant programs, cutting red tape and dedicating resources for best use. It also establishes a Federal-State partnership to bring passenger rail assets into a state of good repair.

*Expedites Rail Projects*—Accelerates the delivery of rail projects by significantly reforming environmental and historic preservation review processes, applying existing exemptions already used for highways to make critical rail investments go further.

*Dedicated Funding for Positive Train Control (PTC)*—Establishes a new limited authorization with guaranteed funding for the Secretary of Transportation to provide commuter railroads and States with grants and/or loans that can leverage approximately $2+ billion in financing for PTC implementation.

*Testing of Electronically-Controlled Pneumatic (ECP) Brakes*—Preserves the DOT's final rule requiring ECP brakes on certain trains by 2021 and 2023, while requiring an independent evaluation and real-world derailment test. It requires DOT to re-evaluate its final rule within the next two years using the results of the evaluation and testing.

*Liability Cap*—Increases the passenger rail liability cap to $295 million (adjusting the current $200 million cap for inflation), applies the increase to the Amtrak accident in Philadelphia on May 12, 2015, and adjusts the cap for inflation every five years going forward.

*Cameras on Passenger Trains*—Requires all passenger railroads to install inward-facing cameras to better monitor train crews and assist in accident investigations, and outward-facing cameras to better monitor track conditions, fulfilling a long-standing recommendation from the National Transportation Safety Board.

*Thermal Blankets on Tank Cars Carrying Flammable Liquids*—Closes a potential loophole in Department of Transportation regulations and reduces the risk of thermal tears, which is when a pool fire causes a tank car to rupture and potentially result in greater damage.

*Real-Time Emergency Response Information*—Improves emergency response by requiring railroads to provide accurate, real-time, and electronic train consist information (e.g., the location of hazardous materials on a train) to first responders on the scene of an accident.

*Grade Crossing Safety*—Increases safety at highway-rail crossings by requiring action plans to improve engineering, education, and enforcement, evaluating the use of locomotive horns and quiet zones, and examining methods to address blocked crossings.

*Passenger Rail Safety*—Enhances passenger rail safety by requiring speed limit action plans, redundant signal protection, alerters, and other measures to reduce the risk of overspeed derailments and worker fatalities.

Mr. THUNE. Mr. President, I would also like to conclude by underscoring my appreciation regarding the collaborative work with my friend from Florida, Senator BILL NELSON, ranking member of the Commerce, Science, and Transportation Committee, and his Committee staff.

I would also like to thank the following Senate colleagues and staff: Leader MCCONNELL; Senator INHOFE; Senator BOXER; Senator HATCH; Senator CORNYN; Senator FISCHER, who chairs the Surface Transportation subcommittee and who also served on the conference committee; Neil Chatterjee, Hazen Marshall, Scott Raab, Sharon Soderstrom, and Jonathan Burks in Leader MCCONNELL's office for helping to guide this bill through the Senate and ultimately through conference with the House; Dave Schwietert; Nick Rossi; Rebecca Seidel; Adrian Arnakis; Allison Cullen; Patrick Fuchs; Cheri Pascoe; Peter Feldman; Katherine White; Robert Donnell; Andrew Timm; Ross Dietrich; Jessica McBride; Paul Poteet; Jane Lucas; Frederick Hill; and Lauren Hammond.

Mr. LEAHY. Mr. President, Vermonters take great pride in our historic downtowns and small communities. In our cities and towns, we have a culture of getting things done—and finding a way to accomplish our shared goals. That is why, like many Vermonters, I have been frustrated with the back-to-back short-term patches to keep our highway trust fund afloat. I have consistently advocated for a long-term solution that will give States the ability to move forward with building and repairing roads, bridges, and byways; to promote rail safety and transit and to invest in the critical infrastructure that supports our cities and towns; to enable interstate and intrastate commerce; and to

create jobs for American workers. The time to pass a plan for long-term transportation funding has finally come.

The FAST Act will bring stability where, for too long, there has been uncertainty. This bill ensures that Vermont will receive the funding it needs, more than $1.1 billion over the next 5 years, to allow Vermonters to move forward on infrastructure projects that have been waiting in the wings. In Vermont, the construction season is short and the need is great, and a series of stopgap measures to kick the can down the road was never the right answer. I am pleased there will finally be the stability needed for Vermont and all States to move forward to bolster our country's infrastructure.

This legislation also reverses changes made to the Federal Crop Insurance program, which was a careful balance first struck in the farm bill, sending a clear message that we should not thoughtlessly tamper with the farm bill until its next expiration in 2018. And while I am glad that the harmful Freedom of Information Act exemptions that we eliminated in the Senate bill remain out of this conference report, I am concerned that a new exemption was added. Nowhere is the free flow of information more important than when the safety of every Vermonter and every American is at stake.

We Vermonters know that, in a democracy, demanding 100 percent of what you want and refusing to negotiate effective compromise is a formula for stalemate and paralysis. As a result, Vermonters know that to actually get something done, compromise is a must, and we have advanced the ball a long way down the field. This legislation provides stability to move our infrastructure forward to support our economy. It supports safety provisions to protect the well-being of those traveling America's highways and rails.

Frankly, to facilitate the thriving communities, commerce, and economic growth that we want and need, we should be doing far more to rebuild our crumbling infrastructure. This process should not be reduced to ''searching under sofa cushions''—as some have described it—to scrape together the budget to pay for the vital roads and bridges that are so important to us in so many ways. But with this bill, we finally are providing our States and communities with longer lead times to plan and accomplish this work on our infrastructure, and that signals at least a flicker of progress. We have had enough kicking the can down the road and generating year after year of uncertainty. It is time to bring stability and certainty back to our infrastructure and transportation.

Mr. REED. Mr. President, I intend to support the surface transportation bill before us. It has been more than a decade since we have had a true multiyear transportation bill. And while this bill gives State transportation and transit agencies funding certainty for the next 5 years, it is not all that it could or should have been.

I worked hard to retain the transit density formula, which the House had tried to eliminate. If the House had prevailed, the Rhode Island Public Transit Authority, RIPTA, would have lost upwards of $8.5 million of its Federal allocation each year—about one-third of its yearly Federal funding. The loss of funding would have been devastating to RIPTA and to the thousands of Rhode Islanders who rely on bus service to get to work, to the store, and to medical appointments. Nonetheless, the funding increase provided under this part of the formula is disappointingly low in comparison to the increase provided to rural and growing States, as well as to States that have established fixed guideway systems.

I am also pleased that the bill addresses some key priorities for transit workers, including mandating new rules to protect drivers from violent assaults, as well as dedicating funding to frontline workforce training. And overall, the bill continues critical worker protections, particularly under the Davis-Bacon Act.

On the highway side of the ledger, the bill includes a vital increase in formula funding that will give the Rhode Island Department of Transportation a baseline from which it can begin to address the high percentage of structurally deficient and functionally obsolete bridges in the State, as well as the high percentage of roads with unacceptable pavement conditions.

In addition, both the transit and highway titles of the bill each have new competitive programs, including the restoration of a competitive bus and bus facility program for transit agencies and the establishment of a grant program for nationally significant freight and highway projects, those that typically exceed $100 million.

The bill also includes other important matters, including a long overdue reauthorization of the Export-Import Bank, which has essentially been shuttered since July due to opposition to an extension by some on the other side of the aisle.

On the other hand, there are provisions in the bill that are concerning, beginning with how it is paid for. Rather than relying on the gas tax or another predicable and related funding source, the bill is built on a hodgepodge of offsets like outsourcing tax collection to private debt collectors, which has been tried before and wound up costing revenue rather than generating it. It also calls for selling off portions of the Strategic Petroleum Reserve under the assumption that oil prices will increase, and it taps into funds held by the Federal Reserve—something current and former Fed officials have cautioned against.

In addition, the bill has a number of extraneous provisions, including a measure that preempts a State's ability to regulate Small Business Investment Companies, SBICs, and allows certain fund advisers with significant assets under management to escape Securities and Exchange Commission, SEC, registration altogether. In the wake of the financial crisis, it remains unclear to me why we would be so hasty to weaken investor protections. The bill also restores a wasteful agricultural subsidy that I have long fought against and that was just cut under the bipartisan budget agreement last month.

That leads me to a larger point concerning the double standard that is being applied to important legislation that invests in our people, our economy, and our national defense on the one side and to special interest benefits, primarily offered under the Tax Code, on the other. For years, Congress has tied itself in knots to develop offsets to buy down the sequester, to reduce student loan interest rates, to cover emergency unemployment assistance, and to pay for infrastructure investments like this surface transportation bill; yet without a second thought, deficit ''hawks'' in the majority shrug off billions of dollars in tax cuts and tax extenders with little regard for the cost. Both types of expenditures have an impact on the debt and deficit. We should be honest about it and account for both in the same way.

Despite these concerns, I believe that after years of work and waiting, we should adopt this bill so that transportation agencies can move forward with their plans with the confidence that Federal funding will be there.

Mr. BROWN. Mr. President, America's infrastructure was once the envy of the world. But for decades, we haven't maintained these public works.

The quality of U.S. infrastructure now ranks just 16th in the world, according to the World Economic Forum.

The dismal state of our outdated roads, bridges, and railways is costing Ohioans valuable time, money, and energy.

To create jobs and keep America on top of the global economy, Congress must pass a long-term bill that invests in a world-class infrastructure.

The bill that the Senate will soon consider does not contain the robust investment that the President and most experts think we need, but it does make progress over the next 5 years.

In Ohio, a quarter of our bridges are ''structurally deficient'' or ''functionally obsolete.'' Forty-five percent of our State's major urban highways are congested, costing our drivers $3.6 billion a year in additional repairs and operating costs.

During the negotiations on this legislation, I fought to include provisions important to Ohio, and we have made progress on my State's top priorities.

The bill would create a new competitive grant program to fund job-creating projects of regional and national significance, like the replacement of the Brent Spence Bridge between Cincinnati and Kentucky.

Each year, 4 percent of America's GDP crosses the Brent Spence, which was built more than half a century ago.

Replacing this bridge isn't just a top priority for the region's business community—it is a safety issue for the hundreds of thousands of cars that drive over it every week.

The bridge would be eligible for funds from the $800 million per year pot of funding, which would grow to $1 billion annually in fiscal year 2020. It is a big win for the Brent Spence project and Ohio jobs.

The legislation would also boost funding for Ohio's highway and transit programs.

Nationwide, overall highway spending would increase by 15 percent compared to current law, and annual transit spending would grow 18 percent.

By 2020, that growth will deliver more than $200 million of new highway investment to Ohio each year.

In addition to repairing roads, the bill will help Ohio's many transit agencies, providing up to $20 million of new funds each year. In Cleveland, Cincinnati, and Columbus, our transit systems carry more than 250,000 passengers every day.

The bill also provides up to $340 million annually for a new competitive bus program I championed. This was a top priority for Ohio's transit providers, and I am pleased they will have a much-needed source of funding for bus replacement.

And as a long-time supporter of Buy America, I am pleased that the legislation would increase the amount of American-made steel and other components that will go into buses and subway cars.

The bill also would finally reauthorize the Export-Import Bank, which is critical to helping Ohio companies create jobs and sell their products around the world.

After some on the far right allowed the Ex-Im Bank to expire in June—for the first time in the Bank's history—we heard stories of lost contracts, risks to future export business, and manufacturing jobs moving out of the United States to Canada and Europe.

This is about ensuring that U.S. manufacturers can be competitive in a global marketplace.

While we argued about funding U.S. infrastructure and allowed the Ex-Im Bank to expire, China announced that its export-import bank will provide a $78 billion credit line to China Railway Corp to support its infrastructure projects at home and abroad.

With countries like Brazil and China investing in 21st century transportation systems, we cannot let the U.S. fall behind.

This is no way to run a global economic power.

In addition to renewing Ex-Im, the Transportation bill also contains important provisions for community banks and credit unions.

It includes changes to the bank exam cycle for small banks, a bill that Senators DONNELLY and TOOMEY introduced.

It streamlines privacy notices for financial institutions—a bill that Senator MORAN and I introduced last Congress and that had the support of 97 other senators and which Senators HEITKAMP and MORAN reintroduced this year.

The bill also allows privately insured credit unions to become members of the Federal Home Loan Bank System, a proposal I introduced last Congress and Senators DONNELLY and PORTMAN spearheaded this Congress.

Since May, Senate Democrats have been pushing for a package of modest, bipartisan proposals like these to help community banks and credit unions. We have resisted efforts to rollback important Wall Street reforms.

The House agreed with this approach, and that is why these provisions were added to the Transportation bill.

So when you hear that we need to attach ''community bank regulatory relief'' to must-pass appropriations legislation, don't believe it.

Relief for small banks and credit unions is already in the Transportation bill.

Let me be clear: I will not support riders to undermine Wall Street reforms in legislation to fund the government.

Like any bill of this significance, the long-term transportation measure isn't perfect. I have strong concerns with the process that led to this agreement and with some of the proposals used to pay for it.

I think it was a mistake to tap Federal resources that have nothing to do with transportation to cover the bill's cost.

Under this bill, we are funding highways in part by taking money from banks and the Federal Reserve. It is a bad precedent.

We made real improvements to the bill's language on the use of the Federal Reserve Banks surplus fund and to the rate of the dividend paid to banks over $10 billion. But these pay-fors are not a sustainable way to fund transportation projects.

Instead of this shortsighted approach that just delays the problem, Congress should be looking for a long-term solution to replenish the highway trust fund.

I will support this bill because it is the best option we have right now to keep America on top of the global economy and provide the investment that Ohio needs. But I hope that Congress won't lose sight of the need to identify long-term, robust investment in world-class infrastructure.

Ms. WARREN. Mr. President, Senator BOXER deserves tremendous credit for negotiating a long-term funding bill for our crumbling roads and bridges. The Fixing America's Surface Transportation, FAST, Act is an important turning point in addressing our Nation's infrastructure needs, and the bill will create quality jobs and stimulate economic growth. The FAST Act ends years of short-term congressional extensions and legislative gridlock that prevented our country from making critical investments in our roads, bridges, and mass transit.

The bill reauthorizes Amtrak and provides vital funding for positive train control technology and hazmat training programs. This 5-year reauthorization will allow our States and communities to finally plan for the future and address long-overdue maintenance backlogs. Additionally, the FAST Act takes important steps towards addressing the growing problem of violence against our transit operators. These hard-working men and women deserve a safe working environment, and I will continue to work with my colleagues to make sure we do everything we can to achieve that.

However, I must oppose the bill because Republicans have used this strong bill as a vehicle to roll back rules that protect consumers and our financial system.

This is the third time in the last year that Republicans have used this hostage-taking approach. Last December, Republicans used the government funding bill as a vehicle for a provision written by Citigroup lobbyists that would repeal a critical anti-bailout rule in the Dodd-Frank Wall Street Reform and Consumer Protection Act. Weeks later, Republicans used a broadly popular, bipartisan bill extending the Terrorism Risk Insurance Act to jam through another provision that weakened Dodd-Frank's rules on risky derivatives trading. And now, in the FAST Act, Republicans have handed out more than a dozen goodies to financial institutions, including a requirement that does little but bog down the Consumer Financial Protection Bureau with needless paperwork and administrative tasks.

If Democrats continue to support bills that include these kinds of rollbacks, it will simply encourage Republicans to use other must-pass bills to repeal or weaken even larger portions of Dodd-Frank and our other financial rules. That is why I must oppose this bill—and why I hope the American people weigh in with their representatives against this kind of cynical hostage-taking.

Mr. INHOFE. Mr. President, I ask unanimous consent to have printed in the RECORD a joint statement by the chair and ranking member of the House Transportation and Infrastructure Committee, Representative SHUSTER and Representative DEFAZIO, and the chair and ranking member of the Senate Committee on Environment and Public Works, myself and Senator BOXER, to clarify an issue with the Joint Explanatory Statement of the committee on conference for H.R. 22.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF THE HONORABLE BILL SHUSTER, THE HONORABLE PETER A. DEFAZIO, AND THE HONORABLE JAMES INHOFE, THE HONORABLE BARBARA BOXER ON THE JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE H.R. 22, FIXING AMERICA'S SURFACE TRANSPORTATION ACT

December 3, 2015

Title XLIII of the Joint Explanatory Statement provides a summary of section 43001 concerning requirements in agency rulemakings pursuant to this Act. Section 43001 of the House amendments to H.R. 22 was not agreed to in conference and does not appear in the conference report to accompany H.R. 22. The summary of section 43001 in the Joint Explanatory statement therefore appears in error. Accordingly, title XLIII of the Joint Explanatory Statement has no effect.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I raise a point of order under rule XXVIII that section 32205 exceeds the scope of conference for the conference report to accompany H.R. 22.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I move to waive the point of order raised under rule XXVIII that section 32205 of the conference report to accompany H.R. 22 exceeds the scope of conference.

The PRESIDING OFFICER. The waiver is debatable.

The Senator from California.

Mrs. BOXER. Mr. President, if I could just be heard for 30 seconds or less. Please, please don't alter this, because if this passes and we don't waive the point of order, this bill is gone. The House bill didn't even have an extension. So if this bill goes down, we have no highway system.

Please vote with Senator INHOFE and myself. It is urgent.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, both sides have agreed to have 5 minutes equally divided.

How much time did the Senator from California take?

The PRESIDING OFFICER. The Senator from California used 30 seconds.

Mr. INHOFE. Mr. President, I recognize Senator ROBERTS for 45 seconds.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise to address the point of order raised against the highway bill.

Among the many provisions of the bill, the legislation realizes a commitment made by House and Senate leadership to restore egregious, harmful, counterproductive, contract-breaking cuts to the Federal Crop Insurance Program. The commitment we reached with the House was to reverse these damaging cuts and policy changes in order to protect our producers. That is their No. 1 priority for risk management.

The message from farm country couldn't be more clear: Do not target crop insurance. The point of order would not only strip out much of the needed crop insurance fix, but it could also prevent the timely passage.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I recognize the junior Senator from Arizona, Mr. FLAKE, for such time as he wants to use of his 2½ minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. I thank the Senator.

Mr. President, what we are doing is targeting a specific provision that was air dropped into the highway bill. This isn't an attack on the highway bill. It is an attack on a provision that increases crop subsidies $3 billion over what is in the budget deal.

We are often accused in this body of reversing cuts that we make before the ink is dry. In this case, we actually made a deal to reverse the cuts before the ink was even put to paper.

Now, if we are ever going to get serious about controlling our deficit and addressing our debt, then we actually have to stick to some of the cuts that we have made. That is what this point of order is all about.

I urge support of it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I recognize the Senator from Michigan, Senator STABENOW, for 15 seconds.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to support the transportation bill and crop insurance. We made a deal with farmers when we gave up direct subsidies that, instead, we would ask them to have skin in the game and to have crop insurance to manage their risk.

They have a 5-year bill that gives them certainty. We should not pull the rug out from under them at this time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. Mr. President, I recognize the Senator from Kansas, Mr. MORAN, for 30 seconds.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I rise in opposition to the point of order and ask my colleagues to support the crop insurance program. In Kansas the weather is not always our friend. The most important farm program that farmers benefit from is the crop insurance program.

We have eliminated other farm programs over a long period of time in the name of reform but have replaced them by crop insurance. Now crop insurance becomes the target.

I yield.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I recognize the Senator from New Hampshire, Mrs. SHAHEEN, for such time as she needs to use for her side.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Thank you, Senator INHOFE. I will be brief.

Mr. President, I think it is important to challenge the provision in this legislation.

I support the highway bill. I think the negotiators did a great job to get us a 5-year bill, but the fact is this provision was not included in either the House transportation or the Senate transportation bill. It is an indefensible reversal of the bipartisan budget bill that became law less than a month ago. It is a $3 billion giveaway to the insurance companies, and I think we need to challenge this kind of move when it gets dropped into a bill.

Mr. INHOFE. Mr. President, I would ask the Chair the time remaining for the proponents and opponents?

The PRESIDING OFFICER. The Senator from Arizona has 1 minute remaining, and the Senator from Oklahoma has 15 seconds.

The Senator from Arizona.

Mr. FLAKE. Mr. President, I wish to end by saying this is not an attack on the highway bill. It has its own issues, but this provision simply attacks the subsidy—the $3 billion subsidy—that was added back in after we had agreed in a bipartisan way to these cuts. We cannot continue to go back on the cuts that we have made. In this case we didn't even wait 1 month or 2 months. The agreement was made on this floor before the bill was even passed. We have to get away from that kind of practice.

So I urge support for this point of order, and I yield back.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me make sure everyone understands what we are doing here. The budget act of 2015 had major cuts in the Federal Crop Insurance Program. Some of those were restored in the highway bill. Now, if the highway bill is changed—if this should pass—it has to go back to the House, which means we could not have it this year. In other words, the issue here is not how you feel about crop insurance; it is whether or not you want this bill.

I would suggest to the 65 Members who are here today and who voted for the bill that it would be very difficult to explain how you could vote for the bill and then turn around and vote for the very order against it that would kill the bill for this year in 2015.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is all time yielded back?

Mr. GRASSLEY. Yes.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 77, nays 22, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—77

| | | |
|---|---|---|
| Alexander | Feinstein | Murkowski |
| Baldwin | Fischer | Murphy |
| Barrasso | Franken | Murray |
| Bennet | Gardner | Nelson |
| Blumenthal | Graham | Paul |
| Blunt | Grassley | Peters |
| Boozman | Hatch | Portman |
| Boxer | Heinrich | Risch |
| Brown | Heitkamp | Roberts |
| Burr | Heller | Rounds |
| Cantwell | Hirono | Rubio |
| Capito | Hoeven | Sasse |
| Cardin | Inhofe | Schatz |
| Casey | Isakson | Scott |
| Cassidy | Johnson | Shelby |
| Coats | Kaine | Stabenow |
| Cochran | King | Sullivan |
| Collins | Kirk | Tester |
| Cornyn | Klobuchar | Thune |
| Cotton | Lankford | Tillis |
| Crapo | Leahy | Udall |
| Cruz | Markey | Vitter |
| Daines | McConnell | Whitehouse |
| Donnelly | Merkley | Wicker |
| Enzi | Mikulski | Wyden |
| Ernst | Moran | |

NAYS—22

| | | |
|---|---|---|
| Ayotte | Lee | Schumer |
| Booker | Manchin | Sessions |
| Carper | McCain | Shaheen |
| Coons | McCaskill | Toomey |
| Corker | Menendez | Warner |
| Durbin | Perdue | Warren |
| Flake | Reed | |
| Gillibrand | Reid | |

NOT VOTING—1

Sanders

The PRESIDING OFFICER. On this vote, the yeas are 77, the nays are 22.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The question occurs on the adoption of the conference report to accompany H.R. 22.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Senator from California.

Mrs. BOXER. Thank you, everybody. I love everyone tonight. We are going to have a great vote. But go. Go.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—83

| | | |
|---|---|---|
| Alexander | Boxer | Cochran |
| Ayotte | Brown | Collins |
| Baldwin | Burr | Coons |
| Barrasso | Cantwell | Cornyn |
| Bennet | Capito | Daines |
| Blumenthal | Cardin | Donnelly |
| Blunt | Casey | Durbin |
| Booker | Cassidy | Enzi |
| Boozman | Coats | Ernst |
| Feinstein | Klobuchar | Roberts |
| Fischer | Leahy | Rounds |
| Franken | Manchin | Schatz |
| Gardner | Markey | Schumer |
| Gillibrand | McCain | Sessions |
| Graham | McCaskill | Shaheen |
| Grassley | McConnell | Stabenow |
| Hatch | Menendez | Sullivan |
| Heinrich | Merkley | Tester |
| Heitkamp | Mikulski | Thune |
| Heller | Moran | Tillis |
| Hirono | Murkowski | Toomey |
| Hoeven | Murphy | Udall |
| Inhofe | Murray | Vitter |
| Isakson | Nelson | Warner |
| Johnson | Peters | Whitehouse |
| Kaine | Portman | Wicker |
| King | Reed | Wyden |
| Kirk | Reid | |

NAYS—16

| | | |
|---|---|---|
| Carper | Lankford | Sasse |
| Corker | Lee | Scott |
| Cotton | Paul | Shelby |
| Crapo | Perdue | Warren |
| Cruz | Risch | |
| Flake | Rubio | |

NOT VOTING—1

Sanders

The PRESIDING OFFICER. The 60-vote threshold having been achieved, the conference report to accompany H.R. 22 is agreed to.

The majority leader.

Mr. MCCONNELL. Mr. President, I wish to take a few moments to congratulate the chairman of our environment committee, Senator INHOFE, and his ranking member, Senator BOXER, for an extraordinary job. This has been a fascinating experience, particularly for Senator BOXER and me. To say that our relationship got off to a rather rocky start is to put it mildly. We found ourselves 20-some odd years ago on the opposite side of a very contentious issue with a lot of—shall I say—rather feisty exchanges on the floor of the Senate. It is also pretty obvious that we are not exactly philosophical soulmates. But I had heard Senator INHOFE say over the years how much he had enjoyed working with Senator BOXER and that there were actually things they agreed upon.

I made a mental note of that and wondered whether there might be some opportunity at some point down the way to team up with Senator BOXER. That finally happened this year. As Senator INHOFE and Senator BOXER would certainly underscore, we had challenges. We had the complexity on our side of the Ex-Im Bank issue, which created some serious internal Republican problems. We had a flirtation among some Members on the other side that we could shoehorn a major territorial tax bill into this bill. Senator BOXER and I were skeptical about that from the beginning because it is an article of faith on our side that tax reform is not for the purpose of taking the money and spending it, but of taking the money and buying down the rates.

We had all kinds of odd potential allowances that led to the floor debate last summer, for which we had an administration that was less than enthusiastic with what Senator BOXER and Senator INHOFE and I were trying to do. Senate Democratic leadership hadn't exactly bought in on it either. In the meantime, our good friends in the House on my side of the aisle were calling it the Boxer bill, which of course was really great for me to hear.

We had all kinds of tripwires on the path to getting what we thought was important for the country, which was a multiyear highway bill, which—I believe I am correct, Senator BOXER—we haven't done since 1998.

Mrs. BOXER. Actually, 10 years.

I am told it was 17 years since we had a bill of this size.

Mr. MCCONNELL. It has been 17 years since we had a bill of this duration, which we all thought was important for the States and localities, for people who build and repair the roads to have some certainty. In the end, there wasn't really a philosophical problem here. The question was, How can we pull together these disparate pieces into one mosaic that actually had a chance to get somewhere?

I want to say to Senator BOXER, in particular, that this has been one of the most exhilarating and satisfying experiences I have had in the time that I have been in the Senate. I never would have predicted 20-some-odd years ago that I would be having it with BARBARA BOXER. But this shows, in my opinion—I know Senator INHOFE agrees—the Senate is at its best when people can identify common interests and work together to get a positive result for the country.

I want to say to both of these great colleagues how much I appreciate their extraordinary work, particularly Senator BOXER because we were such opposites in almost every way. What actual fun it was to get to know her better and to work on this together. She has a year left. Maybe we can find something else. Congratulations to both of you on an extraordinary accomplishment for the American people.

Mr. INHOFE. That is great, Mr. Leader.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. We have a lot of requests for speakers to be heard. I am going to put myself at the end of the line so that everyone else can get in there first. The order is going to be Senator BOXER, and I understand she might want to share a little time with the Senator from Florida. Then Senator LEE from Utah, Senator ENZI after that, and then whoever else wants to talk. If nobody else wants to talk, then I will wind it up.

Before I turn it over to Senator BOXER, I am going to tell a story because I want to make sure that Senator SULLIVAN doesn't have to wait for 2 hours to hear it. Ten years ago, in 2005, we had the last bill of this nature. It was a bill that we passed. I was an author of it, and I was very proud. That was 10 years ago. That was the last time we did a bill like this. I remember standing here, as I am standing today. The chairman of that committee wanted to talk about what a great bill that

was—the Transportation reauthorization bill—and all of a sudden the alarms went off. They said: The bombs are coming. Everybody run. Evacuate, evacuate.

I wasn't through talking. I talked for about 15 minutes. It is very eerie when you are standing here and are the only one in the U.S. Capitol making a speech with the TV going but no other people are around. I made my speech. Afterward I started going down, and I saw a great big guy walking down the steps very slowly. I went up to Ted Kennedy. I said: Ted, you better get out of here; this place is going to blow up.

He said: Well, these old legs don't work like they used to.

I said: Let me help you.

I put my arm around his waist. Some guy had a camera. The front page of the cover of that magazine said: Who says that conservatives are not compassionate?

That is my story. We will go on to Senator BOXER.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I completely neglected to mention an extraordinarily important player in all of this, and that is Neil Chatterjee of my staff, who befriended Senator BOXER and Bettina before I realized that there might be a possibility that we could do something together. Neil has done an extraordinary job. I think I can safely say he enjoyed the confidence of both sides and allowed us to work together in a positive and constructive way. I want to thank Neil Chatterjee for the great job that he did as well.

Mr. INHOFE. We certainly agree with that.

Senator BOXER.

Mrs. BOXER. I am hardly ever at a loss for words, as you all know. I was so touched tonight. A terrible tragedy happened in my State yesterday. You all know about the emotions of that and then the emotions of this. I am going to set aside the emotions of the tragedy and talk to my friends here.

What we did was the impossible dream. It was, in many ways, a very long and winding road to get to this night. People worked together who never thought they would find that common ground. We found it. The reason we found it is we were willing to set aside the misperceptions I think we had on so many fronts and recognized that our people needed this badly.

As I often say, if you want to buy a house and you go to the bank and the bank says ''Oh, you have great credit, but I can only give you a mortgage for 6 months,'' you are not going to buy the house. You are not going to build a major road if you are worried about the funding. What we have done is extraordinary. For the first time in 17 years, we have a long bill. We have a bill that lasts 5 years.

I have to say—and I did not think of it—I think the pay-for was brilliant, the major pay-for. There are others who don't like it. Many people on my side said we should look at the gas tax. I looked at the gas tax. I agreed with the chamber of commerce on the gas tax, but I am only one of six people here who probably voted for it.

When you come up against these barriers, you need to be very creative. The international tax reform—Leader MCCONNELL was never going to allow that. I got that message. I still encouraged my colleagues on both sides of the aisle to work on it, but it didn't work out. What are we going to do? Just fold up our tent and say the general fund is going to pay for this? We don't have enough in the general fund. We have deficits. We all know that.

What I want to say is that with 60,000 bridges in disrepair—falling down, structurally deficient—and 50 percent of our roads in disrepair, we have a lot of work to do. This gives our States the certainty.

The relationships that developed between the staffs—I am going to withhold my comments on that until later. When everybody finishes, I am going to be here because I am going to mention every single name on both sides. I can't thank you enough. They didn't sleep during the Thanksgiving break. They worked constantly.

Let's face it, this bill was the ''Perils of Pauline.'' Even last night my senior leader asked me to do something I could never do in a million years on this bill. I must have turned so pale that I almost fainted. Bettina almost had a heart attack on the spot because we thought that maybe we would not have this bill. But he knows me well enough to know what I can do, and that makes for a great working relationship.

I will talk about the details of the bill later. Basically, it is a 5-year bill. Over the period, it is a 20-percent increase, which is huge for our States. It is roads. It is transit. There are new programs, freight programs that Senator INHOFE and MARIA CANTWELL worked on. Ex-Im is in there. I know it is controversial for some, but for our small businesses it is great.

I predict that this bill is going to give the economy a real boost—I really mean it—because of the certainty it is bringing and because of the fact that millions of jobs will be created. That always boosts us. It helps with our deficits.

I will yield the remainder of my time—just 2 minutes—to Senator NELSON, with the deepest thanks to Senator MCCONNELL; Senator INHOFE; Senator THUNE; Senator NELSON, who is just a hero; Senator BROWN; all of the members of the conference committee who signed the conference report.

I yield this time to Senator NELSON, and then we will go back to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I thank the Senator for yielding, Mr. President. I am going to say two short paragraphs, but first, my commendations to the leadership that has already been mentioned by the esteemed majority leader; my commendations to my colleague, our chairman on the commerce committee, Senator THUNE, who has been a pleasure to work with; and my thanks to the staff, including Kim Lipsky, the staff director for our minority staff on the commerce committee.

I want to echo what you have said. Because of this bill, we are going to provide States and communities with over $300 billion over 5 years to repair the roads and bridges of this country and greatly improve rail and port projects, and as a result, we are going to create jobs. In my State of Florida, this translates to $12 million that can be used for improvements on Interstate 95, Interstate 75, and projects, such as SunRail, Tri-rail, and the streetcars in Fort Lauderdale. This is just a small example, and I am so grateful to everyone. I thank everyone very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we will go forward with the previous agreement and hear from the Senator from Utah, Mr. LEE, followed by Senator ENZI from Wyoming.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I rise in opposition to the highway spending bill before us today—and not just the failed substance of the legislation. I rise to oppose the bill's irresponsible and unsustainable funding mechanisms and the cynical process that produced it.

We are told this bill fully funds Federal highway spending for the next 5 years and that it won't add a single dime to the Federal deficit. The math may add up on paper, but does anyone really think the pay-fors in this bill are honest, responsible ways to fund a government program?

Let's look at a few examples. Of the $70 billion this bill uses to bailout the highway trust fund over the next 5 years, more than $50 billion comes from an accounting gimmick that steals money from the rest of the Treasury's general fund.

Here is how the shell game works. Normally, the Federal Reserve sends the profits from its portfolio assets directly to the U.S. Treasury. These surplus profits are actually one of the major reasons our Federal budget deficits have fallen in recent years below where they were a short time ago. However, this bill would siphon off that money and redirect it into the highway trust fund.

Just today, Federal Reserve Chair Janet Yellen testified before the Joint Economic Committee, where she commented on this particular provision—on this particular aspect of this bill.

She said:

This concerns me, I think financing federal fiscal spending by tapping resources at the Federal Reserve sets bad precedent and impinges on the independence of the central

bank; it weakens fiscal discipline, and I would point out that repurposing the Federal Reserve's capital surplus doesn't actually create any new money for the federal government.

That is not the only funding gimmick found in this legislation. It also purports to raise $6.2 billion in revenue for transportation and infrastructure projects by selling oil from the Strategic Petroleum Reserve.

Let's leave aside for a second that the Strategic Petroleum Reserve was never intended to be a piggy bank for congressional appropriators. What makes this pay-for particularly objectionable is that its authors assume they can get $93 for a barrel of oil when it is currently selling for less than $40 per barrel. Only in Washington could we come to love a provision like this. Only in Washington could we come to accept a provision like this as somehow acceptable. If we are going to start selling Federal assets at fantasy prices—prices that do not exist and will not exist in any universe for the foreseeable future—there is absolutely no limit whatsoever to the number of things that we can pretend to pay for. But that is what we will be doing—pretending to pay.

As bad as this bill's funding schemes are, the cynical process used to secure votes in its favor might well be far more troubling. For instance, this bill adds back $3.5 billion in crop subsidy spending that we just cut last month in the budget deal.

Is this really how we do business in the Senate? We reduce spending one month in order to appear fiscally responsible only to reverse course the very next month when we think no one is looking? You don't need to oppose crop subsidies to see the dishonesty and cynicism of this particular maneuver.

Even worse, this bill would never have had a chance of passing the Senate were it not for a deal to include the renewal of the Export-Import Bank as part of this legislation. I have spoken out against the Export-Import Bank many times before, so there is little need to revisit the mountain of evidence proving that it is one of the most egregious, indefensible cases of crony capitalism in Washington, DC. But it is worth highlighting some of the so-called reforms that Ex-Im supporters included in the bill.

First, there is the new Office of Ethics created within the Export-Import Bank. Presumably, this is supposed to help the Bank's management reduce the rate at which Ex-Im employees and beneficiaries are indicted for fraud, bribery, and other wrongdoing. Since 2009, there have been 85 such indictments, or about 14 per year.

The bill also creates a new position called the Chief Risk Officer and requires the Bank to go through an independent audit of its portfolio. Only in Washington will you find people who believe that an organization's systemic ethical failings can somehow be overcome by creating a new ethics bureaucracy or that hiring a new risk management bureaucrat is a suitable replacement for market discipline or that giving another multimillion-dollar contract to a well-connected accounting firm will somehow substitute for real, actual political accountability.

None of these bogus reforms will make an ounce of difference. None of them will change the essential purpose of the Export-Import Bank, which is to use taxpayer money to subsidize wealthy, politically connected businesses.

Finally, it must be stressed that this bill does nothing to fix our fundamentally broken highway financing system. After this legislation is enacted, the highway trust fund will spend more money than the Federal gasoline tax brings in. And after this series of fraudulent pay-fors are exhausted in just 5 years, we will be right back to where we have been for the last decade, and that is trying to find enough money for another bailout without attracting too much attention from the American people.

Let's not forget that the States are big losers under the status quo system too—under the current system that we have. Federal bureaucrats divert at least 25 percent of State gasoline dollars to nonhighway projects, including mass transit, bike paths, and other boondoggles such as vegetation management, whatever that is.

Mr. INHOFE. Will the Senator yield? I have a favor to ask. I will give the Senator from Utah all the time in the world, but he originally asked to speak for 5 minutes. I plan to respond to the issues he is talking about, which I don't happen to agree with, but I wonder if the Senator from Utah will allow his colleagues to speak in the order we agreed to and then come back and allow the Senator from Utah to finish his remarks.

I ask the Senator through the Chair if that will work?

Mr. LEE. Mr. President, I have less than a page of my remarks that I prepared left.

I ask unanimous consent for permission to have an additional 2 minutes to complete my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEE. As I was saying, Federal bureaucrats divert at least 25 percent of State gas tax dollars to nonhighway projects, including mass transit, bike paths, and other boondoggles such as vegetation management. Federal Davis-Bacon price-fixing regulations then artificially inflate construction costs by at least 10 percent, and Federal environmental regulations, such as those issued under the National Environmental Policy Act, add an average of 6.1 years in planning delays to any federally funded project.

I understand that Washington is not ready for a more conservative approach to infrastructure funding—at least not yet—one where States get to keep their transportation dollars and decide how and on what they will spend those dollars, free from interference by Federal regulators.

We can have honest disagreements from policy, and I know there is more work to do in making the case for conservative transportation reform, but what I refuse to accept is the toxic process that produced this bill—the backroom deals, the about-face on crop subsidies, and the Export-Import Bank. The American people deserve better than this, and I won't stop fighting to ensure that we do better than this in the future.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Oklahoma for letting me interrupt at this time. We passed a bill earlier, and normally I would have spoken after final passage, but I didn't want to hold people up who had transportation plans, so I reserved my comments until later. I appreciate this opportunity to speak at this time.

I congratulate the Senator from Oklahoma and the Senator from California for the significant highway bill they passed tonight. I know there was a lot of work that went into that and a lot of good things will come out of it. It will make a difference for the economy in the United States.

As chairman of the Budget Committee, I know if we can get the private sector to increase by just 1 percent, we bring in $400 billion more in revenue without raising taxes, and raising the economy by 1 percent in the private sector is significant.

## RESTORING AMERICANS' HEALTHCARE FREEDOM RECONCILIATION BILL

Mr. ENZI. Mr. President, today we also passed the most comprehensive and far-reaching repeal of ObamaCare that is possible under the reconciliation rules. We expect the House to pass this version shortly and soon this repeal will head to the President's desk for the first time in his tenure.

Our bill will eliminate more than $1.2 trillion in ObamaCare tax hikes and save nearly $400 billion over 10 years. Lifting the burdens this law has placed on hard-working families will help move the Nation forward from ObamaCare's broken promises to better access to patient-centered health care for each and every American.

As I noted earlier, our Nation has made great strides in improving the quality of life for all Americans, but these changes were always forged in the spirit of bipartisan compromise and cooperation. We still need health care reform, but it has to be done the right way. To have good health care, we will have to have ideas from both parties, not just one party.

Tonight we made significant progress to pointing out a bunch of the flaws,

and there were a lot of people who were involved in that and I wish to take this opportunity to thank them.

We gave instructions to the Finance Committee and the Health, Education, Labor, and Pensions Committee that they were each to save $1 billion. So Senator HATCH and his staff went to work on it, and Senator ALEXANDER and his staff went to work on it, and they accomplished that task in conjunction with the House. So I thank them for their effort.

I thank the Republican staff of the Senate Budget Committee, and especially my staff director, Eric Ueland; as well as my deputy staff director, Dan Kowalski; the parliamentarian, Tori Gorman; the senior budget analyst, Steve Robinson; the budget analysts, Greg D'Angelo and Tom Borck; the junior budget analyst, Kaitlin Vogt; the chief counsel, George Everly; the assistant counsel, Clint Brown; the director of regulatory review, Susan Eckerly; and the editor, Elizabeth Keys.

I also wish to thank the people on my personal staff who had to put some of their projects kind of secondary at times and then had to pitch in and help with the budget as well.

I also want to express my appreciation to the staff from Leader MCCONNELL's office. Leader MCCONNELL is a tremendous strategist and has opened the process for the Senate so that great things like the highway bill can be done, and that is done by allowing committees to do amendments, and then allowing the committee bill to come to the floor and have amendments from both sides of the aisle in an open process, and then to go to conference committee and have the conference committee do their work to make sure that the House and the Senate are together. Some of the chief people who worked on that are the chief of staff, Sharon Soderstrom; his policy advisor, Scott Raab; his budget and appropriations policy advisor, Jon Burks; and his policy director, Hazen Marshall. In addition, our floor and cloakroom staff has been very helpful, led by Laura Dove and Robert Duncan.

Senator CORNYN and his staff did a marvelous job of helping to find out what difficulties there were and what things needed to be corrected. Senator THUNE did a great job of lining up speakers, and Senator BARRASSO did a great job with his staff in lining up some of the messaging.

Thanks are due to the Senate Finance Committee, including the staff director, Chris Campbell; the chief health counsel and policy director, Jay Khosla; and the health policy advisor, Katie Simeon; the tax counsel, Preston Rutledge; and the health policy advisor, Becky Shipp.

I extend my gratitude to the staff of the Health, Education, Labor, and Pensions Committee, as well as Senator ALEXANDER, who has done a marvelous job there. I thank his staff director, David Cleary, his deputy staff director, Lindsey Seidman, his senior policy adviser and health council, Liz Wroe, and his health policy director, Mary Sumpter Lapinski.

I also need to thank the former budget staff people who lent their expertise on this, particularly Bill Hoagland.

We are in a process that may help with some of the future accounting for projects and things and that is to do some budget reform. A lot of people have talked about budgeting reform and we have been doing some hearings on budget reform. We will be putting together a bill, and to make it a bipartisan bill it will have to go into effect in 2017. At that point nobody will know who will be in the majority, so we will all work to have a process that will be fair to both sides just in case we happen to be in the minority or the other side happens to be in the minority.

So we have a lot of people on both sides who have been working on that issue, and we will hold a number of hearings yet and hopefully come up with a process where we can get rid of old programs, eliminate duplication, and make the programs that we have be far better. Some of the people who have worked on that in the past have been Senator Domenici, who was the chairman of the committee; Senator Gregg, who was the chairman of the committee; and Senator PATTY MURRAY, who was the chairman of the Budget Committee. One of the early ones, Senator Phil Gramm, has donated some of his time to come and work with both sides to take a look at what some of the future economic problems are, and he is also one of the foremost economic predictors, so we can make sure all of those things will come together as we work on future budgets.

Of course, I would be grossly in error if I didn't mention the House chairman of the Budget Committee, TOM PRICE. He and I have been meeting at least once a week with our staffs and coordinating what is being done on both sides, both from a process standpoint, from a policy standpoint, from a bill standpoint, and from a budget standpoint. I think that paid off in what we are seeing tonight.

Last and particularly not least, I need to think the Parliamentarians. I need to thank Elizabeth MacDonough, Leigh Hildebrand, Michael Beaver, Thomas Cuffie. These are some unsung heroes of the U.S. Senate who do a bipartisan—a nonpartisan job for us of kind of refereeing when asked, and when you are doing a reconciliation bill, you are forced to ask. I had no idea what the process was and the difficulty and the time that is involved, but all of that was spent by the Parliamentarians.

We are all familiar with the rule book that is in every one of these desks and about this thick. That is a small part of it. In their office, they have file cabinets full of precedents. If you are drafting a bill that has to meet the kind of rules and the tight constraints that a reconciliation bill has, they have to meet with you on a regular basis and give their opinion and review all of these precedents to see if it can be put together the way we think it ought to be put together to be sure that when it comes to the floor, it can be voted on and when it is done, it actually is a bill that will be possible to send to the President's desk.

So I thank the Parliamentarians for presiding. I know the tremendous job they do of advising whoever sits in the Presiding Officer's chair, but this was a whole new level of instruction as I found out all of the things that they have to have as a part of their knowledge, and I really appreciate the effort they go to, the knowledge they already have, and the important role they play in this process.

I know I left out a lot of people, but to anybody who participated, I want to thank them for their efforts and hope that out of all of these budget processes, what we come up with is a better America.

I yield the floor, and I thank the chairman.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me first of all thank the Senator from Wyoming. It is interesting that every time we are involved in something—it could be reconciliation, the budget or the highway bill—he is always in the center and he has always been the anchor that holds us all together, and we appreciate that so much.

I will recognize the Senator from Washington, Ms. CANTWELL.

## TRANSPORTATION BILL

Ms. CANTWELL. Mr. President, I rise tonight to thank my colleagues who worked so hard on this transportation package that we have just voted on. I thank Chairman INHOFE and Senator BOXER for their hard work, as well as Chairman THUNE and Senator NELSON from the commerce committee for their hard work.

The last thing I would have predicted at the beginning of this year is that Senator BOXER would have joined forces with Senator MCCONNELL to force through a transportation package that many of us probably thought wasn't even a reality. I would like to thank the Senator from California because I think there are times in everybody's career where you have to decide that you are going to stand up and push forward no matter how many arrows are shot in your back or no matter how many questions people ask. You have a vision of a path that you see and you realize that at the end, you think you can produce a package that will really be good for America.

That is what Senator BOXER has done. She has produced a package that will not only be a great legacy for an already great career but will be the very anecdote we need right now to an economy that is greatly challenged by a lack of infrastructure investment.

I say that because the Senator from California and I both represent West Coast States that see Asia as a great economic opportunity and that represent ports up and down the West Coast. We probably have the top one and two and three and four ports on the west coast as far as volume. The key thing that we know is that our own quadrennial review of energy products told us that we can't even move product because we compete so much for room on our rails, and battle congestion on our highways. So for the first time, because of this legislation, the United States of America will have a national multimodal freight policy, along with a national freight strategic plan to say that we have to identify the freight network that is most critical to moving product to the United States of America and through our ports, and that we should have a program to direct funding to those multimodal projects that are going to help get U.S.-made products outside of the United States and to the markets where they need to be delivered.

So again, I thank Senator THUNE and Senator NELSON for fighting for these provisions in the commerce committee bill that got merged into this package and all of the staff on both sides of the aisle in the commerce committee who helped on this and Senator BOXER and Senator INHOFE for including this.

I know that many times I ran into staff in the hall and they said: Yes, we know, freight can't wait. Which is kind of a moniker that we had come to talk about because freight really can't wait. If we are not shipping it in a timely fashion from North America, from the United States, I guarantee to my colleagues that products will be delivered to Asia or to Europe from someplace else and we will lose business.

So I think the U.S. Congress and the Senate tonight has understood that our infrastructure needs a shot in the arm to move freight and to establish this policy I know is going to pay dividends for us. So thank you very much for making sure that provision was in this legislation. It is a very key moment for us looking at the fact that we are an exporter and that we want our products to reach markets in a timely fashion.

I also want to thank the Secretary of Transportation because he gets this policy, and the national advisory committee that his predecessor established on freight will be very helpful for us in identifying the projects and using the resources that are in this legislation to move forward.

I also want to say how happy and grateful I am that the resolution of the Export-Import Bank debate is finally over tonight, and finally we have resolved the fact that the Bank will be reauthorized for 4 years. There are hundreds of millions of dollars of projects that need to be approved and they can hopefully start moving through the process.

I will point out that the Board needs nominees to fill the vacancies, and we should get that done so we can finish this process. But the fact that we are making a commitment for 4 years to the strategy that, yes, we want to manufacture products and, yes, we want to build things and ship them to overseas markets—whether they are grain silos, whether they are airplanes, whether they are music stands, whether they are tractors—whatever they are, we want to build them and we want to reach developing countries and international markets, and we are going to make sure the credit agencies that assist bankers in finalizing those deals exist, and we are making that commitment for 4 years.

So if there is anybody who has arrows in their back over that, I also thank them for continuing to fight to make sure we got through this process. My colleagues know that both a majority of people in the House—a majority of Republicans—supported this idea and finally got their voices heard through a discharge petition, and the majority of the U.S. Senate supported this position.

So I hope people who have allowed this process to finally take place will understand how valuable the freight provision and the export bank provision is for us as a country to continue our export strategy.

Our strategy is to build great products and to sell them to a developing world. Ninety-five percent of consumers are outside of the United States, so let's sell products, but we have to fix our infrastructure to do it. We have to make sure that credit is available to do it, and we have to make sure we continue to move forward with the other policies that are going to help us with this strategy.

So, again, I want to say how grateful I am. I will tell my colleagues I don't think it is a perfect bill, but everybody here understands it is not a perfect bill. Again, I want to thank the Senator from California for her decision to take what is a challenging process and persevere on an investment strategy that—each and every one of us would have written a different one, but at least it got us to this goal of making needed investment in critical infrastructure at a time that our country needs to be able to move products and get things to customers around the globe, and this will very much help in that process.

Again, I thank the staff on both committees, on both sides of the aisle, and everybody who was involved in making these policies a reality.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I wish to address very briefly the comments made by one of the Senators earlier about how bad this bill is.

I think it is important for us to understand that it shows us how difficult a bill like this is because we are facing accusations, and it is the kind of thing that people would want to believe, but it is just not true. We don't have the things that sound good. The Export-Import Bank, that is something I had to swallow. I have opposed the Export-Import Bank every opportunity I have had for the last 20 years.

Yet this is a huge bill. This is the largest bill in 17 years. The most important part of this to me is those who criticize it fail to realize that when we take an oath of office, we hold up our hand—every Senator does—to uphold the Constitution of the United States. It says in the Constitution, the only two things that we are mandated to do in article I section 8 is to defend America and roads and bridges.

Ever since 1956, when Eisenhower came and did the national bill, the National Highway System, it has been successful, but where we have dropped the ball is we have been failing to have the Transportation reauthorization bill. We take into consideration all of the things that we are supposed to do, and these are things that we are supposed to do in accordance with the Constitution.

It is easy for me to say this because I have been ranked the most conservative Member many times and probably more than anyone else, but I recognize that we do have this responsibility.

Having said that, let me just say that I agree with the comments that were made by the majority leader and by Senator BOXER. She and I have disagreed more than we have agreed on things, but we have gone through a couple of these bills together and people look at us and think, If both of them want to do this, there must be something good about them.

So I have enjoyed working with Senator BOXER. It has been my honor to do it. We have actually shocked a lot of people with how well we get along. That is not going to happen after this bill, but it did before.

So let me just say this. I wish to thank some people. I appreciate the fact that the Senator from Wyoming recognizes his staff. I look around here and I see these two guys. They were up more nights all night long than they were sleeping all night long, and this is for a long period of time. We have been working on this for a long period of time. It is the result of months and months of really hard work.

In particular I want to thank our EPW team of Alex Herrgott, who was trying to drive this thing, and Shant Boyajian, one who does maybe the hardest part, the actual road part; he is the expert that pulled that through. We also had Chaya Koffman, Susan Bodine, Jennie Wright, Andrew Neely, Donelle Harder, Daisy Letendre, and Kristina Baum.

And Senator BOXER's team: David Napoliello, whom I really enjoyed working with. This is funny. I could talk to David just as I talk to one of our people here. We all have the same concerns, and so it makes it easier. I

also thank Andrew Dohrman and Jason Albritton. I would include so many others, but I see that Senator BOXER is still here, and I would like to just conclude right now. I know Senator BOXER wants to recognize some of the people that worked so hard in her shop, and we worked with a lot of people.

I will yield to Senator BOXER.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am so relieved we voted on a 5-year, fully-funded surface transportation bill that increases funding for our highway and transit programs. This is a monumental accomplishment for us all. The Environment and Public Works Committee has led the way to achieving the longest surface transportation bill that this country has seen in 17 years, which is essential for jobs, for our safety, and for our economic standing in the world.

This bill, which passed the House by a vote of 359 to 65, will provide the certainty that our States and local governments need to plan and construct improvements to the Nation's surface transportation system. It will support millions of jobs and thousands of businesses. Our bill has the support of a broad coalition of labor, business, and government organizations, including the AFL–CIO, Transportation Trades Department of the AFL–CIO, U.S. Chamber of Commerce, Americans for Transportation Mobility Coalition, Teamsters, Transportation Construction Coalition, American Road and Transportation Builders Association, National Association of Counties, U.S. Conference of Mayors, National Conference of State Legislatures, National Governors Association, National Association of Manufacturers, American Trucking Associations, Highway Materials Group, Associated General Contractors, American Farm Bureau Federation, American Traffic Safety Services Association, Transport Workers Union, American Society of Civil Engineers, International Union of Operating Engineers, Amalgamated Transit Union, United Steelworkers, Leadership Conference on Civil and Human Rights, Coalition for America's Gateways and Trade Corridors, and American Association of Port Authorities.

The FAST Act is a comprehensive bill that, among other things, modernizes federal highway and transit programs, motor carrier and vehicle safety programs, and includes a passenger rail authorization. We should also not forget that it reauthorizes the Export-Import Bank, which is so important for jobs and our economic competitiveness.

It was a mammoth task to put this bill together and it has been a roller coaster ride from day one. I am pleased that this entire process was jumpstarted when my dear friend JIM INHOFE, who has been my partner on many infrastructure issues, worked with me to pass a highway bill out of the EPW Committee on June 24 by a unanimous 20–0 vote. I truly believe that it was our overwhelming bipartisan vote that set the stage and built momentum for this bill to begin moving through the Senate.

I also want to thank Chairman SHUSTER and Congressman DEFAZIO in the House. They led a strong bipartisan effort in the House of Representatives which allowed us to go to conference with the wind at our back, and while it was never an easy negotiation and neither side got everything that they wanted, I think we are all pleased with the outcome. I want to thank all the members of the conference committee, with a special thanks to Senators DURBIN and NELSON, who are strong supporters of the conference report.

Let me highlight a few things in this bill that I am so proud of:

The bill creates and significantly funds two new programs: No. 1, the National Highway Freight Program, which will improve goods movement; and No. 2, the Nationally Significant Freight and Highway Projects Program, a competitive grants program to support major projects.

It provides $199 million to help commuter railroads install positive train control. It includes the Raechel and Jaqueline Houck Safe Rental Car Act, to protect consumers from leasing unsafe recalled rental vehicles. This cause has been incredibly important to me. I have worked tirelessly to get this safety provision into law. It will save lives in the future and is an example of the positive things we can do to prevent families from suffering from tragedies resulting from defective rental cars in the future.

I have been working for years to pass a long-term transportation bill, because our Nation's aging infrastructure needs robust investment to keep us competitive in the global marketplace. Our country has over 61,000 structurally deficient bridges and 50 percent of our Nation's roads are in less than good condition. More than 30,000 people die from traffic accidents each year.

The passage of MAP–21, for which I chaired the conference committee in 2012, provided 2 years of certainty and made key innovations for transportation.

Now, the FAST Act, which increases highway and transit funding, will enable our State and local governments to make new investments to improve our roads, bridges, and transit systems, which will improve safety, increase mobility, and keep goods moving efficiently. Improving our transportation infrastructure should not be a partisan issue, and I thank Leader MCCONNELL and Senator INHOFE for working closely with me to do the right thing for our country.

This entire process has been about trust, teamwork, and persistence, and I couldn't be more proud of what we have accomplished.

I would like to thank all of the staff that played an important role in this bill. As I have said, getting to this point has been a process that would make the workings of a sausage factory look appealing in comparison.

Mr. President, I know it is late, and I know we are all exhausted, but you have to mark a moment. I think this bill was such a monumental effort and the staffs that we are mentioning—Senator INHOFE is right—they were working constantly. The reason I know is that I called them constantly.

Senator INHOFE is right again. I called my staff; I called his staff; I called Senator THUNE's staff. I called everybody's staff. Right? I drove them crazy.

One time my little granddaughter was there, and I was getting into a bit of an altercation with a Member from the House, and I whispered to my granddaughter: Tell him to help your grandmother.

She got on the phone and said: Please help my grandmother. She had no idea.

The gentleman on the other end said: Oh, boy, you are tough. OK. We got through that night all right.

I am going to also thank the House family who helped us write the Safe Rental Car Act.

In closing, I am going to read these names on my team: Bettina Poirier, David Napoliello, Andrew Dohrmann, Tyler Rushforth, Jason Albritton, Ted Illston, Mary Kerr, Kate Gilman, Colin MacCarthy, and Kathryn Bacher.

From Senator INHOFE's team, I have to mention them again: Alex Hergott, Ryan Jackson, Shant Boyajian, Susan Bodine, Andrew Neely, and Chaya Koffman.

For Leader MCCONNELL: Neil Chatterjee, Hazen Marshall, and many others.

For the Banking Committee staff, I want to thank Mark Powden, Shannon Hines, Jennifer Deci, and Homer Carlisle.

For Senator NELSON: Kim Lipsky, Devon Barnhart, Matt Kelly, and Brandon Kaufman.

For Senator THUNE: Dave Schweitert, Adrian Arnakis, Allison Cullen, and Patrick Fuchs.

We built trust, we worked together, and we forged real friendships. I will never forget this as long as I live. I am grateful to everyone.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

## MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in 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.

## REMEMBERING GOVERNOR OLENE WALKER

Mr. HATCH. Mr. President, I wish to pay tribute today to Governor Olene Walker, a woman beloved in my home State of Utah and regarded across the

Nation as a model of civility and selfless service. Governor Walker passed away last Saturday from causes incident to age. In her 85 years of life, she led with compassion and humility, earning the respect and admiration of everyone she served.

Governor Walker's life was one of humble service, and her modest background made her rise in politics all the more impressive. Raised in rural Utah, she developed her trademark work ethic on the family farm and spent much of her childhood milking cows, hauling hay, and harvesting sugar beets. Both as a young woman working in her family's fields and as a Governor serving the people of Utah, no task was ever below Olene—she was always willing to do whatever was necessary to get the job done and to help those in need.

As a State legislator, a Lieutenant Governor, and a Governor, Olene was steadfast in her commitment to help society's most vulnerable, especially small children. Her work in the area of health care reform precipitated the establishment of our State's Children Health Insurance Program, which helps provide medical insurance for Utah's underprivileged youth. After becoming Utah's first female Governor, she continued her advocacy for children by championing education reform.

Governor Walker's Read With a Child Early Literacy Initiative was essential to her reform efforts. This program sought to improve childhood literacy by encouraging parents to read with their kids for at least 20 minutes every day. The initiative's focus on the family speaks to a simple truth: meaningful societal change doesn't begin in the bustling chambers of Congress but in the quiet solitude of the home, through the daily interactions between parent and child. As a former homemaker and as a mother of seven, Olene understood that healthy homes lead to a healthy society. This belief influenced many of her pro-family policies as Governor.

Perhaps more than anyone I know, Governor Walker exemplified the teaching that the greatest among us is the servant of all. She often eschewed the trappings of public office and even refused to use a driver. After leaving the Governorship, Olene volunteered to serve as the primary president for her local church congregation. This humble position was a significant departure from her role as Utah's chief executive. Instead of negotiating with legislators and managing State agencies, Olene led dozens of little children in song and prayer, teaching them about the words of Christ and his early apostles. Anyone preoccupied with prestige or positions of power would surely consider this new responsibility a demotion, but Olene wasn't one of those people. She never concerned herself with titles, standing, or prominence; she cared only about serving others in whatever capacity she could.

And she served until the very end. Even after retiring from office, Olene remained in the public sphere and continued to advocate for education reform. She was also active in ecclesiastical service and would eventually serve a 2-year mission in New York City for the Church of Jesus Christ of Latter-day Saints. She was equally engaged in academia and was instrumental in establishing the Olene S. Walker Institute of Politics and Public Service at Weber State University. In addition to hosting public forums, the institute helps students find jobs and internships in government and encourages women to become involved in politics.

Through her trailblazing example, Governor Walker leaves a legacy of leadership that is sure to inspire generations of young Americans. With her passing, we have lost not only an exemplary stateswoman but also a loving mother and a friend. I am deeply grateful for my association with Olene Walker. I consider myself lucky to have known Olene and even luckier to have served alongside her. Elaine and I send our deepest condolences to the Walker family. May God comfort them, and may He comfort all of us as we mourn the loss of an exceptional woman.

## TRIBUTE TO ROBERT STIVERS

Mr. MCCONNELL. Mr. President, I wish to recognize a good friend of mine and the Kentucky Senate president, Robert Stivers, for the honor he recently received of being named one of the country's top nine public officials of the year by Governing magazine. Senator Stivers certainly deserves this recognition, as he has led the Kentucky Senate admirably since his elevation to the president's post in 2013.

Senator Stivers has served in the Kentucky Senate since 1997. He represents the 25th District in eastern Kentucky, which includes parts of Clay, Knox, Lee, Owsley, Whitley, and Wolfe Counties. Like myself, Robert is a proud graduate of both the University of Kentucky and the University of Louisville. Before becoming senate president in 2013, he served as the senate's majority floor leader from 2009 to 2012.

Senator Stivers is perfectly suited for his leadership role, as he is a man who naturally knows how to build consensus and coalitions. He remains a practicing attorney in his hometown of Manchester and is finely tuned in to the needs of his constituents. The Clay County Chamber of Commerce honored Senator Stivers with its Man of the Year award in 2000. In 2002 he received both the AARP Appreciation Award and the Kentucky River Lincoln Club Outstanding Service Award.

Senator Stivers was recognized as one of the top public officials in the country because he has led the Kentucky Senate to pass some very important measures, including a bill to address the growing scourge of heroin and prescription pain pill abuse in our State. That is an issue I have followed closely over the years, and I can attest firsthand that Senator Stivers has been a real champion in working to find a solution.

Senator Stivers also led the senate to pass a measure providing funding for a new cancer research center at the University of Kentucky. This new facility will prove to be of immeasurable benefit to the people of Kentucky and also helps establish the University of Kentucky as one of the region's top research universities, which will attract more talent and funding to the Commonwealth.

I would ask all of my colleagues to join me in congratulating Kentucky Senate President Robert Stivers on this honor, and I thank him for his service to the people of our State. Those of us in Kentucky who have watched him at work have known for a long time that he is a talented and energetic legislator. And he is a great public servant on behalf of the people of Kentucky.

The Lexington Herald-Leader recently published an article detailing Senator Stivers' recognition by Governing magazine. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Lexington Herald-Leader, Nov. 17, 2015]

MAGAZINE NAMES KENTUCKY SENATE PRESIDENT ROBERT STIVERS A TOP PUBLIC OFFICIAL IN NATION

(By Jack Brammer)

FRANKFORT—Kentucky Senate President Robert Stivers has been named one of the country's nine public officials of the year by Governing magazine.

Stivers, R–Manchester, was nominated for the award by the magazine's editors. The magazine has honored individual state and local government officials for their accomplishments every year since 1994.

The publication commends Stivers for his bipartisan work since assuming the role of Senate president in 2013.

Landmark legislation that has passed during Stivers' presidency include bills to address abuse of prescription drugs and heroin, and providing funding for a new cancer research center at the University of Kentucky.

''It is an honor to receive this award on behalf of our work in the legislature,'' Stivers said in a statement. ''We are fortunate to have so many dedicated servants in the Kentucky General Assembly who were willing to put aside politics and do what was best for the Commonwealth of Kentucky. While there is still plenty of work to be done, I am very thankful to my colleagues and staff for their work on significant pieces of legislation. It has been a great year.''

Stivers was appointed this year as the incoming chairman of the Southern Legislative Conference, which is to hold its annual meeting in Lexington in 2016. Stivers also will be chairman of the Council on State Governments in 2018.

Stivers will travel to Washington, D.C., next month to receive the award. He represents the 25th District, which encompasses Clay, Knox, Lee, Owsley, Whitley and Wolfe counties.

## RECOGNIZING THE LAS VEGAS LATIN CHAMBER OF COMMERCE

Mr. REID. Mr. President, I wish to recognize the 40th anniversary of the Las Vegas Latin Chamber of Commerce.

Since its inception, the Latin Chamber of Commerce has been a champion for the Hispanic business community in Nevada. In working to fulfill its mission of promoting the success of its members and the more than 18,000 Hispanic-owned small businesses in the Silver State, the chamber is driving growth in Nevada and enriching the U.S. economy. By cultivating positive business, cultural, and educational relationships and expanding opportunities for Latino businessowners, the Latin Chamber of Commerce has ensured the success of hundreds of new businesses and transformed the very fabric of southern Nevada.

The Latin Chamber of Commerce was founded nearly four decades ago by a handful of determined individuals who were seeking the resources and support necessary to realize their personal and professional goals. Under the leadership of Arturo Cambeiro, the organization's first president, the chamber developed the foundation needed to become a leading advocate for Hispanic-owned businesses and Latino entrepreneurs. Today, the Latin Chamber of Commerce has grown to include more than 1,500 members throughout the Silver State, making it one of the largest organizations of its kind in the country. I applaud the Latin Chamber of Commerce for its 40th anniversary of dedicated service to the Hispanic community. The chamber's work is truly appreciated and admired.

I also commend the leadership of the Latin Chamber of Commerce, particularly Mr. Otto Merida and Ms. Victoria Napoles-Earl. Their tireless commitment to the Latino business community has played a critical role in the growth and success of the chamber. For the last 40 years, Mr. Merida has dedicated his work to developing and expanding the presence of the Latin Chamber of Commerce in southern Nevada. He has worked hard to fulfill the Chamber's mission and led the organization with the highest standards, currently serving as the organization's chief executive officer. Ms. Napoles-Earl joined the chamber in 1987 and recently announced her retirement after 30 years of service. I would like to congratulate her on her upcoming retirement and career accomplishments. From starting as the chamber's office manager to becoming its senior vice president, Ms. Napoles-Earl has dedicated her career to investing in Latino-owned businesses. During their distinguished careers, Mr. Merida and Ms. Napoles-Earl have successfully secured millions of dollars in funding for Latino businessowners, including grants, loans, and contracts. On behalf of the chamber and the thousands of Hispanic-owned businesses in Nevada, Mr. Merida and Ms. Napoles-Earl have effectively advocated for policies that help Latino entrepreneurs start and expand their business.

In addition to their roles at the Latin Chamber of Commerce, Mr. Merida and Ms. Napoles are active members in the community and have held various leadership positions at the State and local levels. Mr. Merida has worked for the State of Nevada's Department of Education, served as chair of the Las Vegas Housing Authority, and was appointed to the Nevada Commission on Economic Development. Ms. Napoles-Earl has served as a commissioner for the Nevada Commission on Minority Affairs and on the board of directors of Dignity Health's St. Rose Dominican Hospitals. I have had the honor and privilege of working closely with Mr. Merida and Ms. Napoles-Earl throughout my time in Congress, and I can say without reservation that the Hispanic business community in Nevada is fortunate to have them working on its behalf. You will be hard pressed to find more effective advocates.

As the Latin Chamber of Commerce begins its next chapter, I wish them continued success for years to come and thank them for supporting the economic growth and development of Latino entrepreneurs for 40 years and counting.

## RECOGNIZING THE 50TH ANNIVERSARY OF PLANNED PARENTHOOD OF NORTHERN NEW ENGLAND

Mr. LEAHY. Mr. President, this week, Planned Parenthood of Northern New England marked its 50th anniversary with a well-attended gathering in South Burlington, VT. The event came less than a week after the deadly tragedy at a Planned Parenthood center in Colorado. The weight of that tragedy, more than 2,500 miles away from Vermont, was evident as those in the crowd bowed their heads in a moment of silence as the names of victims were read. But this South Burlington gathering also illustrated the depth of support for an organization that plays a critical role in health care for women of all ages throughout Vermont, throughout New England, and throughout our country.

The Planned Parenthood Association of Vermont began in 1965 when a small but active band of women gathered at the Unitarian Church in Burlington. Within the next 3 years, Maine and New Hampshire also established family planning centers, and by the mid-1980s, Planned Parenthood of Northern New England was formed.

In 2014 alone, Planned Parenthood centers around Vermont provided vital primary and preventive services to over 16,000 patients. In a rural State like Vermont, the need for health care providers in remote areas is acute. More than 90 percent of Vermont's Planned Parenthood centers are located in rural or medically underserved areas. Many Vermonters describe Planned Parenthood as their primary source of health care. In just one example, without the services that Planned Parenthood provides, thousands of low-income women in Vermont would lose their ability to have regular cancer screenings that could save their lives.

Over five decades, Planned Parenthood has weathered many challenges that include ensuring the safety of its own health care providers. In the aftermath of 9/11, more than 500 anthrax threat letters were sent to Planned Parenthood locations and other reproductive health care providers; yet it seems unimaginable that we are here in December 2015, in the U.S. Senate, once again debating whether to defund an organization that does so much to ensure the health and well-being of women across the country.

In August I spoke in opposition to this misguided, distortion-filled, partisan effort. I said at the time that the issue was unfortunately all too familiar. With the critical issues that face us today, why are we spending our time and energy on this ideologically driven effort to bar funding for women's health centers? I am saddened that we are even talking about this provision today, not even 1 week since a gunman stormed that Planned Parenthood in Colorado and caused such carnage. This is shameful, and it is cynical. It is time for the mean-spirited assault on women's health care to end.

I was heartened by the supporters, both women and men, who turned out to mark the 50th anniversary of Planned Parenthood of Northern New England this week in South Burlington. They included the next generation of young women who have been ''passed the torch'' to stand up for their rights to health care and reproductive freedom. They are committed to making sure Planned Parenthood will be around for another 50 years—and they give me hope. Let us not turn our backs on them by turning back the clock.

## SUPPORTING THE COFFEE FARMERS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Mr. LEAHY. Mr. President, like many Senators, I have followed the appalling situation facing citizens of the Eastern Congo, where armed groups have fought for years over control of minerals and territory, pillaging, raping, and killing civilians in the process.

The innocent people who struggle to survive in the midst of this violence and destruction rely on subsistence agriculture, as well as raising crops for export; yet their own government makes it doubly difficult.

For decades, coffee was an important agricultural export from Eastern Congo. But after years of armed conflict, official coffee exports have reportedly decreased by over 80 percent from peak levels 30 years ago. The majority of this coffee is produced by

smallholder farmers, most of whom are women, and for whom coffee is a significant source of income.

Today a consortium, including the Eastern Congo Initiative, the Howard Buffett Foundation, and Starbucks Coffee Company, are trying to help Congolese farmers by revitalizing the industry. Needed infrastructure has been built, a supply chain is in place, and America's largest coffee company has provided a reliable buyer. This is a welcome and worthwhile effort to improve the lives of people in rural Congolese communities that should have the support of the Congolese Government.

Despite this collective effort, Congolese coffee farmers are being crippled by oppressive taxes that make their coffee uncompetitive in the global marketplace. While Congo's official export tax rate is 0.25 percent, many export officials reportedly continue to levy taxes of 7.5 percent, which is the previous rate. In addition, there are often informal tax levies that charge another 3 to 8 percent. These excessive taxes force exporters to pay smallholder farmers less for their coffee, with the result that farmers smuggle their crop into neighboring countries. The livelihoods of these farmers and the success of the Eastern Congo Initiative-Buffett-Starbucks joint venture are put at risk by the Congolese Government's actions.

I want to yield to Senator GRAHAM, who has traveled to Africa and observed the challenges facing small farmers like those I have mentioned.

Mr. GRAHAM. I want to thank my friend from Vermont with whom I have worked for years to help improve the lives of small farmers in Africa and elsewhere. The situation facing coffee farmers in the Eastern Congo should concern all Senators, as there is an opportunity, thanks to the Eastern Congo Initiative, the Buffett Foundation, and Starbucks, to significantly increase the income of people who have long struggled to get out of poverty. The Congolese Government should take immediate steps to eliminate this unofficial tax rate and other specious financial charges that are jeopardizing the livelihoods of their own people. The government must be part of the solution—and not the problem—to Congo's myriad challenges.

Mr. LEAHY. I thank the Senator from South Carolina, the chairman of the Subcommittee on State and Foreign Operations, who chaired a hearing earlier this year when we heard compelling testimony about this subject.

I ask my friend from Delaware, the former chairman of the Subcommittee on Africa, who has traveled to Africa many times, including this year with President Obama, to discuss how this situation in the Eastern Congo relates to the requirements of the African Growth and Opportunity Act.

Mr. COONS. I thank the Senator from Vermont for calling the Senate's attention to the challenges facing coffee producers in the Eastern Congo. The Congress passed the African Growth and Opportunity Act, AGOA, to advance economic growth and political stability in sub-Saharan Africa. AGOA furthers these objectives by offering trade benefits to countries that meet certain requirements, including commitments to policies that alleviate poverty and reflect market based economic principles. Moreover, as part of this year's AGOA renewal, we included provisions to enhance industries where African women are making strong contributions. Since its inception, exports from AGOA countries to the United States have grown 300 percent. Agriculture is the largest employer in Africa, and in the years to come, farming can play a key role in accelerating exports even further and realizing the vision of AGOA.

To meet the standards of AGOA and gain eligibility, the Congolese Government must do away with the excessive export and other taxes currently being levied on its coffee farmers. Impeding the growth of their coffee industry and lowering the standard of living of their own farmers is inconsistent with the language, intent, and spirit of AGOA. Lowering this tax burden should be required before the Democratic Republic of the Congo is granted AGOA benefits.

Ms. STABENOW. I thank the senior Senator from Vermont for his leadership on this issue. Last year, I had the privilege of leading the first all-women Senate delegation to sub-Saharan Africa to examine food, agriculture, and the critical role women play in local economies. According to the Food and Agriculture Organization of the United Nations, nearly 50 percent of all the agricultural work in the region is done by women.

Yet, too often, women are not afforded equal opportunities to own property, earn an education, or participate in the political process. That is why I was eager to lead two bipartisan provisions included in the recent AGOA renewal. The first makes clear that we expect our African trading partners to make progress toward establishing policies that support men and women. And the second expands existing agricultural trade technical assistance programs at USDA and USAID and prioritizes outreach to organizations and sectors that support women.

At its core, AGOA is about creating the building blocks of an improved trading relationship with sub-Saharan African nations. For the Democratic Republic of the Congo, coffee production presents a critical export opportunity. That is why we must insist that the Congolese Government addresses its inconsistent and burdensome export taxes on coffee producers—most of whom are women—before regaining eligibility for AGOA benefits. We have an opportunity to send a strong message to our African trading partners that we expect them to recognize how vital women are to the development of those nations' economies.

Ms. CANTWELL. I thank the senior Senator from Vermont for his leadership on this issue. Last year, I travelled to sub-Saharan Africa with Senator STABENOW. In Africa, we saw firsthand that empowering women and girls as leaders in agriculture is important to promoting economic development. When we returned, we fought to make sure promoting economic opportunities for women was an important aspect of renewal of the African Growth and Opportunity Act.

Investing in women produces a good return on investment. According to the U.N. Food and Agriculture Organization, if women had the same access to economic resources as men, this could increase agricultural productivity by 20–30 percent.

The Congolese Government's export taxes on coffee producers have the opposite effect. It unfairly burdens women. It should be repealed before the Democratic Republic of the Congo receives any additional AGOA benefits.

Mr. ISAKSON. I want to thank the Senator from South Carolina and the Senator from Vermont for their important work in improving United States foreign assistance. I thank Senator LEAHY for bringing this issue to our attention today. The Senator from Delaware and I have worked for years on the Senate Foreign Relations Subcommittee on African Affairs, and I look forward to continuing that work. Throughout our travels on the African continent, we have seen the beneficial effects of increased agriculture productivity and better access to markets, facilitated by U.S. economic development and trade preference programs.

I am proud of our work to reauthorize the African Growth and Opportunity Act. We made it stronger, more accountable, and hopefully more accessible to sub-Saharan African countries and their people. Unfortunately, Congo's ineligibility makes export opportunities more difficult for Congolese businessmen and farmers. I echo my colleagues' call on the Congolese Government to become more transparent and responsive to the needs of its people.

Mr. LEAHY. Mr. President, as you can see, there is bipartisan support for these coffee farmers who face oppressive economic constraints that limit their ability to be competitive in the marketplace and earn a decent living. I join my colleagues who have spoken on this issue today in urging the Congolese Government to address these concerns for the benefit of its people.

## VOTE EXPLANATION

Mr. WARNER. Mr. President, due to a prior commitment, I regret I was not present to vote on six amendments to H.R. 3762, the Budget Reconciliation Act. Had I been present, I would have voted yes on amendment No. 2908, Manchin-Toomey expanded background checks, and amendment No. 2910, denying firearms to suspected terrorists. I

strongly support these commonsense gun safety proposals.

In addition, I would have supported amendment No. 2892, Senator SHAHEEN's funding for mental illness and substance abuse services, and amendment No. 2907, Senator BENNET's proposal to improving access to care at the Veterans Administration. However, I would have voted no on amendment No. 2912, Cornyn side-by-side to No. 2910; amendment No. 2914, Grassley side-by-side to No. 2908; and amendment No. 2899, Paul refugee resettlement.

## BUDGETARY REVISIONS

Mr. ENZI. Mr. President, section 4305 of S. Con. Res. 11, the concurrent resolution on the budget for fiscal year 2016, allows the chairman of the Senate Budget Committee to revise the allocations, aggregates, and levels in the budget resolution for legislation related to health care reform. The authority to adjust is contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2016–2020 or the period of the total of fiscal years 2016–2025.

I find that Senate amendment 2916 fulfills the conditions of deficit neutrality found in section 4305 of S. Con. Res. 11. Accordingly, I am revising the allocations to the Committee on Finance, the Committee on Health, Education, Labor, and Pensions, HELP, and the budgetary aggregates to account for the budget effects of the amendment. I am also adjusting the unassigned to committee savings levels in the budget resolution to reflect that, while there are savings in the amendment attributable to both the HELP and Finance committees, the Congressional Budget Office and Joint Committee on Taxation are unable to produce unique estimates for each provision due to interactions and other effects that are estimated simultaneously.

The adjustments that I filed on Tuesday, December 2, 2015, are now void and replaced by these new adjustments.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### BUDGET AGGREGATES
### BUDGET AUTHORITY AND OUTLAYS

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 4305 of S.Con. Res 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

| $ Millions | 2016 |
|---|---|
| Current Aggregates:* | |
| Spending: | |
| Budget Authority | 3,033,488 |
| Outlays | 3,091,974 |
| Adjustments: | |
| Spending: | |
| Budget Authority | −32,200 |
| Outlays | −32,300 |
| Revised Aggregates: | |
| Spending: | |
| Budget Authority | 3,001,288 |
| Outlays | 3,059,674 |

### BUDGET AGGREGATE REVENUES

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

| $ Millions | 2016 | 2016–2020 | 2016–2025 |
|---|---|---|---|
| Current Aggregates: | | | |
| Revenue | 2,675,967 | 14,415,914 | 32,233,099 |
| Adjustments: | | | |
| Revenue | −65,400 | −438,000 | −1,103,600 |
| Revised Aggregates: | | | |
| Revenue | 2,610,567 | 13,977,914 | 31,129,499 |

### REVISION TO ALLOCATION TO THE COMMITTEE ON FINANCE

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

| $ Millions | 2016 | 2016–2020 | 2016–2025 |
|---|---|---|---|
| Current Allocation: | | | |
| Budget Authority | 2,179,749 | 12,342,551 | 29,428,176 |
| Outlays | 2,169,759 | 12,322,705 | 29,403,199 |
| Adjustments: | | | |
| Budget Authority | −2,000 | −4,600 | 16,200 |
| Outlays | −2,000 | −4,600 | 16,200 |
| Revised Allocation: | | | |
| Budget Authority | 2,177,749 | 12,337,951 | 29,444,376 |
| Outlays | 2,167,759 | 12,318,105 | 29,419,399 |

### REVISION TO ALLOCATION TO THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

| $ Millions | 2016 | 2016–2020 | 2016–2025 |
|---|---|---|---|
| Current Allocation: | | | |
| Budget Authority | 12,137 | 87,301 | 174,372 |
| Outlays | 14,271 | 87,783 | 182,631 |
| Adjustments: | | | |
| Budget Authority | 0 | −4,200 | −13,700 |
| Outlays | 0 | −2,400 | −10,900 |
| Revised Allocation: | | | |
| Budget Authority | 12,137 | 83,101 | 160,672 |
| Outlays | 14,271 | 85,383 | 171,731 |

### REVISION TO ALLOCATION TO THE UNASSIGNED COMMITTEE

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

| $ Millions | 2016 | 2016–2020 | 2016–2025 |
|---|---|---|---|
| Current Allocation: | | | |
| Budget Authority | −930,099 | −6,014,283 | −15,268,775 |
| Outlays | −884,618 | −5,887,158 | −14,949,026 |
| Adjustments: | | | |
| Budget Authority | −30,200 | −517,500 | −1,489,900 |
| Outlays | −30,200 | −517,500 | −1,489,900 |
| Revised Allocation: | | | |
| Budget Authority | −960,299 | −6,531,783 | −16,758,675 |
| Outlays | −914,818 | −6,404,658 | −16,438,926 |

## TRIBUTE TO PATRICIA GEADELMANN

Mr. GRASSLEY. Mr. President, I would like to take a moment to pay tribute to a friend of mine, Patricia Geadelmann. Pat serves as special assistant to the president for board and governmental relations at the University of Northern Iowa, my alma mater. Pat is retiring in January after more than 43 years at the university.

She began her career teaching physical education and health at the Malcolm Price Laboratory School and achieved the rank of professor. Since 1984, she has served in the UNI administration under four different presidents. In fact, in total, Pat has worked at UNI under 5 of the 10 presidents the university has had. Before that, she was an undergraduate student at the university.

Her experience and her knowledge of the University of Northern Iowa is unmatched. Needless to say, she has been an invaluable resource for each of the presidents she has served with and to the university as a whole. In fact, it is hard to imagine UNI without her. I have worked with Pat in her capacity as the head of government relations for the University of Northern Iowa for most of my time in the Senate. With someone who has her level of knowledge and experience, you would be tempted to wonder whether she reports to the president or the president reports to her. But, if you know her, you know she is as unassuming as she is dogged in her dedication to the university's best interests.

The University of Northern Iowa was lucky to have her, and on behalf of the UNI family, we are sorry to lose her. We wish her well in her new ''retired'' career as minister of care and visitation at First Presbyterian Church in Waterloo.

## TRIBUTE TO MAYOR JIM HAGGERTON

Mrs. MURRAY. Mr. President, today with my colleague Senator CANTWELL, I wish to commemorate Mayor Jim Haggerton for his 30 years of public service. Mr. Haggerton first served the people of Tukwila, WA as a member of the planning commission from 1985 to 1994 and thereafter as a member of the city council from 1994 to 2007. Since 2008, Mr. Haggerton has served as mayor of Tukwila. On December 31, Mr. Haggerton will retire after 30 years of service to Tukwila.

During his tenure, Mr. Haggerton has consistently provided outstanding leadership, kept the interests of the public at the forefront of his work, celebrated the city's diversity, and supported its neighborhoods, businesses, and residents. Mr. Haggerton successfully spearheaded dozens of major development and public infrastructure projects including the new Klickitat interchange, the Tukwila South Development Agreement, opening the LINK Light Rail Station in Tukwila, the South Park Bridge, a permanent Tukwila Commuter Rail and Amtrak Station, the Southcenter Parkway, and the redevelopment of Interurban Avenue. Mayor Haggerton fought to redevelop neglected and crime-ridden property along Tukwila International Boulevard, which culminated in the Tukwila Village Development Agreement. Additionally, Mr. Haggerton fiercely advocated to fund new crimefighting initiatives and led efforts to build sports and recreational facilities in Tukwila. Throughout his career, I was consistently impressed with Mayor Haggerton's commitment and contributions to the local community.

Ms. CANTWELL. Mr. President, I join my colleague Senator MURRAY in commemorating Mayor Haggerton's 30 years of public service. As mayor, Mr. Haggerton led the effort to develop and adopt Tukwila's first strategic plan,

providing a clear vision for economic development in the city. Mayor Haggerton was also among the first to offer regional assistance to the Oso, Arlington, and Darrington communities following the devastating State Route 530 mudslide in 2014. Throughout his tenure, Mayor Haggerton has served on multiple regional and national boards and always carried out his job with a passion for and commitment to helping others.

As our constituents in Washington State know, Mr. Haggerton had a genuine interest in learning about the issues facing those he was elected to serve. He has been an integral leader in Tukwila and played a critical role in shaping the city's history. I have no doubt that Mr. Haggerton's work in Tukwila and the greater Puget Sound region will have a lasting impact on generations for years to come.

Mrs. MURRAY. Mr. President, together Senator CANTWELL and I commend Mayor Haggerton for his longstanding dedication to public service. Over the past 30 years, Mayor Haggerton has always been an unwavering partner for the citizens of Tukwila, available with a friendly smile and positive attitude. We express our sincere gratitude, respect, and appreciation to Mr. Jim Haggerton for his service to the city and residents of Tukwila, South King County, and the State of Washington and for his friendship and partnership as we have worked with him in Washington, DC, on behalf of the people of the great State of Washington.

## TRIBUTE TO DANIEL J. JONES

Mrs. FEINSTEIN. Mr. President, I wish to praise today the work of Mr. Daniel Jones, a member of the Senate Intelligence Committee staff, who is leaving the Senate tomorrow.

Many of us enter public service for the simple goal of making a difference. After knowing Dan for 9 years, I can say that he is one of the few people working here on Capitol Hill who has helped make history. Without his indefatigable work on the Intelligence Committee staff, the Senate report on the CIA's Detention and Interrogation Program would not have been completed, nor would its executive summary have been released to the public, an effort that led to the recent passage of critically important and long overdue anti-torture legislation.

Dan came to the Intelligence Committee in January 2007 from the Federal Bureau of Investigation, where he served as an intelligence analyst. In his first 2 years on the staff, he played a key role in overseeing counterterrorism efforts and the FBI's transition from a pure law enforcement agency to an intelligence agency—a transition that has proven instrumental to the Bureau's ability to identify and thwart numerous terrorist attacks over the past several years.

However, his service and focus shifted following the revelation in December 2007 that the CIA had previously destroyed interrogation videotapes that showed the brutal treatment and questioning of two detainees, Abu Zubaydah and Abd al-Rahim al-Nashiri. Then-Chairman Jay Rockefeller assigned Dan and fellow staffer Alissa Starzak to review the CIA cables describing those interrogation sessions. For the next several months, Dan worked at his full-time job at the committee while also working nights and weekends at CIA headquarters, poring through the cables.

The report that he and Alissa produced in early 2009 was graphic, and it was shocking. It demonstrated in documented fact and in the CIA's own words treatment by the U.S. Government that stood in contrast to our values and to what the committee had previously been led to believe. The report sparked a comprehensive investigation by the committee, with a 14–1 vote in March 2009, that Dan led and then saw through to its completion.

While carrying out the investigation into the CIA program, Dan also co-led the committee's investigation into the attempted bombing of Northwest Flight 253 over Detroit on Christmas Day 2009 by Umar Farouk Abdulmutallab. Five months later, the committee produced a bipartisan report that found 14 specific points of failure that resulted in Abdulmutallab being able to board the flight and attempt to detonate his explosive device at the direction of al-Qaida in the Arabian Peninsula. The report also made both classified and unclassified recommendations to improve our counterterrorism efforts.

But back to the investigation on the CIA Detention and Interrogation Program—to say that Dan worked diligently on this study is a gross understatement. He, along with other committee staff, worked day and night, often 7 days a week, from 2009 through December 2012. He became an expert in one of the most unfortunate activities in the history of our intelligence community, going through more than 6 million pages of materials produced for the study, as well as immersing himself in the anti-torture provisions in U.S. law, as well as human rights materials, and the background of other similar historic Senate investigations. Throughout this period, Dan regularly briefed me on the team's findings. Each time, I noted the obvious toll that this was taking on him physically, but he always remained committed to concluding the report.

From the end of 2012 through the end of 2014, Dan stewarded the report through two bipartisan committee votes, a lengthy period of review and meetings with the CIA, and an 8-month long redaction review leading to the release of the executive summary of the study on December 9, 2014. He then played a key role in enacting reforms following the release of the executive summary, in particular the passage of a provision in this year's National Defense Authorization Act that will prevent the future use of coercive interrogation techniques or indefinite, secret detention in the future.

While Dan is known most for his leadership on the CIA detention and interrogation review, his public service doesn't end there. Before his Federal service, Dan taught for Teach for America in an inner-city school in Baltimore, MD, and he has served on the board of his alma mater, Elizabethtown College. His dedication to service is also demonstrated by his two master's degrees, a master's of public policy from the Kennedy School of Government and a master's of arts in teaching from Johns Hopkins.

I want to use this opportunity to thank Dan Jones for his indispensable work over the past 9 years and to wish him the very best as he moves on to future endeavors.

## TRIBUTE TO LEFFRICH ''TIM'' MAYO, SR.

Mr. SESSIONS: Mr. President, today I wish to say goodbye to one of the great members of the staff of this institution, Leffrich ''Tim'' Mayo, an exceptional individual with a deep devotion to the Senate, who retired from service on December 3, 2015, after over 35 years of service.

Tim, who some called ''Mayo'', began working at the U.S. Capitol in May of 1979 as a bus boy in the Senators dining room on the recommendation of a friend, the late Lawrence Green. Following that position, he held many positions in the Russell Building coffee shop, Senate labor division, and finally in the Architect of the Capitol's furniture division.

Tim really enjoyed working with Senators and their staff. He was exceptional at finding the perfect pieces of furniture that would fit the needs of Members and staff alike. If he knew you were looking for something in particular, he would search the warehouses until he found it. He knew every office and their styles and needs.

Tim would always greet you with a smile and a big hello. He was willing to help others no matter what the task or situation. Nothing was too challenging or difficult for him. He got great pleasure out of meeting new staff, visitors, and people from all over the world.

We will all miss Tim's smiling face and eager assistance in the Halls of the Senate, but also wish him the best as he moves on to bigger and better things in his retirement. Thank you, Mayo.

## ADDITIONAL STATEMENTS

• Mr. DAINES. Mr. President, I want to recognize Rick Young, a proud veteran from Forsyth, MT. Montana is blessed with a rich legacy of service, and it is my honor to recognize not only Rick's service to our country, but

his work to make quality health care accessible for all Montana veterans.

Rick proudly served our country as a marine from January 1971 to January 1975. Unfortunately, his current illness requires constant care and attention. His wife, Sharon, long served as his primary round-the-clock caretaker and was confined to their home due to Rick's condition, which required an external ventilator to breathe at all times. Eventually his needs surpassed his ability to stay home, and he had to move into a long-term care facility.

While Rick was still at home, the Rosebud Health Care Center, RHCC, facility initiated a contract with the Department of Veterans Affairs, VA, to be able to provide care and services to veterans in its long-term care unit. The previous aging and resource center for Rosebud County was in Glendive, MT, about 1 hour and 40 minutes away from Rick's home in Forsyth, MT. Thankfully, RHCC received approval from the VA to provide care services close to home for Rick on November 1, 2015.

Rick's persistence and advocacy throughout his illness helped serve as the catalyst for RHCC establishing a contract with the VA that allows for veterans to receive long-term care in Forsyth. Our State has one of the largest populations of veterans per capita, and Rick's efforts have led the VA to create additional resources to help to provide health care services to Montana's extensive veteran population.

I am so proud to have advocates like Rick and Sharon fighting for veterans in Montana. Through his inspiring work to increase veterans' access to care, Rick Young has created an unmatchable legacy that will leave a lasting mark on our State. Keep fighting, Rick. I am rooting for you.●

## TRIBUTE TO MAYOR JOE RILEY

● Mr. GRAHAM. Mr. President, I wish to speak today about Mayor Joe Riley, who is retiring after decades of service to the people of Charleston, SC.

Simply put, Joe Riley is one of the best mayors in America and a living legend in South Carolina political history. He is a hard-working, dedicated public servant who has spent most of his adult life serving the people of Charleston. I have never known anyone who loves their job more than he.

Years ago, Mayor Riley came into office with a vision for Charleston, but like all great leaders, he understood he couldn't do it alone. He went to work doing what he does best—bringing people together for the common good.

Now, as he retires from serving as mayor of the city he loves, the revitalization of this historic city is absolutely stunning. Thanks to his years of service, Charleston is now recognized as one of the best destinations to visit, not only in the United States but in the world.

Joe Riley will go down in history as a transformative mayor who turned his vision for Charleston into reality. We are all better because of his service.●

## TRIBUTE TO PAUL KOESTER

● Mr. HELLER. Mr. President, today I wish to congratulate Paul Koester on his retirement after over 41 years of service to the U.S. Air Force. It gives me great pleasure to recognize his years of dedication to protecting our country and our State.

Mr. Koester grew up in Colorado Springs, CO, and later enlisted in the U.S. Air Force in 1974 with the intention of serving 4 years as a jet engine mechanic. During his time in basic training, he decided to change course and test to become a pararescue airman. After successfully passing his training, he spent the next 4 years at Elmendorf Air Force Base in Alaska as part of the 71st Aerospace Rescue and Recovery Squadron. During his time serving in this squadron, he was credited with saving over 75 lives.

From 1980 to 1986, Mr. Koester served at McClellan Air Force Base in California and Little Rock Air Force Base in Arkansas. He soon after decided to join the Air National Guard. For the next 16 years, Mr. Koester served in the 102nd Rescue Squadron at Francis S. Gabreski Air National Guard Base in New York. On September 11, 2001, Mr. Koester and his squadron assisted as first responders during the collapse of the World Trade Center, aiding in saving the lives of many victims of the attack. His bravery and selflessness during this time of crisis will never be forgotten.

Three weeks later, Mr. Koester was deployed to the border of Kuwait and Iraq to serve as part of Operation Southern Watch. Following his return from this mission, Mr. Koester made the decision to resume Active Duty and was sent to Nellis Air Force Base in 2003 as part of the 58th Rescue Squadron. He concluded his service with this unit after 12 years of service. At his 60th birthday celebration, Mr. Koester was recognized as the oldest enlisted member actively serving in the Air Force and the longest serving pararescue airman with 13 deployments throughout his career. Our country and the Silver State are fortunate to have had someone of such dedication serving to protect our freedoms.

As a member of the Senate Veterans' Affairs Committee, I have had no greater honor than the opportunity to engage with the men and women who served in our Nation's military. I recognize Congress has a responsibility not only to honor the brave individuals who serve our Nation, but also to ensure they are cared for when they return home. I remain committed to upholding this promise for veterans like Mr. Koester in Nevada and throughout the Nation.

Mr. Koester has demonstrated professionalism, commitment to excellence, and dedication to the highest standards of the U.S. Air Force. I am proud to call him a fellow Nevadan, and I ask my colleagues to join me today in recognizing Mr. Koester for his years of service and in congratulating him on his retirement. I wish him well in all of his future endeavors.●

## CONGRATULATING BILL LANDON

● Mr. HELLER. Mr. President, today I wish to congratulate Bill Landon on receiving the 2015 Air and Surface Transport Nurses Association Lynn Stevens Excellence in Safety Award. It gives me great pleasure to see him receive this prestigious award after years of hard work within northern Nevada.

In 1998, Mr. Landon began his air ambulance career in Greeley, CO. In 2003, he joined Care Flight in Reno and has since served as safety and training coordinator and flight paramedic. During his time at Care Flight, he has been a key contributor in the founding of a formalized safety committee, which meets twice a month and is comprised of medical flight staff pilots, air communication specialists, managers, and maintenance personnel. This important committee, chaired by Mr. Landon, works to review, develop, and implement safety initiatives for Care Flight and those that it serves. As chair, Mr. Landon spearheads important safety trainings, including an annual training for hospital emergency departments, pre-hospital agencies, and ski patrols servicing a 40,000 square mile area. His unwavering dedication to Care Flight in Reno has helped provide hundreds of hours of safety and medical training needed to save lives throughout northern Nevada. His work for our State is invaluable.

The Lynn Steven's Excellence in Safety Award goes to individuals who have gone above and beyond in the transportation community to promote safety awareness. This accolade is truly prestigious and attained by only the most influential members in this community. Since 1981, Care Flight has served northern Nevada's health organizations as an important resource for transportation with flight paramedics and pilots to respond to a variety of medical emergencies. Our State is fortunate to have someone like Mr. Landon serving Care Flight and its safety initiatives.

Throughout his tenure, Mr. Landon has demonstrated professionalism, commitment to excellence, and dedication to his trade. I am honored by his service and am proud to call him a fellow Nevadan. Today, I ask all of my colleagues to join me in congratulating Mr. Landon on receiving this award, and I extend my deepest appreciation for all that he has done for many across northern Nevada. I offer him my best wishes in his role as safety and training coordinator in the future.●

## TRIBUTE TO KRISTI BLACKLER

● Mr. ROUNDS. Mr. President, today I recognize Kristi Blackler, an

intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota.

Kristi is a graduate of Stevens High School in Rapid City, SD. Currently, she is attending the University of South Dakota, where she is majoring in international studies and political science. She is a positive and diligent worker who has been devoted to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Kristi for all of the fine work she has done and wish her continued success in the years to come.●

## TRIBUTE TO SOPHIE DOEDEN

● Mr. ROUNDS. Mr. President, today I recognize Sophie Doeden, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota.

Sophie is a graduate of Beresford High School in Beresford, SD. Currently, she is attending Northern State University in Aberdeen, SD, where she is majoring in political science and minoring in history and economics. She is a hard worker who has been dedicated to getting the most out of her internship experience and who has been a true asset to the office.

I extend my sincere thanks and appreciation to Sophie for all of the fine work she has done and wish her continued success in the years to come.●

## REMEMBERING DR. JOHN A. KNAUSS

● Mr. WHITEHOUSE. Mr. President, recently the oceans lost one of their greatest champions. With the passing of Dr. John A. Knauss, Rhode Island has lost a beloved teacher, a visionary leader, and a brilliant scientist. We will all miss him a great deal.

John's accomplishments are too many to list, but I will note a few.

In 1966, Dr. Knauss was named to the Commission on Marine Science, Engineering, and Resources, where he and his colleagues recommended that Congress form a new and independent Federal agency to advance marine and atmospheric sciences and better understand our oceans, coastlines, and Great Lakes. That agency became the National Oceanic and Atmospheric Administration, which conducts some of the most important ocean science in the world and where John served as Administrator from 1989 to 1993.

Along with Rhode Island Senator Claiborne Pell and Dr. Athelstan Spilhaus, Dr. Knauss developed the National Sea Grant College Program. Their model was the country's land grant college system—century-old centers of learning that promote better use of America's vast resources of land. Pell and Knauss thought that surely our oceans and Great Lakes needed a similar network of institutions to conduct coastal and marine science and promote conservation of such important natural assets.

Congress agreed. In 2016, Sea Grant will celebrate 50 years of good work on behalf of our oceans and Great Lakes. In recognition of his vision and leadership in forming Sea Grant, NOAA named one of its most prestigious fellowships in his honor—the NOAA Sea Grant John A. Knauss Marine Policy Fellowship. Every year, around 50 of the Nation's top graduate and postgraduate students are selected for Knauss fellowships to spend a year working on marine and coastal policy issues for the Federal agencies and congressional offices in Washington, DC. Two Knauss fellows, Adena Leibman and Anna-Marie Laura, have worked in my Senate office, helping shape national oceans policy.

But perhaps his most significant achievement is the Graduate School of Oceanography, GSO, at the University of Rhode Island. John founded the GSO in 1962, served as its dean for over 25 years, and built it into an international leader in marine research. Today, sitting atop a bluff overlooking Rhode Island's beautiful Narragansett Bay, the GSO is home to 41 faculty and 170 graduate students engaged in cutting-edge oceanographic science and pursuing degrees across a range of specialties, including the country's first marine affairs and ocean engineering programs. It is a true Rhode Island treasure, one we should continue investing in, and a testament to Dean Knauss's leadership and commitment to our oceans.

Easily lost among his accomplishments in founding and leading ocean research institutions are his personal contributions to oceanography. In his dissertation for the Scripps Institution of Oceanography, John was the first to make comprehensive measurements of the Pacific Equatorial Undercurrent—a current that runs for thousands of miles beneath the surface of the Pacific Ocean. He later discovered another major current in the Indian Ocean.

John will be remembered for his collegiality and gift for collaboration among the administrators, faculty, students, and other researchers and ocean-minded professionals that he touched. Like the currents he studied, connecting vast oceans in one system, the institutions and programs he created and led bind together leading minds in ocean science, bettering our understanding of our ocean world and how important it is to us.

I offer my and Sandra's condolences to the Knauss family, to the marine science community, and to the countless people John Knauss taught, mentored, and inspired through the years.●

## MESSAGES FROM THE HOUSE

### ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 1170. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, and for other purposes.

S.J. Res. 23. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to ''Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units''.

S.J. Res. 24. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Generating Units''.

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore (Mr. HATCH).

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At 10:34 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

The message also announced that the House insists upon its amendment to the amendment of the Senate to the bill (H.R. 644) to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and on December 2, 2015, appoints Mr. BRADY of Texas, Mr. REICHERT, Mr. TIBERI, Mr. LEVIN, and Ms. LINDA T. SÁNCHEZ of California, as managers of the conference on the part of the House.

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At 1:55 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 22) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2359. A bill to restore Second Amendment rights in the District of Columbia.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 3, 2015, she

had presented to the President of the United States the following enrolled bill:

S. 1170. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–3641. A communication from the Chair, Securities and Exchange Commission, transmitting, pursuant to law, the 2014 Annual Report of the Securities Investor Protection Corporation (SIPC); to the Committee on Banking, Housing, and Urban Affairs.

EC–3642. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Special Regulations, Areas of the National Park System, Lake Chelan National Recreation Area, Solid Waste Disposal'' (RIN1024–AE09) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Energy and Natural Resources.

EC–3643. A communication from the Chief of the Branch of Recovery and State Grants, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Removal of the Delmarva Peninsula Fox Squirrel From the List of Endangered and Threatened Wildlife'' (RIN1018–AY83) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Environment and Public Works.

EC–3644. 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 ''Increase in De Minimis Safe Harbor Limit for Taxpayers Without an Applicable Financial Statement'' (Notice 2015–82) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Finance .

EC–3645. 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 ''Additional Rules Regarding Inversions and Related Transactions'' (Notice 2015–79) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Finance.

EC–3646. 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 ''Publication of the Tier 2 Tax Rates'' (Railroad Retirement Tax Act sections 3201(b), 3221(b), and 3211(b)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Finance.

EC–3647. 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 ''Interim Guidance Regarding Certain Provisions of the Proposed Regulations Relating to Qualified ABLE Programs'' (Notice 2015–81) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Finance.

EC–3648. 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 2015–0150—2015–0165); to the Committee on Foreign Relations.

EC–3649. A communication from Director, Office of Government Relations, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards'' (RIN3045–AA61) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3650. 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 15–049); to the Committee on Foreign Relations.

EC–3651. 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 15–060); to the Committee on Foreign Relations.

EC–3652. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3653. A communication from the Associate Administrator, Office of Congressional and Legislative Affairs, Small Business Administration, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Administration's fiscal year 2015 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC–3654. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Department of Homeland Security Privacy Office 2015 Annual Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–3655. A communication from the Acting Director, Pay and Leave, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''General Schedule Locality Pay Areas'' (RIN3206–AM88) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3656. A communication from the Board Chair and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General and the Semiannual Management Report on the Status of Audits for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3657. A communication from the Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2015 through September 30, 2015, and the Millennium Challenge Corporation's response; to the Committee on Homeland Security and Governmental Affairs.

EC–3658. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Corporation for National and Community Service's Response and Report on Final Action for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3659. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's Semiannual Report of the Inspector General for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3660. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Administrator's Semiannual Management Report to Congress for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3661. A communication from the Acting Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3662. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Agency Financial Report for fiscal year 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3663. A communication from the Chairwoman of the Federal Trade Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3664. A communication from the Director, U.S. Trade and Development Agency, transmitting, pursuant to law, the Agency's Performance and Accountability Report for fiscal year 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3665. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a report of proposed legislation entitled ''Servicemembers Legislative Package''; to the Committee on Veterans' Affairs.

EC–3666. 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 15–092); to the Committee on Foreign Relations.

EC–3667. 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 15–106); to the Committee on Foreign Relations.

EC–3668. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No . FAA–2015–2461)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3669. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–4207)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3670. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–4205)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3671. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0498)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3672. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0649)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3673. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0454)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3674. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls Royce plc Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2015–0593)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3675. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace for the following Missouri Towns: Chillicothe, MO; Cuba, MO; Farmington, MO; Lamar, MO; Mountain View, MO; Nevada, MO; and Poplar Bluff, MO'' ((RIN2120–AA66) (Docket No. FAA–2015–0842)) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3676. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's eleventh annual report on ethanol market concentration; to the Committee on Commerce, Science, and Transportation.

EC–3677. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendment to List of Field Offices: Expansion of San Ysidro, California Port of Entry to include the Cross Border Xpress User Fee facility'' (CBP Dec. 15–17) received in the Office of the President of the Senate on November 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

## PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–108. A resolution adopted by the Senate of the State of Michigan urging the President of the United States and United States Congress and the United States Office of Management and Budget to support plans to upgrade the Soo Locks at Sault Ste. Marie, Michigan, and approve the United States Army Corps of Engineers' reprogramming request to fund an Economic Reevaluation Report for replacing the Davis and Sabin locks; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 105

Whereas, The Soo Locks at Sault Ste. Marie, Michigan, are of the utmost importance to Michigan and play a critical role in our nation's economy and security. Each year, approximately 10,000 Great Lakes vessels, carrying 80 million tons of iron ore, coal, grain, and other cargo, safely and efficiently traverse the locks. Nearly 80 percent of domestic iron ore, the primary material used to manufacture steel, travels from mines in Minnesota and Michigan's Upper Peninsula through the Soo Locks; and

Whereas, Only one of the four Soo Locks is large enough to accommodate the modern vessels that commonly traverse the Great Lakes. Seventy percent of cargo is carried on these large ships that can only pass through the Poe Lock. The remainder of cargo goes through the smaller MacArthur Lock, with the smallest 100-year-old Davis and Sabin locks rarely used; and

Whereas, The reliance on one lock poses a serious risk to national security and the economies of the state of Michigan and the United States. A long-term outage of the Poe Lock due to lock failure or terrorist attack could cripple the economy and disrupt steel production in the United States. It is estimated that a 30-day outage would result in economic losses of $160 million; and

Whereas, Upgrades to the Soo Locks are needed to ensure national security and unfettered commerce through the Great Lakes. To this end, the U.S. Army Corps of Engineers has requested funding to conduct a study crucial to moving forward with the construction of a second, large lock. The Economic Reevaluation Report would examine the economic benefits and costs of replacing the Davis and Sabin locks with a lock similar in size to the current Poe Lock: Now, therefore, be it

*Resolved by the Senate*, That we encourage the President and Congress of the United States and the U.S. Office of Management and Budget to support plans to upgrade the Soo Locks at Sault Ste. Marie, Michigan, and approve the U.S. Army Corps of Engineers' reprogramming request to fund an Economic Reevaluation Report for replacing the Davis and Sabin locks; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Director of the U.S. Office of Management and Budget.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARRASSO, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1704. A bill to amend the Indian Tribal Justice Act to secure urgent resources vital to Indian victims of crime, and for other purposes (Rept. No. 114–172).

By Mr. ALEXANDER, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

H.R. 2820. A bill to reauthorize the Stem Cell Therapeutic and Research Act of 2005, and for other purposes.

By Mr. VITTER, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 2136. A bill to establish the Regional SBIR State Collaborative Initiative Pilot Program, and for other purposes.

## 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 Mr. WHITEHOUSE:

S. 2347. A bill to extend temporarily the extended period of protection for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. LEE, and Mrs. GILLIBRAND):

S. 2348. A bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes; to the Committee on the Judiciary.

By Mr. HELLER:

S. 2349. A bill to amend title XVIII of the Social Security Act to require the annual reporting of data on enrollment in Medicare Advantage plans; to the Committee on Finance.

By Mr. PAUL:

S. 2350. A bill to amend the Internal Revenue Code of 1986 to provide for full expensing of tangible property; to the Committee on Finance.

By Mr. ISAKSON:

S. 2351. A bill to amend title XVIII of the Social Security Act to extend the annual comment period for payment rates under Medicare Advantage; to the Committee on Finance.

By Mr. CASEY:

S. 2352. A bill to amend the Child Abuse Prevention and Treatment Act to require mandatory reporting of incidents of child abuse or neglect, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Ms. CANTWELL):

S. 2353. A bill to amend the Internal Revenue Code of 1986 to extend and modify the incentives for biodiesel; to the Committee on Finance.

By Mrs. FISCHER (for herself and Mr. KING):

S. 2354. A bill to amend the Internal Revenue Code of 1986 to provide a credit to employers who provide paid family and medical leave, and for other purposes; to the Committee on Finance.

By Mr. KIRK (for himself and Mr. MANCHIN):

S. 2355. A bill to amend the Fair Credit Reporting Act to clarify Federal law with respect to reporting certain positive consumer credit information to consumer reporting

agencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KING (for himself and Mr. COTTON):

S. 2356. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to require an electronic communication service provider that generates call detail records pursuant to an order under that Act to notify the Attorney General if the provider intends to retain such records for a period less than 18 months; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself and Mr. BLUMENTHAL):

S. 2357. A bill to extend temporarily the extended period of protection for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN (for himself and Mr. PORTMAN):

S. 2358. A bill to direct the Administrator of the Environmental Protection Agency to carry out a pilot program to work with municipalities that are seeking to develop and implement integrated plans to meet wastewater and stormwater obligations under the Federal Water Pollution Control Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PAUL:

S. 2359. A bill to restore Second Amendment rights in the District of Columbia; read the first time.

By Mr. GRAHAM (for himself, Mr. COATS, Mr. HATCH, and Mrs. ERNST):

S.J. Res. 26. A joint resolution to authorize the use of United States Armed Forces against the Islamic State of Iraq and the Levant and its associated forces; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. JOHNSON (for himself, Mrs. SHAHEEN, Mr. MCCAIN, and Mr. INHOFE):

S. Res. 326. A resolution celebrating the 135th anniversary of diplomatic relations between the United States and Romania; to the Committee on Foreign Relations.

By Mr. BLUMENTHAL (for himself, Mrs. SHAHEEN, Mr. BENNET, Ms. BALDWIN, Mr. WARNER, Mr. LEAHY, Mr. MARKEY, Mr. UDALL, Ms. HIRONO, Mr. SCHATZ, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. CARDIN, Ms. WARREN, Mr. REED, Mrs. BOXER, Mr. MENENDEZ, Mrs. MURRAY, Mr. COONS, Ms. MIKULSKI, Mr. KAINE, Mr. WYDEN, Mr. BOOKER, Mr. DURBIN, Mr. HEINRICH, Mr. SANDERS, Mr. MURPHY, Mr. SCHUMER, Ms. CANTWELL, Mr. BROWN, Mr. CARPER, Mr. KING, Mr. TESTER, Ms. KLOBUCHAR, and Mrs. MCCASKILL):

S. Res. 327. A resolution condemning violence that targets healthcare for women; to the Committee on the Judiciary.

By Mr. UDALL (for himself and Mrs. CAPITO):

S. Res. 328. A resolution supporting the December 3, 2015, National Day of Remembrance for victims of drunk and drugged driving and for victims of the consequences of underage drinking; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 236

At the request of Ms. AYOTTE, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 236, a bill to amend the Pay-As-You-Go Act of 2010 to create an expedited procedure to enact recommendations of the Government Accountability Office for consolidation and elimination to reduce duplication.

S. 290

At the request of Mr. MORAN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 290, a bill to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes.

S. 553

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 553, a bill to marshal resources to undertake a concerted, transformative effort that seeks to bring an end to modern slavery, and for other purposes.

S. 713

At the request of Mrs. BOXER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 713, a bill to prevent international violence against women, and for other purposes.

S. 865

At the request of Mr. TESTER, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 865, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

S. 871

At the request of Mr. MCCONNELL, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 871, a bill to provide for an application process for interested parties to apply for an area to be designated as a rural area, and for other purposes.

S. 890

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 890, a bill to amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the effectiveness of the Fund for future generations, and for other purposes.

S. 928

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 928, a bill to reauthorize the World Trade Center Health Program and the September 11th Victim Compensation Fund of 2001, and for other purposes.

S. 942

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 942, a bill to amend the Internal Revenue Code of 1986 to provide a deduction from the gift tax for gifts made to certain exempt organizations.

S. 1127

At the request of Mr. REED, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1127, a bill to amend the Internal Revenue Code of 1986 to expand the denial of deduction for certain excessive employee remuneration, and for other purposes.

S. 1315

At the request of Mr. ENZI, the names of the Senator from Montana (Mr. DAINES) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 1315, a bill to protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions.

S. 1333

At the request of Mr. GARDNER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1333, a bill to amend the Controlled Substances Act to exclude cannabidiol and cannabidiol-rich plants from the definition of marihuana, and for other purposes.

S. 1562

At the request of Mr. WYDEN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 1668

At the request of Mr. GRAHAM, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 1668, a bill to restore longstanding United States policy that the Wire Act prohibits all forms of Internet gambling, and for other purposes.

S. 1698

At the request of Mr. TILLIS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1698, a bill to exclude payments from State eugenics compensation programs from consideration in determining eligibility for, or the amount of, Federal public benefits.

S. 1874

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1874, a bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1909

At the request of Mr. LEE, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 1909, a bill to protect communities from destructive Federal overreach by the Department of Housing and Urban Development.

S. 1919

At the request of Mr. RUBIO, his name was added as a cosponsor of S. 1919, a

bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

S. 2006

At the request of Mr. PORTMAN, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 2006, a bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

S. 2022

At the request of Mr. GRAHAM, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2022, a bill to amend title 38, United States Code, to increase the amount of special pension for Medal of Honor recipients, and for other purposes.

S. 2123

At the request of Mr. GRASSLEY, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2123, a bill to reform sentencing laws and correctional institutions, and for other purposes.

S. 2170

At the request of Ms. HIRONO, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2170, a bill to amend title 38, United States Code, to improve the ability of health care professionals to treat veterans through the use of telemedicine, and for other purposes.

S. 2275

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2275, a bill to provide for automatic acquisition of United States citizenship for certain internationally adopted individuals, and for other purposes.

S. 2337

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Indiana (Mr. DONNELLY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2337, a bill to improve homeland security by enhancing the requirements for participation in the Visa Waiver Program, and for other purposes.

S. 2344

At the request of Mr. COTTON, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from North Carolina (Mr. BURR), the Senator from Florida (Mr. RUBIO), the Senator from Indiana (Mr. COATS), the Senator from Kansas (Mr. ROBERTS) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 2344, a bill to provide authority for access to certain business records collected under the Foreign Intelligence Surveillance Act of 1978 prior to November 29, 2015, to make the authority for roving surveillance, the authority to treat individual terrorists as agents of foreign powers, and title VII of the Foreign Intelligence Surveillance Act of 1978 permanent, and to modify the certification requirements for access to telephone toll and transactional records by the Federal Bureau of Investigation, and for other purposes.

S. RES. 148

At the request of Mr. KIRK, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 148, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

AMENDMENT NO. 2876

At the request of Mrs. MURRAY, the names of the Senator from Colorado (Mr. BENNET), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 2876 proposed to H.R. 3762, a bill to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016.

AMENDMENT NO. 2884

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 2884 proposed to H.R. 3762, a bill to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016.

At the request of Mr. MCCAIN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of amendment No. 2884 proposed to H.R. 3762, supra.

AMENDMENT NO. 2886

At the request of Mr. REID, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS), the Senator from California (Mrs. FEINSTEIN) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 2886 intended to be proposed to H.R. 3762, a bill to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Ms. CANTWELL):

S. 2353. A bill to amend the Internal Revenue Code of 1986 to extend and modify the incentives for biodiesel; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today I am introducing the Biodiesel Tax Incentive Reform and Extension Act of 2015. I am pleased to be joined by Senator CANTWELL. Our bill will modify the biodiesel fuel blenders credit to a domestic production credit, and extend the credit through 2018.

Congress created the biodiesel tax incentive in 2005. As a result of this incentive, and the Renewable Fuel Standard, biodiesel is providing significant benefits to the nation. Domestic biodiesel production supports tens of thousands of jobs. Replacing traditional diesel with biodiesel reduces emissions and creates cleaner air.

Homegrown biodiesel improves our energy security by diversifying our transportation fuels and reducing our dependence on foreign oil. Biodiesel itself is a very diverse fuel. It can be produced from a wide array of resources such as recycled cooking oil, soybean and other plant oils, and animal fats.

Senator CANTWELL and I have been advocating for years a modification to the current incentive. We have proposed making the credit available for the domestic production of biodiesel, rather than a mixture credit available to the blender of the fuel, going back to 2009.

The bill we are introducing today is similar to an amendment that I offered with Senator CANTWELL during consideration of the tax extenders package in the Senate Finance Committee in July of this year. Our biodiesel reform amendment passed unanimously by voice vote.

Converting to a producer credit improves the incentive in many ways. The blenders credit can be difficult to administer, because the blending of the fuel can occur at many different stages of the fuel distribution. This can make it difficult to ensure that only fuel that qualifies for the credit claims the incentive It has been susceptible to abuse because of this.

A credit for domestic production will also ensure that we are incentivizing the domestic industry, rather than subsidizing imported biofuels. It's projected that imports from Argentina, Singapore, the European Union, South Korea and others could exceed 1.5 billion gallons over this year and next.

We should not provide a U.S. taxpayer benefit to imported biofuels. By restricting the credit to domestic production, we will also save taxpayer money. The amendment adopted in the Finance Committee is estimated to reduce the cost of the extension by $90 million.

Importantly, modifying the credit will have little to no impact on the consumer. Much of the credit will continue to be passed on to the blender and ultimately, the consumer. Additionally, the U.S. biodiesel industry is currently operating at only 60 percent of capacity. The domestic biodiesel industry has the capacity and access to affordable feedstocks to meet the demand of U.S. consumers.

It is my understanding that representatives from the House and Senate, along with the White House, are currently meeting to finalize a tax extender package before the end of the year. I strongly urge them to maintain the Senate position, and include the biodiesel reform policies that were adopted in the Senate Finance Committee.

This modification will ensure that the credit is doing what Congress intended—incentivizing investment in domestic biodiesel production. Surely, House and Senate leaders recognize that we should not be providing a U.S. taxpayer subsidy to already heavily subsidized foreign biodiesel imports.

I therefore urge my colleagues to support this common-sense, cost reduction modification.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 326—CELEBRATING THE 135TH ANNIVERSARY OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND ROMANIA

Mr. JOHNSON (for himself, Mrs. SHAHEEN, Mr. MCCAIN, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 326

Whereas the United States established diplomatic relations with Romania in June 1880;

Whereas the Governments of the United States and Romania strive to continually improve cooperation between government leaders and strengthen the two countries' strategic partnership, focusing on the political-military relationship, law-enforcement collaboration, trade and investment opportunities, and energy security;

Whereas the Governments of the United States and Romania are committed to supporting human rights, advancing the rule of law, democratic governance, economic growth, and freedom;

Whereas Romania joined the North Atlantic Treaty Organization (NATO) in 2004, and has established itself as a resolute ally of both the United States and strong NATO member;

Whereas the Government of Romania continues to improve its military capabilities, and has repeatedly demonstrated its willingness to provide forces and assets in support of operations that address the national security interests of the United States and all NATO members, including deployments to Afghanistan, Iraq, Libya, and Kosovo;

Whereas, in 2011, the United States and Romania issued the ''Joint Declaration on Strategic Partnership for the 21st Century Between the United States of America and Romania,'' reflecting increasing cooperation between our countries to promote security, democracy, free market opportunities, and cultural exchange;

Whereas the United States and Romania signed a ballistic missile defense (BMD) agreement in 2011, allowing the deployment of United States personnel, equipment, and anti-missile interceptors to Romania;

Whereas, in October 2014, the United States Navy formally launched Naval Support Facility Deveselu to achieve the goals of the 2011 BMD agreement and thus established the first new United States Navy base since 1987;

Whereas, in September 2015, Romania stood up a NATO Force Integration Unit;

Whereas Romania will host the Alliance's Multinational Division-Southeast headquarters in Bucharest and commits significant resources to the Very High Readiness Joint Task Force;

Whereas Romania has agreed to host components of the United States' European Phased Adaptive Approach missile defense system, which will be operational by the end of 2015; and

Whereas, for the past 25 years, the Government of Romania has shown leadership in advancing stability, security, and democratic principles in Central and Eastern Europe, the Western Balkans, and the Black Sea region, especially in the current difficult regional context: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the 135th anniversary of United States-Romanian diplomatic relations;

(2) congratulates the people of Romania on their accomplishments as a great nation; and

(3) expresses appreciation for Romania's unwavering partnership with the United States.

### SENATE RESOLUTION 327—CONDEMNING VIOLENCE THAT TARGETS HEALTHCARE FOR WOMEN

Mr. BLUMENTHAL (for himself, Mrs. SHAHEEN, Mr. BENNET, Ms. BALDWIN, Mr. WARNER, Mr. LEAHY, Mr. MARKEY, Mr. UDALL, Ms. HIRONO, Mr. SCHATZ, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. CARDIN, Ms. WARREN, Mr. REED of Rhode Island, Mrs. BOXER, Mr. MENENDEZ, Mrs. MURRAY, Mr. COONS, Ms. MIKULSKI, Mr. KAINE, Mr. WYDEN, Mr. BOOKER, Mr. DURBIN, Mr. HEINRICH, Mr. SANDERS, Mr. MURPHY, Mr. SCHUMER, Ms. CANTWELL, Mr. BROWN, Mr. CARPER, Mr. KING, Mr. TESTER, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 327

Whereas the constitutional right of the people of the United States to make healthcare decisions about their own bodies was established more than 43 years ago;

Whereas in Eisenstadt v. Baird, 405 U.S. 438 (1972), the Supreme Court confirmed the constitutional right of all men and women to legally access birth control;

Whereas the Supreme Court decided Roe v. Wade, 410 U.S. 113 (1973) 42 years ago and reaffirmed that women have a constitutional right to comprehensive reproductive healthcare;

Whereas for decades, healthcare providers for women and people who access healthcare services for women have been subjected to intimidation, threats, and violence;

Whereas since 1993, there have been 11 murders and numerous attempted murders of individuals associated with care provided at health centers for women;

Whereas since 1977—

(1) nearly 7,000 violent acts have been reported against providers at health centers for women, including bombings, arsons, death threats, kidnappings, and assaults; and

(2) more than 190,000 acts of disruption, including bomb threats and harassing calls, have been reported;

Whereas between June and December 2015, arson, vandalism, and threats have increased at Planned Parenthood health centers and other health centers for women, including—

(1) health centers in—

(A) Aurora, Illinois;

(B) Pullman, Washington;

(C) Louisville, Kentucky; and

(D) Claremont, New Hampshire; and

(2) on November 27, 2015, an attack by a gunman at a Planned Parenthood health center in Colorado Springs, Colorado, in which 3 people were killed and 9 people were injured;

Whereas extreme and demonizing rhetoric contributes to a climate that is dangerous for individuals who provide or access comprehensive healthcare services;

Whereas since more than 40 percent of the patients of Planned Parenthood are people of color, people of color are disproportionately impacted by attacks on health centers for women; and

Whereas over their lifetimes, 1 in 5 women in the United States will access healthcare at Planned Parenthood, which—

(1) in 2013 provided—

(A) over 1,400,000 emergency contraception kits;

(B) nearly 4,500,000 tests and treatments for sexually transmitted infections; and

(C) nearly 900,000 cervical cancer screenings and breast exams;

(2) continues to be the leading reproductive healthcare provider in the United States; and

(3) along with many other reproductive health providers, continues to provide expert, quality reproductive healthcare in safe and supportive environments across the country: Now, therefore, be it

*Resolved*, That the Senate—

(1) denounces the attacks on healthcare centers for women, providers of healthcare for women, and patients; and

(2) affirms that all women have the right to access reproductive healthcare services without fear of violence, intimidation, or harassment.

### SENATE RESOLUTION 328—SUPPORTING THE DECEMBER 3, 2015, NATIONAL DAY OF REMEMBRANCE FOR VICTIMS OF DRUNK AND DRUGGED DRIVING AND FOR VICTIMS OF THE CONSEQUENCES OF UNDERAGE DRINKING

Mr. UDALL (for himself and Mrs. CAPITO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 328

Whereas drunk driving is still a leading cause of death and injury on the roadways of the United States and nearly 1 in 3 traffic fatalities involved alcohol-impaired crashes, according to studies conducted by the National Highway Traffic Safety Administration;

Whereas, in 2014, there were 9,967 people killed in alcohol-impaired crashes, representing an average of 27 alcohol-impaired driving fatalities every day and 1 alcohol-impaired driving fatality every 53 minutes;

Whereas countless victims, survivors, families, and loved ones are left to cope with the aftermath of these terrible crashes;

Whereas victims and survivors of drunk and drugged driving and the consequences of underage drinking are cause for concern;

Whereas Mothers Against Drunk Driving (referred to in this preamble as ''MADD'') was founded in 1980 and today continues with the mission to end drunk driving, help fight drugged driving, support the victims of these crimes and crashes, and prevent underage drinking;

Whereas drunk driving deaths have been reduced dramatically since 1980, from more than 25,000 deaths per year to just under 10,000 in 2014, thanks to efforts from MADD, other community organizations, States, schools, law enforcement agencies, safety technologies and programs, improved laws, and growing public recognition of the risks posed by drunk driving;

Whereas combating drunk and drugged driving is a legislative priority for the Senate in the 114th Congress, advancing a multi-

year transportation reauthorization bill that provides incentives to States to adopt measures to reduce impaired driving and authorizes impaired driving research and development;

Whereas, on December 3, 2015, MADD locations across the United States will honor those individuals killed, injured, or emotionally devastated by drunk and drugged driving and underage drinking with a National Day of Remembrance; and

Whereas the National Day of Remembrance is a chance for the public to come together in communities across the United States and online to show that the victims and survivors of these senseless tragedies are not alone: Now, therefore, be it

*Resolved,* That the Senate—

(1) honors the victims of drunk and drugged driving; and

(2) recognizes the consequences of underage drinking on the first annual National Day of Remembrance.

## S. RES. 328

Mr. UDALL. Mr. President, no family should lose a loved one to a drunk driver. But, sadly, so many families do—every day, every month, every year. It happens in my State. It happens all across our Nation. It is tragic, it is senseless, and it must stop.

Last weekend, according to the Albuquerque Journal, police reported that an ''extremely intoxicated'' driver ran a red light and smashed into the car of three young people.

Robert Mendez was 27 years old. His brother Sergio Mendez-Aguirre was 23, and their friend Grace Sinfield was 20.

The violence of the collision was so great that their car flipped over. They died early Sunday morning—at the end of the Thanksgiving weekend. The police investigation continues. But this much is certain: A holiday that began in joy—for these families—ended in great sorrow.

Sergio Mendez-Aguirre graduated from the University of New Mexico with honors in chemistry. Robert Mendez was a student at UNM. Grace Sinfield was studying to be a writer.

Our hearts go out to the Mendez and Sinfield families. These young people were just beginning, just starting out in life, and just finding their way.

Robert Mendez's family remembers how he believed that, ''Fear is everyone's number one enemy. Take chances, make mistakes, and learn from them. After all, we grow from experience. Life is too short to live timidly.''

The Albuquerque Journal reported that Sergio Mendez-Aguirre once asked, ''What can make you more happy than making others happy?'' His answer was, ''Nothing can.''

Grace Sinfield's family spoke of her great spirit. ''She was a true friend who taught us how to love unconditionally; she was the life of every party. She attracted laughter like she was a magnet. Just as important and relevantly, she was always responsible and by proxy made those around her more responsible and better people.''

Three young lives—full of promise—and now over in one terrible moment—they will be missed by so many in Albuquerque.

Every DWI death is a tragedy—and an unnecessary tragedy. It doesn't have to happen. But, year after year, for too many families, it does. More than 10,000 people are killed every year, and another 290,000 are injured, all as a result of drunk driving.

Those are horrific numbers, but they are more than just numbers. They are stories of profound loss and should outrage us all. In years past, it was even worse. In 1980, 25,000 people—two and one-half times more people than now—died because of drunk driving—25,000 people, in 1 year.

We are making progress thanks to determined families and law enforcement and thanks to groups like Mothers Against Drunk Driving. I am proud to work with them. But we still have work to do. There are 10,000 families—every year—to remind us—10,000 families in grief, in pain, and all because of drunk driving. No parent should have to grieve a child's loss on the holidays—or any day.

When I was elected attorney general in New Mexico 25 years ago, we had the highest rate of DWI deaths in the Nation. We were the worst—too many drunk drivers, too many repeat offenders, too many innocent people dying every year.

We pushed for reform. We identified solutions—in law enforcement and in prevention. But there was a lot of push back, a lot of opposition in the State legislature. And then along came a mom named Nadine Milford. Her daughter and granddaughters were killed by a drunk driver on Christmas Eve 1992. It is hard to imagine such a loss.

So we changed New Mexico's DWI and traffic safety laws. We got it done because of moms like Nadine, because of families and friends who had had enough and would not take no for an answer.

In the early 1990s, my State had up to 500 DWI deaths a year. Last year, it was 166. But that is still 166 too many. We still lose too many innocent lives—young and old alike—in New Mexico and all across our Nation.

I believe new technology will help. That is why I have pushed for the Driver Alcohol Detection System for Safety, or DADSS. This technology is critically important and will make a critical difference. We all know this. The National Highway Traffic Safety Administration knows it. The auto industry knows it. And they are working together to make it happen.

DADSS would be built into new vehicles. It would analyze a driver's breath or blood alcohol content. It would stop drunk drivers from turning on the engine. If you are drunk, you will not drive, period.

This could save 59,000 lives over 15 years. It could save up to $343 billion. The highway bill includes continued funding for DADSS research over the next 5 years. I am grateful the conference committee supported this vital technology.

But technology alone is not enough. In the meantime, the message should be loud and clear. Anyone who gets behind the wheel while impaired should not drive.

That is why I also urge passage of a resolution I am submitting—supporting the December 3, 2015, National Day of Remembrance for victims of drunk and drugged driving. We want to say to their families—we have not forgotten them. We remember. We will do all we can to prevent these tragedies.

There are still far too many, far too often. In the time I have been speaking, two more people have been injured in a drunk driving crash. Every hour, another life is taken.

We all have to say—enough is enough. We have to keep saying it—until every single person in this country gets the message: If you drink, don't drive.

Albuquerque police officer Simon Drobik spoke for all of us—when he said, ''Talk to your kids about drinking and driving. Share these tragic stories with them so they understand driving is a big responsibility. If you see your friend or loved one trying to get behind the wheel after drinking STOP THEM. Do the right thing.''

Officer Drobik is right. We all need to do the right thing. Let's not wait for 10,000 more families to lose their loved ones.

We have to keep up the fight. Nelson Mandela said, ''It always seems impossible—until it is done.'' We can keep drunk drivers off the road. It is not impossible. We can get it done.

For the sake of all families, for those who grieve now—and for those who may grieve in the future—let's do all we can. Let's work together. Let's stop these senseless tragedies. Let's get it done.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2891. Mrs. SHAHEEN (for herself, Mr. WYDEN, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table.

SA 2892. Mrs. SHAHEEN (for herself, Mr. WYDEN, Mrs. MURRAY, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2893. Mr. CASEY (for himself, Ms. BALDWIN, Mrs. MURRAY, and Mr. REED) proposed an amendment to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2894. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2895. Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2896. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2897. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2898. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2899. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2900. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2901. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2902. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2903. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2904. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2905. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2906. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2907. Mr. BENNET (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2908. Mr. MANCHIN (for himself, Mr. TOOMEY, and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2909. Mr. MARKEY (for himself and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2910. Mrs. FEINSTEIN (for herself, Mr. WHITEHOUSE, Mr. REED, Mrs. GILLIBRAND, Mr. SCHUMER, Mr. DURBIN, Mr. MURPHY, Mr. BLUMENTHAL, Mrs. BOXER, Mr. MENENDEZ, Ms. WARREN, Mr. MARKEY, Mr. SCHATZ, Ms. HIRONO, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. WARNER, Mr. KAINE, Mr. KING, Ms. MIKULSKI, Mrs. MCCASKILL, Mr. BROWN, Mr. CASEY, Mr. SANDERS, Mrs. MURRAY, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2911. Mr. COONS (for himself, Ms. HIRONO, Mrs. MURRAY, Mr. MERKLEY, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2912. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2913. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2914. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2915. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2916. Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2917. Mr. REID submitted an amendment intended to be proposed to amendment SA 2916 submitted by Mr. MCCONNELL to the amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2918. Mr. MURPHY (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2916 submitted by Mr. MCCONNELL to the amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2919. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2916 submitted by Mr. MCCONNELL to the amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

## TEXT OF AMENDMENTS

**SA 2891.** Mrs. SHAHEEN (for herself, Mr. WYDEN, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. MENTAL HEALTH AND SUBSTANCE USE PREVENTION AND TREATMENT.**

(a) APPLICABILITY OF MENTAL HEALTH PARITY AND ADDICTION EQUITY.—Section 1311(j) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(j)) is amended to read as follows:

''(j) APPLICABILITY OF MENTAL HEALTH PARITY AND ADDICTION EQUITY.—

''(1) IN GENERAL.—Section 2726 of the Public Health Service Act shall apply to qualified health plans in the same manner and to the same extent as such section applies to health insurance issuers and group health plans.

''(2) TRANSPARENCY OF CLAIMS DENIAL.—

''(A) IN GENERAL.—The Secretary shall require an Exchange to collect data on the percentage of health insurance claims denied for mental health benefits and the percentage of such claims denied for substance use disorder benefits. Such Exchange shall maintain an Internet website for the publication of claims denial rates for all qualified health plans offering coverage on the exchange.

''(B) GRANTS TO SUPPORT TRANSPARENCY.—For purposes of implementing this paragraph, there is authorized to be appropriated, and there is appropriated, $5,000,000 to enable the Secretary to award grants, contracts, or cooperative agreements to appropriate entities or Exchanges.

''(3) IMPROVING MENTAL HEALTH AND ADDICTION EQUITY AWARENESS.—

''(A) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to appropriate entities or Exchanges for the establishment of public education programs to raise awareness about the availability of mental health and substance use disorder benefits within qualified health plans.

''(B) GRANTS TO SUPPORT PUBLIC EDUCATION.—For purposes of implementing this paragraph, there is authorized to be appropriated, and there is appropriated, $30,000,000 to enable the Secretary to award grants, contracts, or cooperative agreements to appropriate entities or Exchanges.

''(4) ACCESS TO MEDICATION ASSISTED THERAPY.—

''(A) REQUIREMENT.—A qualified health plan shall provide coverage for more than one Food and Drug Administration-approved drug that is used in the medication-assisted treatment of addiction.

''(B) NO LIFETIME LIMITS.—A qualified health plan shall not establish a lifetime limit on the coverage of Food and Drug Administration-approved drugs used in the medication-assisted treatment of addiction.

''(C) MEDICAL JUSTIFICATION FOR TREATMENT LIMITATIONS.—Upon the request of an Exchange, a qualified health plan shall provide the medical justification for any treatment limitation on the coverage of drugs for medication-assisted treatment of addiction. If a qualified health plan requires prior authorization as a treatment limitation on the coverage of drugs for medication-assisted treatment of addiction, such plans shall utilize an automated, electronic means of obtaining prior authorization.

''(D) GRANTS.—The Secretary shall award grants, contracts, or cooperative agreements to support the establishment of a standardized system for electronic prior authorization for coverage of drugs for medication assisted treatment of addiction. For purposes of implementing this subparagraph, there is authorized to be appropriated, and there is appropriated, $5,000,000 to enable the Secretary to ward grants, contracts, or cooperative agreements to appropriate entities.''.

(b) FULL REPEAL OF IMD EXCLUSION IN MEDICAID EXPANSION STATES.—

(1) IN GENERAL.—The first sentence of section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)(29), by inserting ''and subsection (ee)''; and

(B) by adding at the end the following:

''(ee) NONAPPLICATION OF IMD EXCLUSION IN MEDICAID EXPANSION STATES.—Beginning January 1, 2016, in the case of a State that makes medical assistance available pursuant to section 1902(a)(10)(A)(i)(VIII) to individuals described in such section—

''(1) the payments exclusion in subsection (a)(29)(B) shall not apply to the State; and

''(2) the following provisions shall be applied to the State as if '65 years of age or older' and '65 years of age or over' were struck from such provisions each place such phrases appear:

''(A) Paragraphs (20) and (21) of section 1902(a).

''(B) Subsection(a)(14).

''(C) Section 1919(d)(7)(B)(i)(I).''.

(c) IMPROVING ACCESS TO ASSERTIVE COMMUNITY TREATMENT PROGRAMS FOR MEDICAID BENEFICIARIES.—Effective January 1, 2016, section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396a(a)(3)) is amended by inserting after subparagraph (F) the following:

''(G)(i) 90 percent of so much of the sums expended during such quarter as are attributable to payments made for items and services provided to individuals who are eligible for medical assistance under the State plan by Assertive Community Treatment (ACT) programs that provide integrated, evidence-

based treatment, rehabilitation, case management, and support services for individuals with serious mental illness; and''.

(d) IMPROVING ACCESS TO MEDICATION ASSISTED TREATMENT FOR MEDICAID BENEFICIARIES.—Effective January 1, 2016, section 1903(a)(3)(G) of the Social Security Act (42 U.S.C. 1396a(a)(3)(G)), as added by section 3, is amended by adding at the end the following:

''(ii) 90 percent of so much of the sums expended during such quarter as are attributable to payments made for items and services provided to individuals who are eligible for medical assistance under the State plan by person-centered health homes that are focused on the treatment of substance use disorders, offer access to evidence-based behavioral health therapies and medication assistance treatment, and offer screening and management of co-occurring physical health issues and screening and management of co-occurring mental health issues; and''.

(e) SUPPORTING STATE STERILE SYRINGE EXCHANGE PROGRAMS.—Effective January 1, 2016, section 1903(a)(3)(G) of the Social Security Act (42 U.S.C. 1396a(a)(3)(G)), as added by section 3 and amended by section 4, is amended by adding at the end the following:

''(iii) 90 percent of so much of the sums expended during such quarter as are attributable to payments for sterile syringe exchange programs (without regard to whether a recipient of items and services under such a program is eligible for medical assistance under the State plan or otherwise has health insurance coverage); plus''.

(f) IMPROVING THE PUBLIC HEALTH RESPONSE TO THE SUBSTANCE USE DISORDER EPIDEMIC.—

(1) PURPOSE.—It is the purpose of this subsection to establish a new Substance Use and Mental Health Capacity Expansion Fund (referred to in this subsection as the ''Fund''), to be administered through the Department of Health and Human Services, to provide for an expanded and sustained national investment in the prevention and treatment of individuals with substance use disorders and mental illnesses.

(2) FUNDING.—There is authorized to be appropriated, and there is appropriated, to the Fund, out of any monies in the Treasury not otherwise appropriated—

(A) for fiscal year 2016, $500,000,000;

(B) for fiscal year 2017, $750,000,000;

(C) for fiscal year 2018, $1,000,000,000;

(D) for fiscal year 2019, $1,250,000,000;

(E) for fiscal year 2020, $1,500,000,000; and

(F) for fiscal year 2021 and each fiscal year thereafter, $2,500,000,000.

(3) USE OF FUND.—The Secretary of Health and Human Services shall transfer amounts in the Fund to accounts serving the Block Grants for Prevention and Treatment of Substance Abuse program under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.) and the Block Grants for Community Mental Health Services program under subpart I of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.). The Fund shall be used to supplement, not supplant, funding that is otherwise allocated to such programs.

(4) STERILE SYRINGE EXCHANGE PROGRAMS.—With respect to fiscal year 2016, and each subsequent fiscal year, in the case of a State that operates a sterile syringe exchange program, the Secretary shall use the funds appropriated in this section to increase such State's allotment under subpart II of part B of title XIX of the Public Health Service Act for such fiscal year, by 5 percent.

**SEC. ___. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.**

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

**''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS**

''Sec. 59A. Fair share tax.

**''SEC. 59A. FAIR SHARE TAX.**

''(a) GENERAL RULE.—

''(1) IMPOSITITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

''(A) the amount determined under paragraph (2), and

''(B) a fraction (not to exceed 1)—

''(i) the numerator of which is the excess of—

''(I) the taxpayer's adjusted gross income, over

''(II) the dollar amount in effect under subsection (c)(1), and

''(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

''(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

''(A) the tentative fair share tax for the taxable year, over

''(B) the excess of—

''(i) the sum of—

''(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

''(II) the tax imposed by section 55 for the taxable year, plus

''(III) the payroll tax for the taxable year, over

''(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

''(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

''(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

''(A) the adjusted gross income of the taxpayer, over

''(B) the modified charitable contribution deduction for the taxable year.

''(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

''(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

''(ii) such amount, determined before the application of section 68.

''(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

''(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'high-income taxpayer' means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of $1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the $1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the next lowest multiple of $10,000.

''(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

''(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

''(2) the deduction allowable under section 164(f) for such taxable year.

''(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

''(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. ___. MODIFICATION OF LIMITATION ON EXCESSIVE REMUNERATION.**

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) through (G) as subparagraphs (B) through (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 162(m)(5) of such Code is amended—

(i) by striking ''subparagraphs (B), (C), and (D) thereof'' in subparagraph (E) and inserting ''subparagraph (B) thereof'', and

(ii) by striking ''subparagraphs (F) and (G)'' in subparagraph (G) and inserting ''subparagraphs (D) and (E)''.

(B) Section 162(m)(6) of such Code is amended—

(i) by striking ''subparagraphs (B), (C), and (D) thereof'' in subparagraph (D) and inserting ''subparagraph (B) thereof'', and

(ii) by striking ''subparagraphs (F) and (G)'' in subparagraph (G) and inserting ''subparagraphs (D) and (E)''.

(b) EXPANSION OF APPLICABLE EMPLOYER.—Paragraph (2) of section 162(m) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term 'publicly held corporation' means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

''(A) the securities of which are registered under section 12 of such Act (15 U.S.C. 781), or

''(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).''.

(c) APPLICATION TO ALL CURRENT AND FORMER OFFICERS, DIRECTORS, AND EMPLOYEES.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended—

(A) by striking ''covered employee'' each place it appears in paragraphs (1) and (4) and inserting ''covered individual'', and

(B) by striking ''such employee'' each place it appears in subparagraphs (A) and (E) of paragraph (4) and inserting ''such individual''.

(2) COVERED INDIVIDUAL.—Paragraph (3) of section 162(m) of such Code is amended to read as follows:

''(3) COVERED INDIVIDUAL.—For purposes of this subsection, the term 'covered individual' means any individual who is an officer, director, or employee of the taxpayer or a former officer, director, or employee of the taxpayer.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 48D(b)(3)(A) of such Code is amended by inserting ''(as in effect for taxable years beginning before January 1, 2016)'' after ''section 162(m)(3)''.

(B) Section 409A(b)(3)(D)(ii) of such Code is amended by inserting ''(as in effect for taxable years beginning before January 1, 2016)'' after ''section 162(m)(3)''.

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered individual, including after the death of the covered individual.''.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) REGULATIONS.—The Secretary may prescribe such guidance, rules, or regulations, including with respect to reporting, as are necessary to carry out the purposes of this subsection.''.

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 162(m) of such Code is amended by striking subparagraph (H).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. _____. MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.**

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

''(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

''(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent', or

''(B) such corporation is an inverted domestic corporation.

''(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

''(A) the entity completes after May 8, 2014, the direct or indirect acquisition of—

''(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

''(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

''(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

''(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

''(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

''(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term 'substantial business activities' shall have the meaning given such term under regulations in effect on May 8, 2014, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking ''after March 4, 2003,'' and inserting ''after March 4, 2003, and before May 9, 2014,''.

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking ''subsection (a)(2)(B)(ii)'' and inserting ''subsections (a)(2)(B)(ii) and (b)(2)(B)'', and

(ii) by inserting ''or (b)(2)(A)'' after ''(a)(2)(B)(i)'' in subparagraph (B),

(B) in paragraph (3), by inserting ''or (b)(2)(B), as the case may be,'' after ''(a)(2)(B)(ii)'',

(C) in paragraph (5), by striking ''subsection (a)(2)(B)(ii)'' and inserting ''subsections (a)(2)(B)(ii) and (b)(2)(B)'', and

(D) in paragraph (6), by inserting ''or inverted domestic corporation, as the case may be,'' after ''surrogate foreign corporation''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 8, 2014.

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**SA 2892.** Mrs. SHAHEEN (for herself, Mr. WYDEN, Mrs. MURRAY, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the appropriate place, insert the following:

**SEC. ___. MENTAL HEALTH AND SUBSTANCE USE PREVENTION AND TREATMENT.**

(a) APPLICABILITY OF MENTAL HEALTH PARITY AND ADDICTION EQUITY.—Section 1311(j) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(j)) is amended to read as follows:

''(j) APPLICABILITY OF MENTAL HEALTH PARITY AND ADDICTION EQUITY.—

''(1) IN GENERAL.—Section 2726 of the Public Health Service Act shall apply to qualified health plans in the same manner and to the same extent as such section applies to health insurance issuers and group health plans.

''(2) TRANSPARENCY OF CLAIMS DENIAL.—

''(A) IN GENERAL.—The Secretary shall require an Exchange to collect data on the percentage of health insurance claims denied for mental health benefits and the percentage of such claims denied for substance use disorder benefits. Such Exchange shall maintain an Internet website for the publication of claims denial rates for all qualified health plans offering coverage on the exchange.

''(B) GRANTS TO SUPPORT TRANSPARENCY.—For purposes of implementing this paragraph, there is authorized to be appropriated, and there is appropriated, $5,000,000 to enable the Secretary to award grants, contracts, or cooperative agreements to appropriate entities or Exchanges.

''(3) IMPROVING MENTAL HEALTH AND ADDICTION EQUITY AWARENESS.—

''(A) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to appropriate entities or Exchanges for the establishment of public education programs to raise awareness about the availability of mental health and substance use disorder benefits within qualified health plans.

''(B) GRANTS TO SUPPORT PUBLIC EDUCATION.—For purposes of implementing this paragraph, there is authorized to be appropriated, and there is appropriated, $30,000,000 to enable the Secretary to award grants, contracts, or cooperative agreements to appropriate entities or Exchanges.

''(4) ACCESS TO MEDICATION ASSISTED THERAPY.—

''(A) REQUIREMENT.—A qualified health plan shall provide coverage for more than one Food and Drug Administration-approved drug that is used in the medication-assisted treatment of addiction.

''(B) NO LIFETIME LIMITS.—A qualified health plan shall not establish a lifetime limit on the coverage of Food and Drug Administration-approved drugs used in the medication-assisted treatment of addiction.

''(C) MEDICAL JUSTIFICATION FOR TREATMENT LIMITATIONS.—Upon the request of an Exchange, a qualified health plan shall provide the medical justification for any treatment limitation on the coverage of drugs for medication-assisted treatment of addiction. If a qualified health plan requires prior authorization as a treatment limitation on the coverage of drugs for medication-assisted treatment of addiction, such plans shall utilize an automated, electronic means of obtaining prior authorization.

''(D) GRANTS.—The Secretary shall award grants, contracts, or cooperative agreements to support the establishment of a standardized system for electronic prior authorization for coverage of drugs for medication assisted treatment of addiction. For purposes of implementing this subparagraph, there is authorized to be appropriated, and there is appropriated, $5,000,000 to enable the Secretary to ward grants, contracts, or cooperative agreements to appropriate entities.''.

(b) FULL REPEAL OF IMD EXCLUSION IN MEDICAID EXPANSION STATES.—

(1) IN GENERAL.—The first sentence of section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)(29), by inserting ''and subsection (ee)''; and

(B) by adding at the end the following:

''(ee) NONAPPLICATION OF IMD EXCLUSION IN MEDICAID EXPANSION STATES.—Beginning January 1, 2016, in the case of a State that makes medical assistance available pursuant to section 1902(a)(10)(A)(i)(VIII) to individuals described in such section—

''(1) the payments exclusion in subsection (a)(29)(B) shall not apply to the State; and

''(2) the following provisions shall be applied to the State as if '65 years of age or older' and '65 years of age or over' were

struck from such provisions each place such phrases appear:

''(A) Paragraphs (20) and (21) of section 1902(a).

''(B) Subsection(a)(14).

''(C) Section 1919(d)(7)(B)(i)(I).''.

(c) IMPROVING ACCESS TO ASSERTIVE COMMUNITY TREATMENT PROGRAMS FOR MEDICAID BENEFICIARIES.—Effective January 1, 2016, section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396a(a)(3)) is amended by inserting after subparagraph (F) the following:

''(G)(i) 90 percent of so much of the sums expended during such quarter as are attributable to payments made for items and services provided to individuals who are eligible for medical assistance under the State plan by Assertive Community Treatment (ACT) programs that provide integrated, evidence-based treatment, rehabilitation, case management, and support services for individuals with serious mental illness; and''.

(d) IMPROVING ACCESS TO MEDICATION ASSISTED TREATMENT FOR MEDICAID BENEFICIARIES.—Effective January 1, 2016, section 1903(a)(3)(G) of the Social Security Act (42 U.S.C. 1396a(a)(3)(G)), as added by section 3, is amended by adding at the end the following:

''(ii) 90 percent of so much of the sums expended during such quarter as are attributable to payments made for items and services provided to individuals who are eligible for medical assistance under the State plan by person-centered health homes that are focused on the treatment of substance use disorders, offer access to evidence-based behavioral health therapies and medication assistance treatment, and offer screening and management of co-occurring physical health issues and screening and management of co-occurring mental health issues; and''.

(e) SUPPORTING STATE STERILE SYRINGE EXCHANGE PROGRAMS.—Effective January 1, 2016, section 1903(a)(3)(G) of the Social Security Act (42 U.S.C. 1396a(a)(3)(G)), as added by section 3 and amended by section 4, is amended by adding at the end the following:

''(iii) 90 percent of so much of the sums expended during such quarter as are attributable to payments for sterile syringe exchange programs (without regard to whether a recipient of items and services under such a program is eligible for medical assistance under the State plan or otherwise has health insurance coverage); plus''.

(f) IMPROVING THE PUBLIC HEALTH RESPONSE TO THE SUBSTANCE USE DISORDER EPIDEMIC.—

(1) PURPOSE.—It is the purpose of this subsection to establish a new Substance Use and Mental Health Capacity Expansion Fund (referred to in this subsection as the ''Fund''), to be administered through the Department of Health and Human Services, to provide for an expanded and sustained national investment in the prevention and treatment of individuals with substance use disorders and mental illnesses.

(2) FUNDING.—There is authorized to be appropriated, and there is appropriated, to the Fund, out of any monies in the Treasury not otherwise appropriated—

(A) for fiscal year 2016, $500,000,000;

(B) for fiscal year 2017, $750,000,000;

(C) for fiscal year 2018, $1,000,000,000;

(D) for fiscal year 2019, $1,250,000,000;

(E) for fiscal year 2020, $1,500,000,000; and

(F) for fiscal year 2021 and each fiscal year thereafter, $2,500,000,000.

(3) USE OF FUND.—The Secretary of Health and Human Services shall transfer amounts in the Fund to accounts serving the Block Grants for Prevention and Treatment of Substance Abuse program under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.) and the Block Grants for Community Mental Health Services program under subpart I of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.). The Fund shall be used to supplement, not supplant, funding that is otherwise allocated to such programs.

(4) STERILE SYRINGE EXCHANGE PROGRAMS.—With respect to fiscal year 2016, and each subsequent fiscal year, in the case of a State that operates a sterile syringe exchange program, the Secretary shall use the funds appropriated in this section to increase such State's allotment under subpart II of part B of title XIX of the Public Health Service Act for such fiscal year, by 5 percent.

**SEC. ___. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.**

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

**''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS**

''Sec. 59A. Fair share tax.

**''SEC. 59A. FAIR SHARE TAX.**

''(a) GENERAL RULE.—

''(1) IMPOSITITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

''(A) the amount determined under paragraph (2), and

''(B) a fraction (not to exceed 1)—

''(i) the numerator of which is the excess of—

''(I) the taxpayer's adjusted gross income, over

''(II) the dollar amount in effect under subsection (c)(1), and

''(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

''(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

''(A) the tentative fair share tax for the taxable year, over

''(B) the excess of—

''(i) the sum of—

''(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

''(II) the tax imposed by section 55 for the taxable year, plus

''(III) the payroll tax for the taxable year, over

''(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

''(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

''(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

''(A) the adjusted gross income of the taxpayer, over

''(B) the modified charitable contribution deduction for the taxable year.

''(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

''(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

''(ii) such amount, determined before the application of section 68.

''(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

''(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'high-income taxpayer' means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of $1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the $1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the next lowest multiple of $10,000.

''(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

''(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

''(2) the deduction allowable under section 164(f) for such taxable year.

''(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

''(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. ___. MODIFICATION OF LIMITATION ON EXCESSIVE REMUNERATION.**

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) through (G) as subparagraphs (B) through (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 162(m)(5) of such Code is amended—

(i) by striking ''subparagraphs (B), (C), and (D) thereof'' in subparagraph (E) and inserting ''subparagraph (B) thereof'', and

(ii) by striking ''subparagraphs (F) and (G)'' in subparagraph (G) and inserting ''subparagraphs (D) and (E)''.

(B) Section 162(m)(6) of such Code is amended—

(i) by striking ''subparagraphs (B), (C), and (D) thereof'' in subparagraph (D) and inserting ''subparagraph (B) thereof'', and

(ii) by striking ''subparagraphs (F) and (G)'' in subparagraph (G) and inserting ''subparagraphs (D) and (E)''.

(b) EXPANSION OF APPLICABLE EMPLOYER.—Paragraph (2) of section 162(m) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term 'publicly held corporation' means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

''(A) the securities of which are registered under section 12 of such Act (15 U.S.C. 781), or

''(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).''.

(c) APPLICATION TO ALL CURRENT AND FORMER OFFICERS, DIRECTORS, AND EMPLOYEES.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended—

(A) by striking ''covered employee'' each place it appears in paragraphs (1) and (4) and inserting ''covered individual'', and

(B) by striking ''such employee'' each place it appears in subparagraphs (A) and (E) of paragraph (4) and inserting ''such individual''.

(2) COVERED INDIVIDUAL.—Paragraph (3) of section 162(m) of such Code is amended to read as follows:

''(3) COVERED INDIVIDUAL.—For purposes of this subsection, the term 'covered individual' means any individual who is an officer, director, or employee of the taxpayer or a former officer, director, or employee of the taxpayer.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 48D(b)(3)(A) of such Code is amended by inserting ''(as in effect for taxable years beginning before January 1, 2016)'' after ''section 162(m)(3)''.

(B) Section 409A(b)(3)(D)(ii) of such Code is amended by inserting ''(as in effect for taxable years beginning before January 1, 2016)'' after ''section 162(m)(3)''.

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered individual, including after the death of the covered individual.''.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) REGULATIONS.—The Secretary may prescribe such guidance, rules, or regulations, including with respect to reporting, as are necessary to carry out the purposes of this subsection.''.

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 162(m) of such Code is amended by striking subparagraph (H).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. _____. MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.**

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

''(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

''(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent', or

''(B) such corporation is an inverted domestic corporation.

''(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

''(A) the entity completes after Nov. 30, 2015, the direct or indirect acquisition of—

''(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

''(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

''(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

''(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

''(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

''(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term 'substantial business activities' shall have the meaning given such term under regulations in effect on Nov. 30, 2015, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking ''after March 4, 2003,'' and inserting ''after March 4, 2003, and before Dec. 1, 2015,''.

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking ''subsection (a)(2)(B)(ii)'' and inserting ''subsections (a)(2)(B)(ii) and (b)(2)(B)'', and

(ii) by inserting ''or (b)(2)(A)'' after ''(a)(2)(B)(i)'' in subparagraph (B),

(B) in paragraph (3), by inserting ''or (b)(2)(B), as the case may be,'' after ''(a)(2)(B)(ii)'',

(C) in paragraph (5), by striking ''subsection (a)(2)(B)(ii)'' and inserting ''subsections (a)(2)(B)(ii) and (b)(2)(B)'', and

(D) in paragraph (6), by inserting ''or inverted domestic corporation, as the case may be,'' after ''surrogate foreign corporation''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after Nov. 30, 2015.

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**SA 2893.** Mr. CASEY (for himself, Ms. BALDWIN, Mrs. MURRAY, and Mr. REED) proposed an amendment to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the appropriate place, insert the following:

**SEC. _____. CREDIT FOR DUAL-EARNER FAMILIES.**

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

**''SEC. 25E. DUAL-EARNER FAMILIES.**

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 7 percent of the lesser of—

''(1) $10,000, or

''(2) the earned income of the spouse with the lower amount of earned income for such taxable year.

''(b) LIMITATION.—The amount of the credit allowable under subsection (a) shall be reduced (but not below zero) by an amount which bears the same ratio to the amount determined under subsection (a) (as determined without regard to this subsection) as the amount of the taxpayer's excess adjusted gross income bears to $20,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) EARNED INCOME.—The term 'earned income' has the same meaning given such term in section 32(c)(2).

''(2) ELIGIBLE TAXPAYER.—

''(A) IN GENERAL.—The term 'eligible taxpayer' means a taxpayer who—

''(i) files a joint return for the taxable year under section 6013, and

''(ii) has at least 1 qualifying child (as defined in section 152(c)) who has not attained 12 years of age before the close of the taxable year.

''(3) EXCESS ADJUSTED GROSS INCOME.—The term 'excess adjusted gross income' means so much of the eligible taxpayer's adjusted gross income for the taxable year as exceeds $110,000.

''(d) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2016, each of the dollar amounts in subsections (a)(1) and (c)(3) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any dollar amount in subsection (a)(1) or (c)(3), after being increased under paragraph (1), is not a multiple of $1,000, such dollar amount shall be rounded to the nearest multiple of $1,000.

''(e) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

''(1) INDIVIDUAL CLAIMING BENEFITS UNDER SECTION 911.—No credit shall be allowed under this section if an individual (or the individual's spouse) claims the benefits of section 911 for the taxable year.

''(2) NON-RESIDENT ALIENS.—No credit shall be allowed under this section if an individual (or the individual's spouse) is a nonresident alien individual for any portion of the taxable year unless such individual is treated for such taxable year as a resident of the United States for purposes of this chapter by reason of an election under subsection (g) or (h) of section 6013.

''(3) IDENTIFICATION NUMBER REQUIREMENT.—No credit shall be allowed under this section if the eligible taxpayer does not include on the joint return of tax for the taxable year—

''(A) the taxpayer identification number of the individual and the individual's spouse, and

''(B) the name, age, and taxpayer identification number of any qualifying children.

''(f) TAXABLE YEAR MUST BE FULL TAXABLE YEAR.—Except in the case of a taxable year

closed by reason of the death of an individual, no credit shall be allowable under this section in the case of a taxable year covering a period of less than 12 months.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A 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 25D the following:

''Sec. 25E. Dual-earner families.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. _____. ENHANCEMENT OF THE DEPENDENT CARE TAX CREDIT.**

(a) INCREASE IN DEPENDENT CARE TAX CREDIT.—

(1) INCREASE IN INCOMES ELIGIBLE FOR FULL CREDIT.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 35 percent reduced (but not below zero) by 1 percentage point for each $5,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $110,000.''.

(2) INCREASE IN DOLLAR LIMIT ON AMOUNT CREDITABLE.—Subsection (c) of section 21 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$3,000'' in paragraph (1) and inserting ''$8,000'', and

(B) by striking ''$6,000'' in paragraph (2) and inserting ''$16,000''.

(3) INFLATION ADJUSTMENT.—Section 21 of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subsection (f) as subsection (g), and

(B) by inserting after subsection (e) the following new subsection:

''(f) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2016, the $110,000 amount in subsection (a)(2) and each of the dollar amounts in subsection (c) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting '2015' for '1992' in subparagraph (B) thereof.

''(2) ROUNDING.—The amount of any increase under paragraph (1) shall be rounded—

''(A) for purposes of the dollar amount in subsection (a)(2), the nearest multiple of $1,000, and

''(B) for purposes of the dollar amounts in subsection (c), the nearest multiple of $100.''.

(b) DEPENDENT CARE TAX CREDIT TO BE REFUNDABLE.—

(1) IN GENERAL.—The Internal Revenue Code of 1986 is amended—

(A) by redesignating section 21, as amended by subsection (a), as section 36C, and

(B) by moving section 36C, as so redesignated, from subpart A of part IV of subchapter A of chapter 1 to the location immediately before section 37 in subpart C of part IV of subchapter A of chapter 1.

(2) TECHNICAL AMENDMENTS.—

(A) Paragraph (1) of section 23(f) of the Internal Revenue Code of 1986 is amended by striking ''21(e)'' and inserting ''36C(e)''.

(B) Paragraph (6) of section 35(g) of such Code is amended by striking ''21(e)'' and inserting ''36C(e)''.

(C) Paragraph (1) of section 36C(a) of such Code (as redesignated by paragraph (1)) is amended by striking ''this chapter'' and inserting ''this subtitle''.

(D) Subparagraph (C) of section 129(a)(2) of such Code is amended by striking ''section 21(e)'' and inserting ''section 36C(e)''.

(E) Paragraph (2) of section 129(b) of such Code is amended by striking ''section 21(d)(2)'' and inserting ''section 36C(d)(2)''.

(F) Paragraph (1) of section 129(e) of such Code is amended by striking ''section 21(b)(2)'' and inserting ''section 36C(b)(2)''.

(G) Subsection (e) of section 213 of such Code is amended by striking ''section 21'' and inserting ''section 36C''.

(H) Subparagraph (A) of section 6211(b)(4) of such Code is amended by inserting ''36C,'' after ''36B,''.

(I) Subparagraph (H) of section 6213(g)(2) of such Code is amended by striking ''section 21'' and inserting ''section 36C''.

(J) Subparagraph (L) of section 6213(g)(2) of such Code is amended by striking ''section 21, 24, or 32,'' and inserting ''section 24, 32, or 36C,''.

(K) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''36C,'' after ''36B,''.

(L) 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:

''Sec. 36C. Expenses for household and dependent care services necessary for gainful employment.''.

(M) The table of sections for subpart A of such part IV of such Code is amended by striking the item relating to section 21.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. _____. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.**

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

**''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS**

''Sec. 59A. Fair share tax.

**''SEC. 59A. FAIR SHARE TAX.**

''(a) GENERAL RULE.—

''(1) IMPOSITITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

''(A) the amount determined under paragraph (2), and

''(B) a fraction (not to exceed 1)—

''(i) the numerator of which is the excess of—

''(I) the taxpayer's adjusted gross income, over

''(II) the dollar amount in effect under subsection (c)(1), and

''(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

''(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

''(A) the tentative fair share tax for the taxable year, over

''(B) the excess of—

''(i) the sum of—

''(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

''(II) the tax imposed by section 55 for the taxable year, plus

''(III) the payroll tax for the taxable year, over

''(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

''(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

''(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

''(A) the adjusted gross income of the taxpayer, over

''(B) the modified charitable contribution deduction for the taxable year.

''(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

''(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

''(ii) such amount, determined before the application of section 68.

''(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

''(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'high-income taxpayer' means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of $1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the $1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the next lowest multiple of $10,000.

''(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

''(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

''(2) the deduction allowable under section 164(f) for such taxable year.

''(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

''(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. _____. MODIFICATION OF LIMITATION ON EXCESSIVE REMUNERATION.**

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) through (G) as subparagraphs (B) through (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 162(m)(5) of such Code is amended—

(i) by striking ''subparagraphs (B), (C), and (D) thereof'' in subparagraph (E) and inserting ''subparagraph (B) thereof'', and

(ii) by striking ''subparagraphs (F) and (G)'' in subparagraph (G) and inserting ''subparagraphs (D) and (E)''.

(B) Section 162(m)(6) of such Code is amended—

(i) by striking ''subparagraphs (B), (C), and (D) thereof'' in subparagraph (D) and inserting ''subparagraph (B) thereof'', and

(ii) by striking ''subparagraphs (F) and (G)'' in subparagraph (G) and inserting ''subparagraphs (D) and (E)''.

(b) EXPANSION OF APPLICABLE EMPLOYER.—Paragraph (2) of section 162(m) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term 'publicly held corporation' means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

''(A) the securities of which are registered under section 12 of such Act (15 U.S.C. 78l), or

''(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).''.

(c) APPLICATION TO ALL CURRENT AND FORMER OFFICERS, DIRECTORS, AND EMPLOYEES.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended—

(A) by striking ''covered employee'' each place it appears in paragraphs (1) and (4) and inserting ''covered individual'', and

(B) by striking ''such employee'' each place it appears in subparagraphs (A) and (E) of paragraph (4) and inserting ''such individual''.

(2) COVERED INDIVIDUAL.—Paragraph (3) of section 162(m) of such Code is amended to read as follows:

''(3) COVERED INDIVIDUAL.—For purposes of this subsection, the term 'covered individual' means any individual who is an officer, director, or employee of the taxpayer or a former officer, director, or employee of the taxpayer.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 48D(b)(3)(A) of such Code is amended by inserting ''(as in effect for taxable years beginning before January 1, 2016)'' after ''section 162(m)(3)''.

(B) Section 409A(b)(3)(D)(ii) of such Code is amended by inserting ''(as in effect for taxable years beginning before January 1, 2016)'' after ''section 162(m)(3)''.

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered individual, including after the death of the covered individual.''.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) REGULATIONS.—The Secretary may prescribe such guidance, rules, or regulations, including with respect to reporting, as are necessary to carry out the purposes of this subsection.''.

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 162(m) of such Code is amended by striking subparagraph (H).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. ___. MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.**

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

''(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

''(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent', or

''(B) such corporation is an inverted domestic corporation.

''(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

''(A) the entity completes after November 30, 2015, the direct or indirect acquisition of—

''(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

''(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

''(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

''(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

''(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

''(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term 'substantial business activities' shall have the meaning given such term under regulations in effect on November 30, 2015, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking ''after March 4, 2003,'' and inserting ''after March 4, 2003, and before December 1, 2015,''.

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking ''subsection (a)(2)(B)(ii)'' and inserting ''subsections (a)(2)(B)(ii) and (b)(2)(B)'', and

(ii) by inserting ''or (b)(2)(A)'' after ''(a)(2)(B)(i)'' in subparagraph (B),

(B) in paragraph (3), by inserting ''or (b)(2)(B), as the case may be,'' after ''(a)(2)(B)(ii)'',

(C) in paragraph (5), by striking ''subsection (a)(2)(B)(ii)'' and inserting ''subsections (a)(2)(B)(ii) and (b)(2)(B)'', and

(D) in paragraph (6), by inserting ''or inverted domestic corporation, as the case may be,'' after ''surrogate foreign corporation''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after November 30, 2015.

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**SA 2894.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PAYMENTS IN LIEU OF TAXES.**

Section 6903 of title 31, United States Code, is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''A payment'' and inserting ''Except as provided in subsection (e), a payment''; and

(2) by adding at the end the following:

''(e) ALTERNATE PAYMENT.—

''(1) IN GENERAL.—A unit of general local government may opt out of the payment calculation that would otherwise apply under subsection (b)(1), by notifying the Secretary of the Interior, by the deadline established by the Secretary of the Interior, of the election of the unit of general local government to receive an alternate payment amount, as calculated in accordance with the formula established under paragraph (2).

''(2) FORMULA.—As soon as practicable after the date of enactment of this subsection, the Secretary of the Interior shall establish an alternate payment formula that is based on the estimated forgone property taxes, using a fair market valuation, due to the presence of Federal land within the unit of general local government without raising new revenue.''.

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**SA 2895.** Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. SUPPORT FOR STATE RESPONSE TO SUBSTANCE ABUSE PUBLIC HEALTH CRISIS AND URGENT MENTAL HEALTH NEEDS.**

(a) IN GENERAL.—There are authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, $750,000,000 for each of fiscal years 2016 and 2017, to the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') to award grants to States to address the substance abuse public health crisis or to respond to urgent mental health needs within the State. In awarding grants under this section, the Secretary may give preference to States with an incidence or prevalence of substance use disorders that is substantial relative to other States or to States that identify mental health needs within their communities that are urgent relative to such needs of other States. Funds

appropriated under this subsection shall remain available until expended.

(b) USE OF FUNDS.—Grants awarded to a State under subsection (a) shall be used for one or more of the following public health-related activities:

(1) Improving State prescription drug monitoring programs.

(2) Implementing prevention activities, and evaluating such activities to identify effective strategies to prevent substance abuse.

(3) Training for health care practitioners, such as best practices for prescribing opioids, pain management, recognizing potential cases of substance abuse, referral of patients to treatment programs, and overdose prevention.

(4) Supporting access to health care services provided by federally certified opioid treatment programs or other appropriate health care providers to treat substance use disorders or mental health needs.

(5) Supporting initiatives designed to help individuals with a substance use disorder achieve and sustain recovery.

(6) Other public health-related activities, as the State determines appropriate, related to addressing the substance abuse public health crisis or responding to urgent mental health needs within the State.

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**SA 2896.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. LIMITATION ON REFUGEE ASSISTANCE.**

(a) IN GENERAL.—Notwithstanding chapter 2 of title IV of the Immigration and Nationality Act (8 U.S.C. 1521 et seq.), refugees who have been nationals of any of the countries listed in subsection (b) are not eligible to receive any assistance under such chapter.

(b) COUNTRIES.—The countries listed in this subsection are—

(1) Afghanistan;
(2) Algeria;
(3) Bahrain;
(4) Bangladesh;
(5) Egypt;
(6) Eritrea;
(7) Indonesia;
(8) Iran;
(9) Iraq;
(10) Jordan;
(11) Kazakhstan;
(12) Kuwait;
(13) Kyrgyzstan;
(14) Lebanon;
(15) Libya;
(16) Mali;
(17) Morocco;
(18) Nigeria;
(19) North Korea;
(20) Oman;
(21) Pakistan;
(22) Palestinian Territories;
(23) Qatar;
(24) Russia;
(25) Saudi Arabia;
(26) Somalia;
(27) Sudan;
(28) Syria;
(29) Tajikistan;
(30) Tunisia;
(31) Turkey;
(32) United Arab Emirates;
(33) Uzbekistan; and
(34) Yemen.

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**SA 2897.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. REFUGEE ASSISTANCE.**

Chapter 2 of title IV of the Immigration and Nationality Act (8 U.S.C. 1521 et seq.) is repealed.

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**SA 2898.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. GRANTS TO STATES.**

(a) TANF.—Section 403(a)(5)(v)(I) of the Social Security Act, 42 U.S.C., is amended by inserting ''(excluding individuals who were admitted to the United States as refugees under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157))'' after ''individuals in the State''.

(b) SSI.—Section 1611(a) of the Social Security Act, 42 U.S.C., is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''(excluding individuals who were admitted to the United States as refugees under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157))'' after ''disabled individual''; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''(excluding individuals who were admitted to the United States as refugees under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157))'' after ''disabled individual''.

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**SA 2899.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the end of the amendment, add the following:

**TITLE III—HOMELAND SECURITY**

**SEC. 301. SHORT TITLE.**

This title may be cited as the ''Stop Extremists Coming Under Refugee Entry Act'' or the ''SECURE Act''.

**SEC. 302. ENHANCED REFUGEE SECURITY SCREENING.**

(a) REGISTRATION.—The Secretary of Homeland Security shall notify each alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or granted asylum under section 208 of such Act (8 U.S.C. 1158) that the alien, not later than 30 days after the date of the enactment of this Act—

(1) shall register with the Department of Homeland Security as part of the enhanced screening process described in section 303; and

(2) shall be interviewed and fingerprinted by an official of the Department of Homeland Security.

(b) BACKGROUND CHECK.—The Secretary of Homeland Security shall screen and perform a security review on all individuals seeking asylum or refugee status under section 207 or 208 of the Immigration and Nationality Act (8 U.S.C. 1157 and 1158) to ensure that such individuals do not present a national security risk to the United States.

(c) MONITORING.—The Secretary of Homeland Security shall monitor individuals granted asylum or admitted as refugees for indications of terrorism.

(d) REPORTS AND CERTIFICATIONS.—

(1) ANNUAL SCREENING EFFECTIVENESS REPORTS.—Not later than 25 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit a report to Congress that—

(A) describes the effectiveness with which the Department is screening applicants for asylum and refugee status;

(B) identifies the number of aliens seeking asylum or refugee status who were screened and registered during the past fiscal year, broken down by country of origin;

(C) identifies the number of unfinished or unresolved security screenings for aliens described in subparagraph (B);

(D) identifies the number of refugees admitted to the United States under section 207 or 208 of the Immigration and Nationality Act (8 U.S.C. 1157 and 1158) who—

(i) have not yet participated in the enhanced screening process required under section 303(a); or

(ii) have not been notified by the Secretary pursuant to subsection (a);

(E) identifies the number of aliens seeking asylum or refugee status who were deported as a result of information gathered during interviews and background checks conducted pursuant to subsections (a)(2) and (b), broken down by country of origin; and

(F) indicates whether the enhanced screening process has been implemented in a manner that is overbroad or results in the deportation of individuals who pose no reasonable national security threat.

(2) CERTIFICATION AND NATIONAL SECURITY REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall certify to Congress that—

(A) the requirements described in subsections (a) through (c) have been completed;

(B) the report required under paragraph (1) was timely submitted; and

(C) all necessary steps have been taken to improve the refugee screening process to prevent terrorists from threatening national security by gaining admission to the United States by claiming refugee or asylee status and refugee status.

(e) TEMPORARY MORATORIUM ON REFUGEE ADMISSION.—

(1) IN GENERAL.—The Secretary of State may not approve an application for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and the Secretary of Homeland Security may not approve an application for asylum under section 208 of such Act (8 U.S.C. 1158) to any national of a high-risk country.

(2) HIGH-RISK COUNTRY.—In this subsection, the term ''high-risk country'' means any of the following countries or territories:

(A) Afghanistan.
(B) Algeria.
(C) Bahrain.
(D) Bangladesh.
(E) Egypt.
(F) Eritrea.
(G) Indonesia.
(H) Iran.
(I) Iraq.
(J) Jordan.
(K) Kazakhstan.
(L) Kuwait.

(M) Kyrgyzstan.
(N) Lebanon.
(O) Libya.
(P) Mali.
(Q) Morocco.
(R) Nigeria.
(S) North Korea.
(T) Oman.
(U) Pakistan.
(V) Qatar.
(W) Russia.
(X) Saudi Arabia.
(Y) Somalia.
(Z) Sudan.
(AA) Syria.
(BB) Tajikistan.
(CC) Tunisia.
(DD) Turkey.
(EE) United Arab Emirates.
(FF) Uzbekistan.
(GG) Yemen.
(HH) The Palestinian Territories.

(f) CONDITIONS FOR RESUMPTION OF APPROVALS.—The moratorium under subsection (e) may be lifted after—

(1) the Secretary of Homeland Security—

(A) submits the reports required under subsection (d)(1);

(B) makes the certifications required in subsection (d)(2); and

(C) certifies to Congress that any backlog in screening existing cases from those aliens already approved, or pending approval, has been eliminated; and

(2) Congress enacts a law to reinstate, based upon the information provided, the approval of applications for refugee or asylee status.

**SEC. 303. ADDITIONAL WAITING PERIODS AND SECURITY SCREENINGS FOR NEW VISA APPLICANTS.**

(a) ENHANCED SECURITY SCREENINGS.—The Secretary of Homeland Security, in cooperation with the Secretary of State, shall ensure that a new application for a visa to enter the United States is not approved until—

(1) at least 30 days after such application is submitted; and

(2) after the completion of an enhanced security screening with respect to the applicant.

(b) VISA WAIVER PROGRAM COUNTRIES.—Unless otherwise permitted under this title, the Secretary of Homeland Security, in cooperation with the Secretary of State, shall ensure that no alien enters the United States until after 30 days of security assessments have been conducted on such alien, regardless of whether the alien's country of origin is participating in the Visa Waiver Program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(c) TRUSTED TRAVELER EXCEPTION.—

(1) IN GENERAL.—Notwithstanding subsections (a) and (b) or section 4(a), the Secretary of Homeland Security shall accept applications, and may approve qualified applicants, for enrollment in the Global Entry trusted traveler program described in section 235.12 of title 8, Code of Federal Regulations, regardless of the nationality or country of habitual residence of the applicant.

(2) PRIORITY.—In review applications for enrollment in the Global Entry trusted traveler program, the Secretary shall assign priority status in the following order:

(A) United States citizens.

(B) United States legal permanent residents.

(C) Citizens of any country that is designated as a Visa Waiver Program country under section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)).

(D) Aliens that have a documented frequent travel history to and from the United States.

(E) Applicants not described in subparagraphs (A) through (D).

(3) USE OF FEES.—Fees collected from applicants for the Global Entry trusted traveler program shall be used to pay for the cost of enhanced screening required under this title.

(4) RULE OF CONSTRUCTION.—Nothing in this title may be construed as requiring the Secretary of Homeland Security to approve an unqualified or high-risk applicant for enrollment in the Global Entry trusted traveler program.

**SEC. 304. ENHANCED SECURITY SCREENING FOR HIGHER-RISK VISA APPLICANTS.**

(a) MORATORIUM ON HIGH-RISK VISAS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Homeland Security may not approve any application for entry to the United States from an alien who is a national of, or who is applying from, a high-risk country (as defined in section 302(e)) until after—

(A) the completion of the congressional review process described in subsection (b); and

(B) the enactment of a law that authorizes the termination of the visa moratorium under this subsection.

(2) EXCEPTION.—The visa moratorium under paragraph (1) shall not apply to individuals who are enrolled in the Global Entry trusted traveler program.

(b) CONGRESSIONAL REVIEW OF SCREENING POLICIES.—

(1) CERTIFICATION.—The Secretary of Homeland Security, the Secretary of State, and the Director of National Intelligence shall jointly submit a report to Congress certifying that—

(A) a national security screening process has been established and implemented that significantly improves the Federal Government's ability to identify security risks posed by aliens from high-risk countries who—

(i) seek to travel to the United States; or

(ii) have been approved for entry to the United States;

(B) the process identified in subparagraph (A) requires a 30-day security assessment for each applicant from high-risk countries;

(C) the national security screening process for aliens from high-risk countries will be used to assess the risk posed by applicants from such countries, including a description of such process;

(D) the screening process identified in subparagraph (A) will be used to assess national security risks posed by aliens who are already in the United States or have been approved to enter the United States;

(E) the complete biometric entry-exit control system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1221 note) has been fully implemented;

(F) all necessary steps have been taken to prevent the national security vulnerability of allowing individuals to overstay a temporary legal status in the United States; and

(G) a policy has been implemented to remove aliens that are identified as having overstayed their period of lawful presence in the United States.

(2) CONDITIONS FOR RESUMPTION OF APPROVALS.—After the certifications required under paragraph (1) have been made, Congress may enact a law, based on the information provided, to lift the moratorium described in subsection (a).

**SEC. 305. ONE HUNDRED PERCENT EXIT TRACKING FOR ALL UNITED STATES VISITORS.**

(a) RECORDING EXITS AND CORRELATION TO ENTRY DATA.—The Secretary of Homeland Security shall integrate the records collected through the automated entry-exit control system referred to in section 304(b)(1)(E) into an interoperable data system and any other database necessary to correlate an alien's entry and exit data.

(b) PROCESSING OF RECORDS.—Before the departure of outbound aliens at each point of entry, the Secretary shall provide for cross-reference capability between databases designated by the Secretary under subsection (a) to determine and record whether an outbound alien has been in the United States without lawful immigration status.

(c) RECORDS INCLUSION REQUIREMENTS.—The Secretary shall maintain readily accessible entry-exit data records for immigration and other law enforcement and improve immigration control and enforcement by including information necessary to determine whether an outbound alien without lawful presence in the United States entered the country through—

(1) unauthorized entry between points of entry;

(2) visa or other temporary authorized status;

(3) fraudulent travel documents;

(4) misrepresentation of identity; or

(5) any other method of entry.

(d) PROHIBITION ON COLLECTING EXIT RECORDS FOR UNITED STATES CITIZENS AT LAND POINTS OF ENTRY.—

(1) PROHIBITION.—While documenting the departure of outbound individuals at each land point of entry along the Southern or Northern border, the Secretary may not—

(A) process travel documents of United States citizens;

(B) log, store, or transfer exit data for United States citizens;

(C) create, maintain, operate, access, or support any database containing information collected through outbound processing at a point of entry that contains records identifiable to an individual United States citizen.

(2) EXCEPTION.—The prohibition set forth in paragraph (1) does not apply to the records of an individual if an officer processing travel documentation in the outbound lanes at a point of entry along the Southern or Northern border—

(A) has a strong suspicion that the individual has engaged in criminal or other prohibited activities; or

(B) needs to verify an individual's identity because the individual is attempting to exit the United States without travel documentation.

(3) VERIFICATION OF TRAVEL DOCUMENTS.—Subject to the prohibition set forth in paragraph (1), the Secretary may provide for the confirmation of a United States citizen's travel documentation validity in the outbound lanes at a point of entry along the Southern border.

(e) REPORT ON INFRASTRUCTURE REQUIREMENTS TO CARRY OUT 100 PERCENT LAND EXIT TRACKING.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that assesses the infrastructure needs for each point of entry along the Southern border to fulfill the requirements under this section, including—

(1) a description of anticipated infrastructure needs within each point of entry;

(2) a description of anticipated infrastructure needs adjacent to each point of entry;

(3) an assessment of the availability of secondary inspection areas at each point of entry;

(4) an assessment of space available at or adjacent to a point of entry to perform processing of outbound aliens;

(5) an assessment of the infrastructure demands relative to the volume of outbound crossings for each point of entry; and

(6) anticipated wait times for outbound individuals during processing of travel documents at each point of entry, relative to possible improvements at the point of entry.

(f) LIMITATIONS ON OUTBOUND SECONDARY INSPECTIONS.—The Secretary may not designate an outbound United States citizen for secondary inspection or collect biometric information from a United States citizen under outbound inspection procedures unless criminal or other prohibited activity has been detected or is strongly suspected.

(g) OUTBOUND PROCESSING OF PERSONS IN THE UNITED STATES WITHOUT LAWFUL PRESENCE.—

(1) PROCESS FOR RECORDING UNLAWFUL PRESENCE.—If the Secretary determines, at a point of entry along the Southern border, that an outbound alien has been in the United States without lawful presence, the Secretary shall—

(A) collect and record biometric data from the individual;

(B) combine data related to the individual's unlawful presence with any other information related to the individual in the interoperable database, in accordance with subsection (b); and

(C) except as provided in subparagraph (B), permit the individual to exit the United States.

(2) EXCEPTION.—An individual shall not be permitted to leave the United States if, during outbound inspection, the Secretary detects previous unresolved criminal activity by the individual.

(h) RULE OF CONSTRUCTION.—Nothing in this title, or in the amendments made by this title, may be construed as replacing or repealing the requirements for biometric entry-exit capture required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1221 note).

**SEC. 306. REQUIREMENTS TO ENSURE LEGAL VOTING.**

(a) RESTRICTIONS.—

(1) AFFIDAVIT REQUIRED.—Any individual in asylum status, refugee status, legal permanent resident status, or any other permanent or temporary visa status who intends to remain in the United States in such status for longer than 6 months shall submit to the Secretary, during the period specified by the Secretary, a signed affidavit that states that the alien—

(A) has not cast a ballot in any Federal election in the United States; and

(B) will not register to vote, or cast a ballot, in any Federal election in the United States while in such status.

(2) PENALTY.—If an alien described in paragraph (1) fails to timely submit the affidavit described in paragraph (1) or violates any term of such affidavit—

(A) the Secretary shall immediately—

(i) revoke the legal status of such alien; and

(ii) deport the alien to the country from which he or she originated; and

(B) the alien will be permanently ineligible for United States citizenship.

(3) BARS TO LEGAL STATUS.—Any individual in asylum status, refugee status, legal permanent resident status, or any other permanent or temporary visa status who illegally registers to vote or who votes in any Federal election after receiving such status or visa—

(A) shall not be eligible to apply for permanent residence or citizenship; and

(B) if such individual has already been granted permanent residence, shall lose such status and be subject to deportation pursuant to section 237(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(6)).

(b) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—

(1) ELIGIBILITY DETERMINATION.—In determining whether an individual described in subsection (a)(1) is eligible for legal status, including naturalization, under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security shall verify that the alien has not registered to vote, or cast a ballot, in a Federal election in the United States.

(2) VERIFICATION OF CITIZENSHIP.—The Secretary shall provide the election director of each State, and such local election officials as may be designated by such State directors, with access to relevant databases containing information about aliens who have been granted asylum, refugee status, or any other permanent or temporary visa status authorized under the Immigration and Nationality Act or by executive action, for the sole purpose of verifying the citizenship status of registered voters and all individuals applying to register to vote.

(3) ANNUAL REPORT.—The Secretary shall submit an annual report to Congress that identifies all jurisdictions in the United States that have registered individuals who are not United States citizens to vote in a Federal election.

(c) RESPONSIBILITIES OF STATES.—

(1) PROOF OF CITIZENSHIP.—Notwithstanding the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), the National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.), and any other Federal law, all States and local governments—

(A) shall require individuals registering to vote in Federal elections to provide adequate proof of citizenship;

(B) may not accept an affirmation of citizenship as adequate proof of citizenship for voter registration purposes; and

(C) may require identification information from all such voter registration applicants.

(2) COOPERATION WITH DEPARTMENT OF HOMELAND SECURITY.—All States and local governments shall provide the Department of Homeland Security with the registration and voting history of any alien seeking registered provisional status, naturalization, or any other immigration benefit, upon the request of the Secretary.

(3) CONSEQUENCE OF NONCOMPLIANCE.—

(A) FIRST YEAR.—If any State is not in compliance with the proof of citizenship requirements set forth in paragraph (1) on or before the date that is 1 year after the date of the enactment of this Act, the Secretary of Transportation shall reduce the apportionment calculated under section 104(c) of title 23, United States Code, for that State for the following fiscal year by 10 percent.

(B) SUBSEQUENT YEARS.—For each subsequent year in which any State is not in compliance with the proof of citizenship requirements set forth in paragraph (1), the Secretary of Transportation shall reduce the apportionment calculated under section 104(c) of title 23, United States Code, for that State for the following fiscal year by an additional 10 percent.

**SEC. 307. SECURE THE TREASURY.**

(a) NO WELFARE FOR REFUGEES OR ASYLEES BEGINNING 1 YEAR AFTER DATE OF ADMISSION.—Notwithstanding any other provision of law, an alien admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or granted asylum under section 208 of such Act (8 U.S.C. 1158), beginning 1 year after the date of such admission—

(1) is not be eligible for any assistance or benefits from a Federal means-tested benefit program listed in subsection (c); and

(2) may not claim the earned income tax credit under section 32 of the Internal Revenue Code of 1986.

(b) NO CITIZENSHIP FOR ALIENS WHO APPLY FOR AND RECEIVE WELFARE.—Any alien granted refugee status or asylee admission to the United States under a permanent or temporary visa, and who is prohibited under subsection (a) from applying for, or receiving, assistance or benefits described in subsection (c) or from claiming the earned income tax credit under section 32 of the Internal Revenue Code of 1986, or any other credit allowed by subpart C of part IV of subchapter A of chapter 1 of such Code shall be permanently prohibited from becoming naturalized as a citizen of the United States if the alien—

(1) applies for and receives any such assistance or benefits; or

(2) claims and is allowed any such credit.

(c) FEDERAL MEANS-TESTED BENEFIT PROGRAMS.—The Federal means-tested benefit programs listed in this subsection are—

(1) the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)

(2) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(3) the State children's health insurance program authorized under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(4) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); and

(5) the program of block grants to States for social services under subtitle A of title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

(d) VERIFICATION PROCEDURES.—In order to comply with the limitation under subsection (a)—

(1) proof of citizenship shall be required as a condition for receipt of assistance or benefits under the Federal means-tested benefit programs listed in subsection (c);

(2) proof of citizenship shall be verified as a condition for receiving assistance or benefits under the Federal means-tested benefit programs listed in subsection (c), including by using the Systematic Alien Verification for Entitlements Program of the U.S. Citizenship and Immigration Services to confirm that an individual who has presented proof of citizenship as a condition for receipt of assistance or benefits under any such program is not an alien; and

(3) officers and employees of State agencies that administer a Federal means-tested benefit program listed in subsection (c) shall report to any suspicious or fraudulent identity information provided by an individual applying for assistance or benefits to the Secretary of Homeland Security.

(e) NONAPPLICATION OF THE PRIVACY ACT.—Notwithstanding any other provision of law, section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act'') may not be construed as prohibiting an officer or employee of a State from verifying a claim of citizenship for purposes of eligibility for assistance or benefits under a Federal means-tested benefit program listed in subsection (c).

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**SA 2900.** Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. RESTORATION OF THE MEDICARE COMPARATIVE COST ADJUSTMENT (CCA) PROGRAM.**

(a) IN GENERAL.—Section 1102(f) of the Health Care and Education Reconciliation

Act of 2010 (Public Law 111–152), including the amendment made by such section, is repealed.

(b) CONFORMING AMENDMENTS.—Section 1860C–1 of the Social Security Act (42 U.S.C. 1395w–29), as restored pursuant to the repeal made by subsection (a), is amended—

(1) by striking ''2010'' each place it appears and inserting ''2017'';

(2) in subsection (a)(2), by striking ''2015'' and ''2023''; and

(3) in subsection (d)(3), by striking ''2013'' and ''2021''.

(c) EFFECTIVE DATE.—The provisions of, and the amendments made by, this section shall take effect on the date of the enactment of this Act.

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**SA 2901.** Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

**SEC. ___. REPEAL OF ESSENTIAL HEALTH BENEFITS REQUIREMENT.**

On January 1, 2016, section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022) shall cease to have force or effect.

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**SA 2902.** Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. REPEAL OF AGE RATING RESTRICTIONS.**

Section 2701(a)(1)(A)(iii) of the Public Health Service Act (42 U.S.C. 300gg(a)(1)(A)(iii)) is amended by striking '', except that'' and all that follows through ''2707(c))''.

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**SA 2903.** Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. GAO ANALYSIS OF CO-OP PLANS.**

Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct an analysis, and submit to Congress a report concerning the results of such analysis, of the health insurance issuers that participated in the Consumer Operated and Oriented Plan program under section 1322 of the Patient Protection and Affordable Care Act (42 U.S.C. 18042) and are no longer offering such a Plan under such program.

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**SA 2904.** Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. REPEAL OF PATIENT-CENTERED OUTCOMES RESEARCH.**

(a) REPEAL OF MEDICARE TRUST FUNDS FUNDING.—Section 1183(a)(2) of the Social Security Act (42 U.S.C. 1320e–2(a)(2)) is amended by striking ''2016, 2017, 2018, and 2019'' and inserting ''and 2016''.

(b) PREVENTION OF LIMITATION OF TREATMENT OPTIONS.—Section 1182 of the Social Security Act (42 U.S.C. 1320e–1) is amended—

(1) by striking subsection (c)(2); and

(2) by striking subsection (d)(2).

(c) REPEAL OF PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND.—

(1) APPROPRIATION.—Section 9511(b)(1)(E) of the Internal Revenue Code of 1986 is amended by striking ''2016, 2017, 2018, and 2019'' and inserting ''and 2016''.

(2) TERMINATION.—Section 9511(f) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2019'' and inserting ''December 31, 2015''.

(d) REPEAL OF FEES ON INSURED AND SELF-INSURED HEALTH PLANS.—

(1) INSURED.—Section 4375(e) of the Internal Revenue Code of 1986 is amended by striking ''2019'' and inserting ''2015''.

(2) SELF-INSURED.—Section 4376(e) of the Internal Revenue Code of 1986 is amended by striking ''2019'' and inserting ''2015''.

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**SA 2905.** Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. REPEAL OF DISQUALIFICATION OF EXPENSES FOR OVER-THE-COUNTER DRUGS UNDER CERTAIN ACCOUNTS AND ARRANGEMENTS.**

(a) HSAS.—Section 223(d)(2)(A) of the Internal Revenue Code of 1986 is amended by striking the last sentence.

(b) ARCHER MSAS.—Section 220(d)(2)(A) of such Code is amended by striking the last sentence.

(c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of such Code is amended by striking subsection (f).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred after December 31, 2015.

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**SA 2906.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

Beginning on page 5, strike line 24 and all that follows through page 6, line 3, and insert the following:

**SEC. 105A. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.**

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

**''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS**

''Sec. 59A. Fair share tax.

**''SEC. 59A. FAIR SHARE TAX.**

''(a) GENERAL RULE.—

''(1) IMPOSITITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

''(A) the amount determined under paragraph (2), and

''(B) a fraction (not to exceed 1)—

''(i) the numerator of which is the excess of—

''(I) the taxpayer's adjusted gross income, over

''(II) the dollar amount in effect under subsection (c)(1), and

''(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

''(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

''(A) the tentative fair share tax for the taxable year, over

''(B) the excess of—

''(i) the sum of—

''(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

''(II) the tax imposed by section 55 for the taxable year, plus

''(III) the payroll tax for the taxable year, over

''(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

''(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

''(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

''(A) the adjusted gross income of the taxpayer, over

''(B) the modified charitable contribution deduction for the taxable year.

''(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

''(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

''(ii) such amount, determined before the application of section 68.

''(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

''(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'high-income taxpayer' means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of $1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the $1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2015'

for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the next lowest multiple of $10,000.

''(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

''(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

''(2) the deduction allowable under section 164(f) for such taxable year.

''(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

''(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. 105B. MODIFICATION OF LIMITATION ON EXCESSIVE REMUNERATION.**

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) through (G) as subparagraphs (B) through (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 162(m)(5) of such Code is amended—

(i) by striking ''subparagraphs (B), (C), and (D) thereof'' in subparagraph (E) and inserting ''subparagraph (B) thereof'', and

(ii) by striking ''subparagraphs (F) and (G)'' in subparagraph (G) and inserting ''subparagraphs (D) and (E)''.

(B) Section 162(m)(6) of such Code is amended—

(i) by striking ''subparagraphs (B), (C), and (D) thereof'' in subparagraph (D) and inserting ''subparagraph (B) thereof'', and

(ii) by striking ''subparagraphs (F) and (G)'' in subparagraph (G) and inserting ''subparagraphs (D) and (E)''.

(b) EXPANSION OF APPLICABLE EMPLOYER.—Paragraph (2) of section 162(m) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term 'publicly held corporation' means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

''(A) the securities of which are registered under section 12 of such Act (15 U.S.C. 78l), or

''(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).''.

(c) APPLICATION TO ALL CURRENT AND FORMER OFFICERS, DIRECTORS, AND EMPLOYEES.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended—

(A) by striking ''covered employee'' each place it appears in paragraphs (1) and (4) and inserting ''covered individual'', and

(B) by striking ''such employee'' each place it appears in subparagraphs (A) and (E) of paragraph (4) and inserting ''such individual''.

(2) COVERED INDIVIDUAL.—Paragraph (3) of section 162(m) of such Code is amended to read as follows:

''(3) COVERED INDIVIDUAL.—For purposes of this subsection, the term 'covered individual' means any individual who is an officer, director, or employee of the taxpayer or a former officer, director, or employee of the taxpayer.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 48D(b)(3)(A) of such Code is amended by inserting ''(as in effect for taxable years beginning before January 1, 2016)'' after ''section 162(m)(3)''.

(B) Section 409A(b)(3)(D)(ii) of such Code is amended by inserting ''(as in effect for taxable years beginning before January 1, 2016)'' after ''section 162(m)(3)''.

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered individual, including after the death of the covered individual.''.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) REGULATIONS.—The Secretary may prescribe such guidance, rules, or regulations, including with respect to reporting, as are necessary to carry out the purposes of this subsection.''.

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 162(m) of such Code is amended by striking subparagraph (H).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. 105C. MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.**

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

''(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

''(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent', or

''(B) such corporation is an inverted domestic corporation.

''(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

''(A) the entity completes after May 8, 2014, the direct or indirect acquisition of—

''(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

''(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

''(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

''(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

''(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

''(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term 'substantial business activities' shall have the meaning given such term under regulations in effect on May 8, 2014, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking ''after March 4, 2003,'' and inserting ''after March 4, 2003, and before May 9, 2014,''.

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking ''subsection (a)(2)(B)(ii)'' and inserting ''subsections (a)(2)(B)(ii) and (b)(2)(B)'', and

(ii) by inserting ''or (b)(2)(A)'' after ''(a)(2)(B)(i)'' in subparagraph (B),

(B) in paragraph (3), by inserting ''or (b)(2)(B), as the case may be,'' after ''(a)(2)(B)(ii)'',

(C) in paragraph (5), by striking ''subsection (a)(2)(B)(ii)'' and inserting ''subsections (a)(2)(B)(ii) and (b)(2)(B)'', and

(D) in paragraph (6), by inserting ''or inverted domestic corporation, as the case may be,'' after ''surrogate foreign corporation''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 8, 2014.

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**SA 2907.** Mr. BENNET (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the appropriate place, insert the following:

**SEC. _____. ADDITIONAL FUNDING TO INCREASE ACCESS OF VETERANS TO CARE AND IMPROVE PHYSICAL INFRASTRUCTURE OF DEPARTMENT OF VETERANS AFFAIRS.**

Notwithstanding any other provision of law, with respect to any increase in revenues received in the Treasury as the result of the enactment of section 59A of the Internal Revenue Code of 1986—

(1) $20,000,000,000 shall be made available, without further appropriation, to carry out the purposes described in section 801(b) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note); and

(2) any remaining amounts shall be used for Federal budget deficit reduction or, if

there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

**SEC. _____. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.**

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

**"PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS**

''Sec. 59A. Fair share tax.

**"SEC. 59A. FAIR SHARE TAX.**

''(a) GENERAL RULE.—

''(1) IMPOSITITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

''(A) the amount determined under paragraph (2), and

''(B) a fraction (not to exceed 1)—

''(i) the numerator of which is the excess of—

''(I) the taxpayer's adjusted gross income, over

''(II) the dollar amount in effect under subsection (c)(1), and

''(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

''(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

''(A) the tentative fair share tax for the taxable year, over

''(B) the excess of—

''(i) the sum of—

''(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

''(II) the tax imposed by section 55 for the taxable year, plus

''(III) the payroll tax for the taxable year, over

''(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

''(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

''(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

''(A) the adjusted gross income of the taxpayer, over

''(B) the modified charitable contribution deduction for the taxable year.

''(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

''(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

''(ii) such amount, determined before the application of section 68.

''(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

''(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'high-income taxpayer' means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of $1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the $1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the next lowest multiple of $10,000.

''(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

''(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

''(2) the deduction allowable under section 164(f) for such taxable year.

''(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

''(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

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**SA 2908.** Mr. MANCHIN (for himself, Mr. TOOMEY, and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the end, add the following:

**TITLE II—PUBLIC SAFETY AND SECOND AMENDMENT RIGHTS PROTECTION ACT**

**SECTION 201. SHORT TITLE.**

This title may be cited as the ''Public Safety and Second Amendment Rights Protection Act of 2015''.

**SEC. 202. FINDINGS.**

Congress finds the following:

(1) Congress supports, respects, and defends the fundamental, individual right to keep and bear arms guaranteed by the Second Amendment to the Constitution of the United States.

(2) Congress supports and reaffirms the existing prohibition on a national firearms registry.

(3) Congress believes the Department of Justice should prosecute violations of background check requirements to the maximum extent of the law.

(4) There are deficits in the background check system in existence prior to the date of enactment of this Act and the Department of Justice should make it a top priority to work with States to swiftly input missing records, including mental health records.

(5) Congress and the citizens of the United States agree that in order to promote safe and responsible gun ownership, dangerous criminals and the seriously mentally ill should be prohibited from possessing firearms; therefore, it should be incumbent upon all citizens to ensure weapons are not being transferred to such people.

**SEC. 203. RULE OF CONSTRUCTION.**

Nothing in this title, or any amendment made by this title, shall be construed to—

(1) expand in any way the enforcement authority or jurisdiction of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or

(2) allow the establishment, directly or indirectly, of a Federal firearms registry.

**SEC. 204. SEVERABILITY.**

If any provision of this title or an amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be invalid for any reason in any court of competent jurisdiction, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any other person or circumstance, shall not be affected.

**Subtitle A—Ensuring That All Individuals Who Should Be Prohibited From Buying a Gun Are Listed in the National Instant Criminal Background Check System**

**SEC. 211. REAUTHORIZATION OF THE NATIONAL CRIMINAL HISTORY RECORDS IMPROVEMENT PROGRAM.**

Section 106(b) of Public Law 103–159 (18 U.S.C. 922 note) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''of this Act'' and inserting ''of the Public Safety and Second Amendment Rights Protection Act of 2015''; and

(2) by striking paragraph (2) and inserting the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this subsection $100,000,000 for each of fiscal years 2016 through 2019.''.

**SEC. 212. IMPROVEMENT OF METRICS AND INCENTIVES.**

Section 102(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended to read as follows:

''(b) IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015, the Attorney General, in coordination with the States, shall establish for each State or Indian tribal government desiring a grant under section 103 a 4-year implementation plan to ensure maximum coordination and automation of the reporting of records or making records available to the National Instant Criminal Background Check System.

''(2) BENCHMARK REQUIREMENTS.—Each 4-year plan established under paragraph (1) shall include annual benchmarks, including both qualitative goals and quantitative measures, to assess implementation of the 4-year plan.

''(3) PENALTIES FOR NON-COMPLIANCE.—

''(A) IN GENERAL.—During the 4-year period covered by a 4-year plan established under paragraph (1), the Attorney General shall withhold—

''(i) 10 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the first year in the 4-year period;

''(ii) 11 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and

Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the second year in the 4-year period;

''(iii) 13 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the third year in the 4-year period; and

''(iv) 15 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the fourth year in the 4-year period.

''(B) FAILURE TO ESTABLISH A PLAN.—A State that fails to establish a plan under paragraph (1) shall be treated as having not met any benchmark established under paragraph (2).''.

**SEC. 213. GRANTS TO STATES FOR IMPROVEMENT OF COORDINATION AND AUTOMATION OF NICS RECORD REPORTING.**

(a) IN GENERAL.—The NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking section 103 and inserting the following:

**''SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF COORDINATION AND AUTOMATION OF NICS RECORD REPORTING.**

''(a) AUTHORIZATION.—From amounts made available to carry out this section, the Attorney General shall make grants to States, Indian Tribal governments, and State court systems, in a manner consistent with the National Criminal History Improvement Program and consistent with State plans for integration, automation, and accessibility of criminal history records, for use by the State, or units of local government of the State, Indian Tribal government, or State court system to improve the automation and transmittal of mental health records and criminal history dispositions, records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic violence, court orders, and mental health adjudications or commitments to Federal and State record repositories in accordance with section 102 and the National Criminal History Improvement Program.

''(b) USE OF GRANT AMOUNTS.—Grants awarded to States, Indian Tribal governments, or State court systems under this section may only be used to—

''(1) carry out, as necessary, assessments of the capabilities of the courts of the State or Indian Tribal government for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories;

''(2) implement policies, systems, and procedures for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories;

''(3) create electronic systems that provide accurate and up-to-date information which is directly related to checks under the National Instant Criminal Background Check System, including court disposition and corrections records;

''(4) assist States or Indian Tribal governments in establishing or enhancing their own capacities to perform background checks using the National Instant Criminal Background Check System; and

''(5) develop and maintain the relief from disabilities program in accordance with section 105.

''(c) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible for a grant under this section, a State, Indian Tribal government, or State court system shall certify, to the satisfaction of the Attorney General, that the State, Indian Tribal government, or State court system—

''(A) is not prohibited by State law or court order from submitting mental health records to the National Instant Criminal Background Check System; and

''(B) subject to paragraph (2), has implemented a relief from disabilities program in accordance with section 105.

''(2) RELIEF FROM DISABILITIES PROGRAM.—For purposes of obtaining a grant under this section, a State, Indian Tribal government, or State court system shall not be required to meet the eligibility requirement described in paragraph (1)(B) until the date that is 2 years after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015.

''(d) FEDERAL SHARE.—

''(1) STUDIES, ASSESSMENTS, NON-MATERIAL ACTIVITIES.—The Federal share of a study, assessment, creation of a task force, or other non-material activity, as determined by the Attorney General, carried out with a grant under this section shall be not more than 25 percent.

''(2) INFRASTRUCTURE OR SYSTEM DEVELOPMENT.—The Federal share of an activity involving infrastructure or system development, including labor-related costs, for the purpose of improving State or Indian Tribal government record reporting to the National Instant Criminal Background Check System carried out with a grant under this section may amount to 100 percent of the cost of the activity.

''(e) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments for use by Indian tribal judicial systems.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2016 through 2019.'';

(2) by striking title III; and

(3) in section 401(b), by inserting after ''of this Act'' the following: ''and 18 months after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections in section 1(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by striking the item relating to section 103 and inserting the following:

''Sec. 103. Grants to States for improvement of coordination and automation of NICS record reporting.''.

**SEC. 214. RELIEF FROM DISABILITIES PROGRAM.**

Section 105 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by adding at the end the following:

''(c) PENALTIES FOR NON-COMPLIANCE.—

''(1) 10 PERCENT REDUCTION.—During the 1-year period beginning 2 years after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015, the Attorney General shall withhold 10 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

''(2) 11 PERCENT REDUCTION.—During the 1-year period after the expiration of the period described in paragraph (1), the Attorney General shall withhold 11 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

''(3) 13 PERCENT REDUCTION.—During the 1-year period after the expiration of the period described in paragraph (2), the Attorney General shall withhold 13 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

''(4) 15 PERCENT REDUCTION.—After the expiration of the 1-year period described in paragraph (3), the Attorney General shall withhold 15 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.''.

**SEC. 215. ADDITIONAL PROTECTIONS FOR OUR VETERANS.**

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

**''§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes**

''(a) IN GENERAL.—In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is determined by the Secretary to be mentally incompetent shall not be considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18 until—

''(1) in the case in which the person does not request a review as described in subsection (c)(1), the end of the 30-day period beginning on the date on which the person receives notice submitted under subsection (b); or

''(2) in the case in which the person requests a review as described in paragraph (1) of subsection (c), upon an assessment by the board designated or established under paragraph (2) of such subsection or court of competent jurisdiction that a person cannot safely use, carry, possess, or store a firearm due to mental incompetency.

''(b) NOTICE.—Notice submitted under this subsection to a person described in subsection (a) is notice submitted by the Secretary that notifies the person of the following:

''(1) The determination made by the Secretary.

''(2) A description of the implications of being considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18.

''(3) The person's right to request a review under subsection (c)(1).

''(c) ADMINISTRATIVE REVIEW.—(1) Not later than 30 days after the date on which a person described in subsection (a) receives notice submitted under subsection (b), such person may request a review by the board designed or established under paragraph (2) or a court of competent jurisdiction to assess whether a person cannot safely use, carry, possess, or store a firearm due to mental incompetency. In such assessment, the board may consider the person's honorable discharge or decoration.

''(2) Not later than 180 days after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015, the Secretary shall designate or establish a board that shall, upon request of a person under paragraph (1), assess whether a person cannot safely use, carry, possess, or store a firearm due to mental incompetency.

''(d) JUDICIAL REVIEW.—Not later than 30 days after the date of an assessment of a person under subsection (c) by the board designated or established under paragraph (2) of such subsection, such person may file a petition for judicial review of such assessment with a Federal court of competent jurisdiction.

''(e) PROTECTING RIGHTS OF VETERANS WITH EXISTING RECORDS.—Not later than 90 days after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015, the Secretary shall provide written notice of the opportunity for administrative review and appeal under subsection (c) to all persons who, on the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015, are considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18 as a result of having been found by the Department of Veterans Affairs to be mentally incompetent.

''(f) FUTURE DETERMINATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the enactment of the Public Safety and Second Amendment Rights Protection Act of 2015, the Secretary shall review the policies and procedures by which individuals are determined to be mentally incompetent, and shall revise such policies and procedures as necessary to ensure that any individual who is competent to manage his own financial affairs, including his receipt of Federal benefits, but who voluntarily turns over the management thereof to a fiduciary is not considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18.

''(2) REPORT.—Not later than 30 days after the Secretary has made the review and changes required under paragraph (1), the Secretary shall submit to Congress a report detailing the results of the review and any resulting policy and procedural changes.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

''5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.''.

(c) APPLICABILITY.—Section 5511 of title 38, United States Code (as added by this section), shall apply only with respect to persons who are determined by the Secretary of Veterans Affairs, on or after the date of the enactment of this Act, to be mentally incompetent, except that those persons who are provided notice pursuant to section 5511(e) shall be entitled to use the administrative review under section 5511(c) and, as necessary, the subsequent judicial review under section 5511(d).

**SEC. 216. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.**

Section 103(e)(1) of Public Law 103–159 (18 U.S.C. 922 note), is amended by adding at the end the following:

''(F) APPLICATION TO FEDERAL COURTS.—In this subsection—

''(i) the terms 'department or agency of the United States' and 'Federal department or agency' include a Federal court; and

''(ii) for purposes of any request, submission, or notification, the Director of the Administrative Office of the United States Courts shall perform the functions of the head of the department or agency.''.

**SEC. 217. CLARIFICATION THAT SUBMISSION OF MENTAL HEALTH RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IS NOT PROHIBITED BY THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT.**

Information collected under section 102(c)(3) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) to assist the Attorney General in enforcing section 922(g)(4) of title 18, United States Code, shall not be subject to the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

**SEC. 218. PUBLICATION OF NICS INDEX STATISTICS.**

Not later than 180 days after the date of enactment of this Act, and biannually thereafter, the Attorney General shall make the National Instant Criminal Background Check System index statistics available on a publically accessible Internet website.

**SEC. 219. EFFECTIVE DATE.**

The amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

**Subtitle B—Providing a Responsible and Consistent Background Check Process**

**SEC. 221. PURPOSE.**

The purpose of this subtitle is to enhance the current background check process in the United States to ensure criminals and the mentally ill are not able to purchase firearms.

**SEC. 222. FIREARMS TRANSFERS.**

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended—

(1) by repealing subsection (s);

(2) by redesignating subsection (t) as subsection (s);

(3) in subsection (s), as redesignated—

(A) in paragraph (1)(B)—

(i) in clause (i), by striking ''or'';

(ii) in clause (ii), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(iii) in the case of an instant background check conducted at a gun show or event during the 4-year period beginning on the effective date under section 230(a) of the Public Safety and Second Amendment Rights Protection Act of 2015, 48 hours have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; or

''(iv) in the case of an instant background check conducted at a gun show or event after the 4-year period described in clause (iii), 24 hours have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and'';

(B) in paragraph (3)(C)(ii), by striking ''(as defined in subsection (s)(8))''; and

(C) by adding at the end the following:

''(7) In this subsection—

''(A) the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual; and

''(B) the term 'gun show or event' has the meaning given the term in subsection (t)(7).

''(8) The Federal Bureau of Investigation shall not charge a user fee for a background check conducted pursuant to this subsection.

''(9) Notwithstanding any other provision of this chapter, upon receiving a request for an instant background check that originates from a gun show or event, the system shall complete the instant background check before completing any pending instant background check that did not originate from a gun show or event.''; and

(4) by inserting after subsection (s), as redesignated, the following:

''(t)(1) Beginning on the date that is 180 days after the date of enactment of this subsection and except as provided in paragraph (2), it shall be unlawful for any person other than a licensed dealer, licensed manufacturer, or licensed importer to complete the transfer of a firearm to any other person who is not licensed under this chapter, if such transfer occurs—

''(A) at a gun show or event, on the curtilage thereof; or

''(B) pursuant to an advertisement, posting, display or other listing on the Internet or in a publication by the transferor of his intent to transfer, or the transferee of his intent to acquire, the firearm.

''(2) Paragraph (1) shall not apply if—

''(A) the transfer is made after a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (s), and upon taking possession of the firearm, the licensee—

''(i) complies with all requirements of this chapter as if the licensee were transferring the firearm from the licensee's business inventory to the unlicensed transferee, except that when processing a transfer under this chapter the licensee may accept in lieu of conducting a background check a valid permit issued within the previous 5 years by a State, or a political subdivision of a State, that allows the transferee to possess, acquire, or carry a firearm, if the law of the State, or political subdivision of a State, that issued the permit requires that such permit is issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by the unlicensed transferee would be in violation of Federal, State, or local law;

''(B) the transfer is made between an unlicensed transferor and an unlicensed transferee residing in the same State, which takes place in such State, if—

''(i) the Attorney General certifies that State in which the transfer takes place has in effect requirements under law that are generally equivalent to the requirements of this section; and

''(ii) the transfer was conducted in compliance with the laws of the State;

''(C) the transfer is made between spouses, between parents or spouses of parents and their children or spouses of their children, between siblings or spouses of siblings, or between grandparents or spouses of grandparents and their grandchildren or spouses of their grandchildren, or between aunts or uncles or their spouses and their nieces or nephews or their spouses, or between first cousins, if the transferor does not know or have reasonable cause to believe that the transferee is prohibited from receiving or possessing a firearm under Federal, State, or local law; or

''(D) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986.

''(3) A licensed importer, licensed manufacturer, or licensed dealer who processes a transfer of a firearm authorized under paragraph (2)(A) shall not be subject to a license revocation or license denial based solely upon a violation of those paragraphs, or a violation of the rules or regulations promulgated under this paragraph, unless the licensed importer, licensed manufacturer, or licensed dealer—

''(A) knows or has reasonable cause to believe that the information provided for purposes of identifying the transferor, transferee, or the firearm is false;

''(B) knows or has reasonable cause to believe that the transferee is prohibited from

purchasing, receiving, or possessing a firearm by Federal or State law, or published ordinance; or

''(C) knowingly violates any other provision of this chapter, or the rules or regulations promulgated thereunder.

''(4)(A) Notwithstanding any other provision of this chapter, except for section 923(m), the Attorney General may implement this subsection with regulations.

''(B) Regulations promulgated under this paragraph may not include any provision requiring licensees to facilitate transfers in accordance with paragraph (2)(A).

''(C) Regulations promulgated under this paragraph may not include any provision requiring persons not licensed under this chapter to keep records of background checks or firearms transfers.

''(D) Regulations promulgated under this paragraph may not include any provision placing a cap on the fee licensees may charge to facilitate transfers in accordance with paragraph (2)(A).

''(5)(A) A person other than a licensed importer, licensed manufacturer, or licensed dealer, who makes a transfer of a firearm in accordance with this section, or who is the organizer of a gun show or event at which such transfer occurs, shall be immune from a qualified civil liability action relating to the transfer of the firearm as if the person were a seller of a qualified product.

''(B) A provider of an interactive computer service shall be immune from a qualified civil liability action relating to the transfer of a firearm as if the provider of an interactive computer service were a seller of a qualified product.

''(C) In this paragraph—

''(i) the term 'interactive computer service' shall have the meaning given the term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)); and

''(ii) the terms 'qualified civil liability action', 'qualified product', and 'seller' shall have the meanings given the terms in section 4 of the Protection of Lawful Commerce in Arms Act (15 U.S.C. 7903).

''(D) Nothing in this paragraph shall be construed to affect the immunity of a provider of an interactive computer service under section 230 of the Communications Act of 1934 (47 U.S.C. 230).

''(6) In any civil liability action in any State or Federal court arising from the criminal or unlawful use of a firearm following a transfer of such firearm for which no background check was required under this section, this section shall not be construed—

''(A) as creating a cause of action for any civil liability; or

''(B) as establishing any standard of care.

''(7) For purposes of this subsection, the term 'gun show or event'—

''(A) means any event at which 75 or more firearms are offered or exhibited for sale, exchange, or transfer, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) does not include an offer or exhibit of firearms for sale, exchange, or transfer by an individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under section 923.''.

(b) PROHIBITING THE SEIZURE OF RECORDS OR DOCUMENTS.—Section 923(g)(1)(D) is amended by striking, ''The inspection and examination authorized by this paragraph shall not be construed as authorizing the Attorney General to seize any records or other documents other than those records or documents constituting material evidence of a violation of law,'' and inserting the following: ''The Attorney General shall be prohibited from seizing any records or other documents in the course of an inspection or examination authorized by this paragraph other than those records or documents constituting material evidence of a violation of law.''.

(c) PROHIBITION OF NATIONAL GUN REGISTRY.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

''(m) The Attorney General may not consolidate or centralize the records of the—

''(1) acquisition or disposition of firearms, or any portion thereof, maintained by—

''(A) a person with a valid, current license under this chapter;

''(B) an unlicensed transferor under section 922(t); or

''(2) possession or ownership of a firearm, maintained by any medical or health insurance entity.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 922.—Section 922(y)(2) of title 18, United States Code, is amended, in the matter preceding subparagraph (A), by striking '', (g)(5)(B), and (s)(3)(B)(v)(II)'' and inserting ''and (g)(5)(B)''.

(2) CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012.—Section 511 of title V of division B of the Consolidated and Further Continuing Appropriations Act, 2012 (18 U.S.C. 922 note) is amended by striking ''subsection 922(t)'' and inserting ''subsection (s) or (t) of section 922'' each place it appears.

**SEC. 223. PENALTIES.**

Section 924 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(8) Whoever makes or attempts to make a transfer of a firearm in violation of section 922(t) to a person not licensed under this chapter who is prohibited from receiving a firearm under subsection (g) or (n) of section 922 or State law, to a law enforcement officer, or to a person acting at the direction of, or with the approval of, a law enforcement officer authorized to investigate or prosecute violations of section 922(t), shall be fined under this title, imprisoned not more than 5 years, or both.''; and

(2) by adding at the end the following:

''(q) IMPROPER USE OF STORAGE OF RECORDS.—Any person who knowingly violates section 923(m) shall be fined under this title, imprisoned not more than 15 years, or both.''.

**SEC. 224. FIREARMS DISPOSITIONS.**

Section 922(b)(3) of title 18, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ''located'' and inserting ''located or temporarily located''; and

(2) in subparagraph (A)—

(A) by striking ''rifle or shotgun'' and inserting ''firearm'';

(B) by striking ''located'' and inserting ''located or temporarily located''; and

(C) by striking ''both such States'' and inserting ''the State in which the transfer is conducted and the State of residence of the transferee''.

**SEC. 225. FIREARM DEALER ACCESS TO LAW ENFORCEMENT INFORMATION.**

Section 103(b) of Public Law 103–159 (18 U.S.C. 922 note), is amended—

(1) by striking ''Not later than'' and inserting the following:

''(1) IN GENERAL.—Not later than''; and

(2) by adding at the end the following:

''(2) VOLUNTARY BACKGROUND CHECKS.—Not later than 90 days after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015, the Attorney General shall promulgate regulations allowing licensees to use the National Instant Criminal Background Check System established under this section for purposes of conducting voluntary preemployment background checks on prospective employees.''.

**SEC. 226. DEALER LOCATION.**

Section 923 of title 18, United States Code, is amended—

(1) in subsection (j)—

(A) in the first sentence, by striking '', and such location is in the State which is specified on the license''; and

(B) in the last sentence—

(i) by inserting ''transfer,'' after ''sell,''; and

(ii) by striking ''Act,'' and all that follows and inserting ''Act.''; and

(2) by adding after subsection (m), as added by section 222(c), the following:

''(n) Nothing in this chapter shall be construed to prohibit the sale, transfer, delivery, or other disposition of a firearm or ammunition not otherwise prohibited under this chapter—

''(1) by a person licensed under this chapter to another person so licensed, at any location in any State; or

''(2) by a licensed importer, licensed manufacturer, or licensed dealer to a person not licensed under this chapter, at a temporary location described in subsection (j) in any State.''.

**SEC. 227. RESIDENCE OF UNITED STATES OFFICERS.**

Section 921 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) For purposes of this chapter:

''(1) A member of the Armed Forces on active duty, or a spouse of such a member, is a resident of—

''(A) the State in which the member or spouse maintains legal residence;

''(B) the State in which the permanent duty station of the member is located; and

''(C) the State in which the member maintains a place of abode from which the member commutes each day to the permanent duty station of the member.

''(2) An officer or employee of the United States (other than a member of the Armed Forces) who is stationed outside the United States for a period of more than 1 year, and a spouse of such an officer or employee, is a resident of the State in which the person maintains legal residence.''.

**SEC. 228. INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION.**

(a) IN GENERAL.—Section 926A of title 18, United States Code, is amended to read as follows:

**''§ 926A. Interstate transportation of firearms or ammunition**

''(a) DEFINITION.—In this section, the term 'transport'—

''(1) includes staying in temporary lodging overnight, stopping for food, fuel, vehicle maintenance, an emergency, medical treatment, and any other activity incidental to the transport; and

''(2) does not include transportation—

''(A) with the intent to commit a crime punishable by imprisonment for a term exceeding 1 year that involves a firearm; or

''(B) with knowledge, or reasonable cause to believe, that a crime described in subparagraph (A) is to be committed in the course of, or arising from, the transportation.

''(b) AUTHORIZATION.—Notwithstanding any provision of any law (including a rule or regulation) of a State or any political subdivision thereof, a person who is not prohibited by this chapter from possessing, transporting, shipping, or receiving a firearm or ammunition shall be entitled to—

''(1) transport a firearm for any lawful purpose from any place where the person may

lawfully possess, carry, or transport the firearm to any other such place if, during the transportation—

''(A) the firearm is unloaded; and

''(B)(i) if the transportation is by motor vehicle—

''(I) the firearm is not directly accessible from the passenger compartment of the motor vehicle; or

''(II) if the motor vehicle is without a compartment separate from the passenger compartment, the firearm is—

''(aa) in a locked container other than the glove compartment or console; or

''(bb) secured by a secure gun storage or safety device; or

''(ii) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device; and

''(2) transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation—

''(A) the ammunition is not loaded into a firearm; and

''(B)(i) if the transportation is by motor vehicle—

''(I) the ammunition is not directly accessible from the passenger compartment of the motor vehicle; or

''(II) if the motor vehicle is without a compartment separate from the passenger compartment, the ammunition is in a locked container other than the glove compartment or console; or

''(ii) if the transportation is by other means, the ammunition is in a locked container.

''(c) LIMITATION ON ARREST AUTHORITY.—A person who is transporting a firearm or ammunition may not be—

''(1) arrested for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the possession, transportation, or carrying of firearms or ammunition, unless there is probable cause that the transportation is not in accordance with subsection (b); or

''(2) detained for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the possession, transportation, or carrying of firearms or ammunition, unless there is reasonable suspicion that the transportation is not in accordance with subsection (b).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 926A and inserting the following:

''926A. Interstate transportation of firearms or ammunition.''.

**SEC. 229. RULE OF CONSTRUCTION.**

Nothing in this subtitle, or an amendment made by this subtitle, shall be construed—

(1) to extend background check requirements to transfers other than those made at gun shows or on the curtilage thereof, or pursuant to an advertisement, posting, display, or other listing on the Internet or in a publication by the transferor of the intent of the transferor to transfer, or the transferee of the intent of the transferee to acquire, the firearm; or

(2) to extend background check requirements to temporary transfers for purposes including lawful hunting or sporting or to temporary possession of a firearm for purposes of examination or evaluation by a prospective transferee.

**SEC. 230. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

(b) FIREARM DEALER ACCESS TO LAW ENFORCEMENT INFORMATION.—Section 225 and the amendments made by section 225 shall take effect on the date of enactment of this Act.

## Subtitle C—National Commission on Mass Violence

**SEC. 241. SHORT TITLE.**

This subtitle may be cited as the ''National Commission on Mass Violence Act of 2015''.

**SEC. 242. NATIONAL COMMISSION ON MASS VIOLENCE.**

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Commission on Mass Violence (in this subtitle referred to as the ''Commission'') to study the availability and nature of firearms, including the means of acquiring firearms, issues relating to mental health, and all positive and negative impacts of the availability and nature of firearms on incidents of mass violence or in preventing mass violence.

(b) MEMBERSHIP.—

(1) APPOINTMENTS.—The Commission shall be composed of 12 members, of whom—

(A) 6 members of the Commission shall be appointed by the Majority Leader of the Senate, in consultation with the Democratic leadership of the House of Representatives, 1 of whom shall serve as Chairman of the Commission; and

(B) 6 members of the Commission shall be appointed by the Speaker of the House of Representatives, in consultation with the Republican leadership of the Senate, 1 of whom shall serve as Vice Chairman of the Commission.

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—The members appointed to the Commission shall include—

(i) well-known and respected individuals among their peers in their respective fields of expertise; and

(ii) not less than 1 non-elected individual from each of the following categories, who has expertise in the category, by both experience and training:

(I) Firearms.

(II) Mental health.

(III) School safety.

(IV) Mass media.

(B) EXPERTS.—In identifying the individuals to serve on the Commission, the appointing authorities shall take special care to identify experts in the fields described in section 243(a)(2).

(C) PARTY AFFILIATION.—Not more than 6 members of the Commission shall be from the same political party.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (1) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) MEETINGS.—

(i) IN GENERAL.—The Commission shall meet at the call of the Chairman.

(ii) INITIAL MEETING.—The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(I) the date of the appointment of the last member of the Commission; or

(II) the date on which appropriated funds are available for the Commission.

(B) QUORUM; VACANCIES; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this subtitle or other applicable law.

**SEC. 243. DUTIES OF THE COMMISSION.**

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of mass violence, including incidents of mass violence not involving firearms, in the context of the many acts of senseless mass violence that occur in the United States each year, in order to determine the root causes of such mass violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of these recurring and tragic acts of mass violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the role of schools, including the level of involvement and awareness of teachers and school administrators in the lives of their students and the availability of mental health and other resources and strategies to help detect and counter tendencies of students towards mass violence;

(B) the effectiveness of and resources available for school security strategies to prevent incidents of mass violence;

(C) the role of families and the availability of mental health and other resources and strategies to help families detect and counter tendencies toward mass violence;

(D) the effectiveness and use of, and resources available to, the mental health system in understanding, detecting, and countering tendencies toward mass violence, as well as the effects of treatments and therapies;

(E) whether medical doctors and other mental health professionals have the ability, without negative legal or professional consequences, to notify law enforcement officials when a patient is a danger to himself or others;

(F) the nature and impact of the alienation of the perpetrators of such incidents of mass violence from their schools, families, peer groups, and places of work;

(G) the role that domestic violence plays in causing incidents of mass violence;

(H) the effect of depictions of mass violence in the media, and any impact of such depictions on incidents of mass violence;

(I) the availability and nature of firearms, including the means of acquiring such firearms, and all positive and negative impacts of such availability and nature on incidents of mass violence or in preventing mass violence;

(J) the role of current prosecution rates in contributing to the availability of weapons that are used in mass violence;

(K) the availability of information regarding the construction of weapons, including explosive devices, and any impact of such information on such incidents of mass violence;

(L) the views of law enforcement officials, religious leaders, mental health experts, and other relevant officials on the root causes and prevention of mass violence;

(M) incidents in which firearms were used to stop mass violence; and

(N) any other area that the Commission determines contributes to the causes of mass violence.

(3) TESTIMONY OF VICTIMS AND SURVIVORS.—In determining the root causes of these recurring and tragic incidents of mass violence, the Commission shall, in accordance

with section 244(a), take the testimony of victims and survivors to learn and memorialize their views and experiences regarding such incidents of mass violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of these recurring and tragic incidents of mass violence and to reduce such incidents of mass violence.

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than 3 months after the date on which the Commission first meets, the Commission shall submit to the President and Congress an interim report describing any initial recommendations of the Commission.

(2) FINAL REPORT.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the findings and conclusions of the Commission, together with the recommendations of the Commission.

(3) SUMMARIES.—The report under paragraph (2) shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 244(e); and

(B) any other material relied on by the Commission in the preparation of the report.

**SEC. 244. POWERS OF THE COMMISSION.**

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 243.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency such information as the Commission considers necessary to carry out its duties under section 243. Upon the request of the Commission, the head of such agency may furnish such information to the Commission.

(c) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (d) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this subtitle and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (d) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(d) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the duties of the Commission under section 243.

**SEC. 245. COMMISSION PERSONNEL MATTERS.**

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional employees as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other employees without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such employees may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

**SEC. 246. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

**SEC. 247. TERMINATION OF THE COMMISSION.**

The Commission shall terminate 30 days after the Commission submits the final report under section 243(c)(2).

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**SA 2909.** Mr. MARKEY (for himself and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. FUNDING FOR RESEARCH BY CDC ON FIREARMS SAFETY OR GUN VIOLENCE PREVENTION.**

Notwithstanding any other provision of law, there is authorized to be appropriated to the Centers for Disease Control and Prevention $10,000,000 for each of fiscal years 2016 through 2021 for the purpose of conducting or supporting research on firearms safety or gun violence prevention under the Public Health Service Act (42 U.S.C. 201 et seq.). The amount authorized to be appropriated by the preceding sentence is in addition to any other amounts authorized to be appropriated for such purpose.

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**SA 2910.** Mrs. FEINSTEIN (for herself, Mr. WHITEHOUSE, Mr. REED, Mrs. GILLIBRAND, Mr. SCHUMER, Mr. DURBIN, Mr. MURPHY, Mr. BLUMENTHAL, Mrs. BOXER, Mr. MENENDEZ, Ms. WARREN, Mr. MARKEY, Mr. SCHATZ, Ms. HIRONO, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. WARNER, Mr. KAINE, Mr. KING, Ms. MIKULSKI, Mrs. MCCASKILL, Mr. BROWN, Mr. CASEY, Mr. SANDERS, Mrs. MURRAY, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Denying Firearms and Explosives to Dangerous Terrorists Act of 2015''.

**SEC. 2. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.**

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

**''§ 922A. Attorney General's discretion to deny transfer of a firearm**

''The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

''(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

**''§ 922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)**

''The Attorney General may determine that—

''(1) an applicant for a firearm permit which would qualify for an exemption under

section 922(t)(3) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.'';

(2) in section 921(a), by adding at the end the following:

''(36) The term 'terrorism' includes international terrorism and domestic terrorism, as defined in section 2331 of this title.

''(37) The term 'material support or resources' has the meaning given the term in section 2339A of this title.

''(38) The term 'responsible person' means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.''; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

''922A. Attorney General's discretion to deny transfer of a firearm.

''922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).''.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting ''or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking ''and'' at the end; and

(II) by adding at the end the following:

''(III) was issued after a check of the system established pursuant to paragraph (1);'';

(ii) in clause (ii), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the following:

''(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;'';

(4) in paragraph (4), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''; and

(5) in paragraph (5), by inserting '', or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.''.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) who has received actual notice of the Attorney General's determination made under section 922A, 922B, 923(d)(3) or 923(e) of this title,''.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Any'' and inserting ''Except as provided in paragraph (3), any''; and

(2) by adding at the end the following:

''(3) The Attorney General may deny a license application if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.''.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)'';

(2) by striking ''revoke any license'' and inserting the following: ''revoke—

''(A) any license'';

(3) by striking ''. The Attorney General may, after notice and opportunity for hearing, revoke the license'' and inserting the following: '';

''(B) the license''; and

(4) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

''(2) The Attorney General's action''.

(g) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: ''However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(1)(C), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.''.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: ''With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(h) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: ''If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (3) the following:

''(4) constitutes an act of terrorism, or providing material support or resources for terrorism,''.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking ''**Remedy for erroneous denial of firearm**'' and inserting ''**Remedies**'';

(B) by striking ''Any person denied a firearm pursuant to subsection (s) or (t) of section 922'' and inserting the following:

''(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B''; and

(C) by adding at the end the following:

''(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General's determination under section 922A or 922B of this title. The court shall sustain the Attorney General's determination upon a showing by the United States by a preponderance of evidence that the Attorney General's determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court's own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General's determination satisfies the requirements of section 922A or 922B.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:

''925A. Remedies.''.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting ''or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,'' after ''is ineligible to receive a firearm''; and

(B) by inserting ''except any information for which the Attorney General has determined that disclosure would likely compromise national security,'' after ''reasons to the individual,''; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting ''or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code,'' after ''or State law,''; and

(ii) by inserting '', except any information for which the Attorney General has determined that disclosure would likely compromise national security'' before the period at the end; and

(B) by adding at the end the following: ''Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.''.

(l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting ''; or''; and

(2) by adding at the end the following:

''(10) has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.''.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting ''; or'' at the end; and

(2) by inserting after paragraph (7) the following:

''(8) who has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title,''.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''Upon'' and inserting ''Except as provided in subsection (j), upon''; and

(2) by adding at the end the following:

''(j) The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.''.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking ''if in the opinion'' and inserting the following: ''if—

''(A) in the opinion''; and

(3) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

''(2) The Attorney General's action''.

(p) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: ''However, if the denial or revocation is based upon an Attorney General determination under subsection (j) or (d)(1)(B), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.''; and

(2) in paragraph (2), by adding at the end the following: ''In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (j) or (d)(1)(B), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ''or in subsection (j) of this section (on grounds of terrorism)'' after ''section 842(i)''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting ''or in subsection (j) of this section,'' after ''section 842(i),''; and

(B) in clause (ii), by inserting '', except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security'' after ''determination''.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking ''or (5)'' and inserting ''(5), or (10)''.

(s) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall issue guidelines describing the circumstances under which the Attorney General will exercise the authority and make determinations under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this title.

(2) CONTENTS.—The guidelines issued under paragraph (1) shall—

(A) provide accountability and a basis for monitoring to ensure that the intended goals for, and expected results of, the grant of authority under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this title, are being achieved; and

(B) ensure that terrorist watch list records are used in a manner that safeguards privacy and civil liberties protections, in accordance with requirements outlines in Homeland Security Presidential Directive 11 (dated August 27, 2004).

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**SA 2911.** Mr. COONS (for himself, Ms. HIRONO, Mrs. MURRAY, Mr. MERKLEY, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. EXPANSION AND MODIFICATION OF CREDIT FOR EMPLOYEE HEALTH INSURANCE EXPENSES OF SMALL EMPLOYERS.**

(a) EXPANSION OF DEFINITION OF ELIGIBLE SMALL EMPLOYER.—Subparagraph (A) of section 45R(d)(1) of the Internal Revenue Code of 1986 is amended by striking ''25'' and inserting ''50''.

(b) AMENDMENT TO PHASEOUT DETERMINATION.—Subsection (c) of section 45R of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) PHASEOUT OF CREDIT AMOUNT BASED ON NUMBER OF EMPLOYEES AND AVERAGE WAGES.—The amount of the credit determined under subsection (b) (without regard to this subsection) shall be adjusted (but not below zero) by multiplying such amount by the product of—

''(1) the lesser of—

''(A) a fraction the numerator of which is the excess (if any) of 50 over the total number of full-time equivalent employees of the employer and the denominator of which is 30, and

''(B) 1, and

''(2) the lesser of—

''(A) a fraction—

''(i) the numerator of which is the excess (if any) of—

''(I) the dollar amount in effect under subsection (d)(3)(B) for the taxable year, multiplied by 3, over

''(II) the average annual wages of the employer for such taxable year, and

''(ii) the denominator of which is the dollar amount so in effect under subsection (d)(3)(B), multiplied by 2, and

''(B) 1.''.

(c) EXTENSION OF CREDIT PERIOD.—Paragraph (2) of section 45R(e) of the Internal Revenue Code of 1986 is amended by striking ''2-consecutive-taxable year period'' and all that follows and inserting ''3-consecutive-taxable year period beginning with the 1st taxable year beginning after 2014 in which—

''(A) the employer (or any predecessor) offers 1 or more qualified health plans to its employees through an Exchange, and

''(B) the employer (or any predecessor) claims the credit under this section.''.

(d) AVERAGE ANNUAL WAGE LIMITATION.—Subparagraph (B) of section 45R(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) DOLLAR AMOUNT.—For purposes of paragraph (1)(B) and subsection (c)(2), the dollar amount in effect under this paragraph is the amount equal to 110 percent of the poverty line (within the meaning of section 36B(d)(3)) for a family of 4.''.

(e) ELIMINATION OF UNIFORM PERCENTAGE CONTRIBUTION REQUIREMENT.—Paragraph (4) of section 45R(d) of the Internal Revenue Code of 1986 is amended by striking ''a uniform percentage (not less than 50 percent)'' and inserting ''at least 50 percent''.

(f) ELIMINATION OF CAP RELATING TO AVERAGE LOCAL PREMIUMS.—Subsection (b) of section 45R of the Internal Revenue Code of 1986 is amended by striking ''the lesser of'' and all that follows and inserting ''the aggregate amount of nonelective contributions the employer made on behalf of its employees during the taxable year under the arrangement described in subsection (d)(4) for premiums for qualified health plans offered by the employer to its employees through an Exchange.''.

(g) AMENDMENT RELATING TO ANNUAL WAGE LIMITATION.—Subparagraph (B) of section 45R(d)(1) of the Internal Revenue Code of 1986 is amended by striking ''twice'' and inserting ''three times''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts

paid or incurred in taxable years beginning after December 31, 2014.

**SEC. _____. MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.**

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

''(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

''(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent', or

''(B) such corporation is an inverted domestic corporation.

''(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

''(A) the entity completes after November 30, 2015, the direct or indirect acquisition of—

''(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

''(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

''(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

''(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

''(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

''(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term 'substantial business activities' shall have the meaning given such term under regulations in effect on November 30, 2015, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking ''after March 4, 2003,'' and inserting ''after March 4, 2003, and before December 1, 2015,''.

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking ''subsection (a)(2)(B)(ii)'' and inserting ''subsections (a)(2)(B)(ii) and (b)(2)(B)'', and

(ii) by inserting ''or (b)(2)(A)'' after ''(a)(2)(B)(i)'' in subparagraph (B),

(B) in paragraph (3), by inserting ''or (b)(2)(B), as the case may be,'' after ''(a)(2)(B)(ii)'',

(C) in paragraph (5), by striking ''subsection (a)(2)(B)(ii)'' and inserting ''subsections (a)(2)(B)(ii) and (b)(2)(B)'', and

(D) in paragraph (6), by inserting ''or inverted domestic corporation, as the case may be,'' after ''surrogate foreign corporation''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after November 30, 2015.

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**SA 2912.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the appropriate place, insert the following:

**TITLE ____—PROTECT AMERICA ACT OF 2015**

**SECTION _01. SHORT TITLE.**

This title may be cited as the ''Protect America Act of 2015''.

**SEC. _02. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF FIREARMS TO DANGEROUS TERRORISTS; REQUIRING INFORMATION SHARING REGARDING ATTEMPTED FIREARMS PURCHASES BY SUSPECTED TERRORISTS; AUTHORIZING THE INVESTIGATION AND ARREST OF TERRORISTS WHO ATTEMPT TO PURCHASE FIREARMS.**

(a) SHORT TITLE.—This section may be cited as the ''Preventing Terrorists From Obtaining Firearms Act of 2015''.

(b) AMENDMENTS.—Section 922(t) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) If the Attorney General is notified of a request to transfer a firearm to a person who is a known or suspected terrorist, the Attorney General shall—

''(i) as appropriate, take further steps to confirm the identity of the prospective transferee and confirm or rule out the suspected nexus to terrorism of the prospective transferee;

''(ii) as appropriate, notify relevant Federal, State, or local law enforcement agencies or intelligence agencies concerning the identity of the prospective transferee; and

''(iii) determine whether the prospective transferee is already the subject of an ongoing terrorism investigation and, as appropriate, initiate such an investigation.

''(B) Upon being notified of a prospective transfer under subparagraph (A), the Attorney General or the United States attorney for the district in which the licensee is located may—

''(i) delay the transfer of the firearm for a period not to exceed 72 hours; and

''(ii) file an emergency petition in a court of competent jurisdiction to prohibit the transfer of the firearm.

''(C)(i) An emergency petition filed under subparagraph (B)(ii) shall be granted upon a showing of probable cause to believe that the transferee has committed or will commit an act of terrorism.

''(ii) In the case of an emergency petition filed under subparagraph (B)(ii) to prohibit the transfer of a firearm, the petition may only be granted after a hearing—

''(I) of which the transferee receives actual notice; and

''(II) at which the transferee has an opportunity to participate with counsel.

''(D) The Attorney General may arrest and detain any transferee with respect to whom an emergency petition is granted under subparagraph (C).

''(E) For purposes of this paragraph—

''(i) the term 'known or suspected terrorist' means a person determined by the Attorney General to be known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism;

''(ii) the term 'material support or resources' has the meaning given the term in section 2339A; and

''(iii) the term 'terrorism' includes international terrorism and domestic terrorism, as defined in section 2331.''.

**SEC. _03. STOP SANCTUARY POLICIES AND PROTECT AMERICANS.**

(a) SHORT TITLE.—This section may be cited as the ''Stop Sanctuary Policies and Protect Americans Act''.

(b) SANCTUARY JURISDICTION DEFINED.—In this section, the term ''sanctuary jurisdiction'' means any State or political subdivision of a State, including any law enforcement entity of a State or of a political subdivision of a State, that—

(1) has in effect a statute, ordinance, policy, or practice that is in violation of subsection (a) or (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373); or

(2) has in effect a statute, ordinance, policy, or practice that prohibits any government entity or official from complying with a detainer that has been lawfully issued or a request to notify about the release of an alien that has been made by the Department of Homeland Security in accordance with section 236 and 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) and section 287.7 of title 8, Code of Federal Regulations.

(c) LIMITATION ON GRANTS TO SANCTUARY JURISDICTIONS.—

(1) INELIGIBILITY FOR GRANTS.—

(A) LAW ENFORCEMENT GRANTS.—

(i) SCAAP GRANTS.—A sanctuary jurisdiction shall not be eligible to receive funds pursuant to the State Criminal Alien Assistance Program under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)).

(ii) COPS GRANTS.—No law enforcement entity of a State or of a political subdivision of a State that has a departmental policy or practice that renders it a sanctuary jurisdiction, and such a policy or practice is not required by statute, ordinance, or other codified law, or by order of a chief executive officer of the jurisdiction, or the executive or legislative board of the jurisdiction, shall be eligible to receive funds directly or indirectly under the 'Cops on the Beat' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.).

(iii) ENFORCEMENT.—The Attorney General, in consultation with the Secretary of Homeland Security, shall terminate the funding described in subparagraphs (A) and (B) to a State or political subdivision of a State on the date that is 30 days after the date on which a notification described in subsection (d)(2) is made to the State or subdivision, unless the Secretary of Homeland Security, in consultation with the Attorney General, determines the State or subdivision is no longer a sanctuary jurisdiction.

(B) COMMUNITY DEVELOPMENT BLOCK GRANTS.—

(i) IN GENERAL.—Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended—

(I) in section 102 (42 U.S.C. 5302), by adding at the end the following:

''(25) The term 'sanctuary jurisdiction' means any State or unit of general local government that—

''(A) has in effect a statute, ordinance, policy, or practice that is in violation of subsection (a) or (b) of section 642 of the Illegal

Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373); or

''(B) has in effect a statute, ordinance, policy, or practice that prohibits any government entity or official from complying with a detainer that has been lawfully issued or a request to notify about the release of an alien that has been made by the Department of Homeland Security in accordance with section 236 and 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) and section 287.7 of title 8, Code of Federal Regulations.''; and

(II) in section 104 (42 U.S.C. 5304)—

(aa) in subsection (b)—

(AA) in paragraph (5), by striking ''and'' at the end;

(BB) by redesignating paragraph (6) as paragraph (7); and

(CC) by inserting after paragraph (5) the following:

''(6) the grantee is not a sanctuary jurisdiction and will not become a sanctuary jurisdiction during the period for which the grantee receives a grant under this title; and''; and

(bb) by adding at the end the following:

''(n) PROTECTION OF INDIVIDUALS AGAINST CRIMINAL ALIENS.—

''(1) IN GENERAL.—No funds authorized to be appropriated to carry out this title may be obligated or expended to any State or unit of general local government that is a sanctuary jurisdiction.

''(2) RETURNED AMOUNTS.—

''(A) STATE.—If a State is a sanctuary jurisdiction during the period for which the State receives amounts under this title, the Secretary—

''(i) shall direct the State to immediately return to the Secretary any such amounts that have not been obligated by the State as of the date on which the State became a sanctuary jurisdiction; and

''(ii) may use any returned amounts under clause (i) to make grants to other States that are not sanctuary jurisdictions in accordance with this title.

''(B) UNIT OF GENERAL LOCAL GOVERNMENT.—If a unit of general local government is a sanctuary jurisdiction during the period for which the unit of general local government receives amounts under this title, any such amounts that have not been obligated by the unit of general local government as of the date on which the unit of general local government became a sanctuary jurisdiction—

''(i) in the case of a unit of general local government that is not in a nonentitlement area, shall be returned to the Secretary to make grants to States and other units of general local government that are not sanctuary jurisdictions in accordance with this title; and

''(ii) in the case of a unit of general local government that is in a nonentitlement area, shall be returned to the Governor of the State to make grants to other units of general local government that are not sanctuary jurisdictions in accordance with this title.

''(o) ENFORCEMENT AGAINST FUNDING FOR SANCTUARY JURISDICTIONS.—

''(1) IN GENERAL.—The Secretary shall verify, on a quarterly basis, the determination of the Secretary of Homeland Security and the Attorney General as to whether a State or unit of general local government is a sanctuary jurisdiction and therefore ineligible to receive a grant under this title for purposes of subsections (b)(6) and (n).

''(2) NOTIFICATION.—If the Secretary verifies that a State or unit of general local government is determined to be a sanctuary jurisdiction under paragraph (1), the Secretary shall notify the State or unit of general local government that it is ineligible to receive a grant under this title.''.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall only apply with respect to community development block grants made under title I of the Housing and Community Development Act (42 U.S.C. 5301 et seq.) after the date of the enactment of this Act.

(2) ALLOCATION.—Any funds that are not allocated to a State or political subdivision of a State pursuant to paragraph (1) and the amendments made by paragraph (1) shall be allocated to States and political subdivisions of States that are not sanctuary jurisdictions.

(3) NOTIFICATION OF CONGRESS.—Not later than 5 days after a determination is made pursuant to paragraph (1) to terminate a grant or to refuse to award a grant, the Secretary of Homeland Security shall submit to the Committee on Appropriations and the Committee on the Judiciary of the Senate and the Committee on Appropriations and the Committee on the Judiciary of the House of Representatives a report that fully describes the circumstances and basis for the termination or refusal.

(4) TRANSPARENCY AND ACCOUNTABILITY.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Homeland Security and the Attorney General shall—

(A) determine the States and political subdivisions of States that are sanctuary jurisdictions;

(B) notify each such State or subdivision that it is determined to be a sanctuary jurisdiction; and

(C) publish on the website of the Department of Homeland Security and of the Department of Justice—

(i) a list of each sanctuary jurisdiction;

(ii) the total number of detainers and requests for notification of the release of any alien that has been issued or made to each State or political subdivision of a State; and

(iii) the number of such detainers and requests for notification that have been ignored or otherwise not honored, including the name of the jurisdiction in which each such detainer or request for notification was issued or made.

(5) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement officials of a State or a political subdivision of a State to provide the Secretary of Homeland Security with information related to a victim or a witness to a criminal offense.

(d) STATE AND LOCAL GOVERNMENT AND INDIVIDUAL COMPLIANCE WITH DETAINERS.—

(1) AUTHORITY TO CARRY OUT DETAINERS.—A State, a political subdivision of a State, or an officer, employee, or agent of such State or political subdivision that complies with a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(A) shall be deemed to be acting as an agent of the Department of Homeland Security; and

(B) shall have the authority available to employees of the Department of Homeland Security with regard to actions taken to comply with the detainer.

(2) LIABILITY.—In any legal proceeding brought against a State, a political subdivision of State, or an officer, employee, or agent of such State or political subdivision, which challenges the legality of the seizure or detention of an individual pursuant to a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(A) no liability shall lie against the State or political subdivision for actions taken in compliance with the detainer;

(B) if the actions of the officer, employee, or agent of the State or political subdivision were taken in compliance with the detainer—

(i) the officer, employee, or agent shall be deemed to be an employee of the Federal Government and an investigative or law enforcement officer and to have been acting within the scope of his or her employment under section 1346(b) and chapter 171 of title 28, United States Code;

(ii) section 1346(b) of title 28, United States Code, shall provide the exclusive remedy for the plaintiff; and

(iii) the United States shall be substituted as defendant in the proceeding.

(3) CONSTRUCTION.—Nothing in this section may be construed—

(A) to provide immunity to any person who knowingly violates the civil or constitutional rights of an individual; or

(B) to limit the application of the doctrine of official immunity or of qualified immunity in a civil action brought against a law enforcement officer acting pursuant to a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357).

(e) INCREASED PENALTIES FOR REENTRY OF REMOVED ALIEN.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—Subject to subsections (b) and (c), any alien who—

''(1) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and

''(2) thereafter enters, attempts to enter, or is at any time found in, the United States, unless—

''(A) prior to the alien's reembarkation at a place outside the United States or the alien's application for admission from foreign contiguous territory, the Secretary of Homeland Security has expressly consented to such alien's reapplying for admission; or

''(B) with respect to an alien previously denied admission and removed, such alien shall establish that the alien was not required to obtain such advance consent under this Act or any prior Act;

shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

''(b) CRIMINAL PENALTIES FOR REENTRY OF CERTAIN REMOVED ALIENS.—

''(1) IN GENERAL.—Notwithstanding the penalty provided in subsection (a), and except as provided in subsection (c), an alien described in subsection (a)—

''(A) who was convicted before such removal or departure of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony (other than an aggravated felony), shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(B) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Secretary of Homeland Security, enters the United States, or attempts to do so, shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence;

''(C) who was removed from the United States pursuant to section 241(a)(4)(B) who thereafter, without the permission of the Secretary of Homeland Security, enters, attempts to enter, or is at any time found in, the United States (unless the Secretary of Homeland Security has expressly consented to such alien's reentry) shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both; and

''(D) who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

''(2) REMOVAL DEFINED.—In this subsection and subsection (c), the term 'removal' includes any agreement in which an alien stipulates to removal during (or not during) a criminal trial under either Federal or State law.

''(c) MANDATORY MINIMUM CRIMINAL PENALTY FOR REENTRY OF CERTAIN REMOVED ALIENS.—Notwithstanding the penalties provided in subsections (a) and (b), an alien described in subsection (a)—

''(1) who was convicted before such removal or departure of an aggravated felony; or

''(2) who was convicted at least two times before such removal or departure of illegal reentry under this section;

shall be imprisoned not less than five years and not more than 20 years, and may, in addition, be fined under title 18, United States Code.''; and

(3) in subsection (d), as redesignated by paragraph (1)—

(A) by striking ''section 242(h)(2)'' and inserting ''section 241(a)(4)''; and

(B) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

(f) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is held invalid for any reason, the remainder of this section, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

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**SA 2913.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the appropriate place, insert the following:

**SEC. _____. EXTENSION OF SPECIAL RULE FOR SENIORS RELATING TO INCOME LEVEL FOR DEDUCTION OF MEDICAL CARE EXPENSES.**

Subsection (f) of section 213 of the Internal Revenue Code of 1986 is amended to read as follows:

''(f) SPECIAL RULE.—In the case of any taxable year beginning after December 31, 2012, and ending before January 1, 2024, subsection (a) shall be applied with respect to a taxpayer by substituting '7.5 percent' for '10 percent' if such taxpayer or such taxpayer's spouse has attained age 65 before the close of such taxable year.''.

**SEC. _____. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.**

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

**''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS**

''Sec. 59A. Fair share tax.

**''SEC. 59A. FAIR SHARE TAX.**

''(a) GENERAL RULE.—

''(1) IMPOSITITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

''(A) the amount determined under paragraph (2), and

''(B) a fraction (not to exceed 1)—

''(i) the numerator of which is the excess of—

''(I) the taxpayer's adjusted gross income, over

''(II) the dollar amount in effect under subsection (c)(1), and

''(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

''(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

''(A) the tentative fair share tax for the taxable year, over

''(B) the excess of—

''(i) the sum of—

''(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

''(II) the tax imposed by section 55 for the taxable year, plus

''(III) the payroll tax for the taxable year, over

''(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

''(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

''(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

''(A) the adjusted gross income of the taxpayer, over

''(B) the modified charitable contribution deduction for the taxable year.

''(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

''(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

''(ii) such amount, determined before the application of section 68.

''(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

''(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'high-income taxpayer' means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of $1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the $1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the next lowest multiple of $10,000.

''(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

''(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

''(2) the deduction allowable under section 164(f) for such taxable year.

''(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

''(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

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**SA 2914.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the appropriate place, insert the following:

**DIVISION B—PROTECTING COMMUNITIES AND PRESERVING THE SECOND AMENDMENT**

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This division may be cited as the ''Protecting Communities and Preserving the Second Amendment Act of 2015''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION B—PROTECTING COMMUNITIES AND PRESERVING THE SECOND AMENDMENT

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—COMBATING GUN CRIME, NICS REAUTHORIZATION, AND NICS IMPROVEMENT

Sec. 101. Reauthorization and improvements to NICS.
Sec. 102. Availability of records to NICS.
Sec. 103. Definitions relating to mental health.
Sec. 104. Clarification that Federal court information is to be made available to the national instant criminal background check system.
Sec. 105. Reports and certifications to Congress.
Sec. 106. Increasing Federal prosecution of gun violence.
Sec. 107. Prosecution of felons and fugitives who attempt to illegally purchase firearms.
Sec. 108. Limitation on operations by the Department of Justice.
Sec. 109. Straw purchasing of firearms.

Sec. 110. Increased penalties for lying and buying.
Sec. 111. Amendments to section 924(a).
Sec. 112. Amendments to section 924(h).
Sec. 113. Amendments to section 924(k).
Sec. 114. Multiple sales reports for rifles and shotguns.
Sec. 115. Study by the National Institutes of Justice and National Academy of Sciences on the causes of mass shootings.
Sec. 116. Reports to Congress regarding ammunition purchases by Federal agencies.
Sec. 117. Incentives for State compliance with NICS mental health record requirements.
Sec. 118. Firearm commerce modernization.
Sec. 119. Firearm dealer access to law enforcement information.
Sec. 120. Interstate transportation of firearms or ammunition.

TITLE II—MENTAL HEALTH

Sec. 201. Reauthorization and additional amendments to the Mentally Ill Offender Treatment and Crime Reduction Act.
Sec. 202. Additional purposes for Federal grants.
Sec. 203. Protecting the second amendment rights of veterans.
Sec. 204. Applicability of amendments.

TITLE III—SCHOOL SAFETY

Sec. 301. Short title.
Sec. 302. Grant program for school security.
Sec. 303. Applications.
Sec. 304. Authorization of appropriations.
Sec. 305. Accountability.
Sec. 306. Preventing duplicative grants.

TITLE IV—SANCTUARY CITIES

Sec. 401. Stop Sanctuary Policies and Protect Americans.

**SEC. 2. DEFINITIONS.**

In this division—

(1) the term ''agency'' has the meaning given the term in section 551 of title 5, United States Code;

(2) the term ''NICS'' means the National Instant Criminal Background Check System; and

(3) the term ''relevant Federal records'' means any record demonstrating that a person is prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

## TITLE I—COMBATING GUN CRIME, NICS REAUTHORIZATION, AND NICS IMPROVEMENT

**SEC. 101. REAUTHORIZATION AND IMPROVEMENTS TO NICS.**

(a) IN GENERAL.—Section 103 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by redesignating subsection (e) as subsection (f) and amending such subsection to read as follows:

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2013 through 2017.''; and

(2) by inserting after subsection (d) the following:

''(e) ACCOUNTABILITY.—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

''(1) DEFINITION.—In this subsection, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

''(2) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

''(3) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.''.

(b) MODIFICATION OF ELIGIBILITY REQUIREMENTS.—The NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) in section 102(b)(1)—

(A) in subparagraph (A), by striking ''subparagraph (C)'' and inserting ''subparagraph (B)'';

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(2) in section 103(a)(1), by striking ''and subject to section 102(b)(1)(B)''; and

(3) in section 104(d), by striking ''section 102(b)(1)(C)'' and inserting ''section 102(b)(1)(B)''.

**SEC. 102. AVAILABILITY OF RECORDS TO NICS.**

(a) GUIDANCE.—Not later than 45 days after the date of enactment of this Act, the Attorney General shall issue guidance regarding—

(1) the identification and sharing of relevant Federal records; and

(2) submission of the relevant Federal records to NICS.

(b) PRIORITIZATION OF RECORDS.—Each agency that possesses relevant Federal records shall prioritize providing the relevant information contained in the relevant Federal records to NICS on a regular and ongoing basis in accordance with the guidance issued by the Attorney General under subsection (a).

(c) REPORTS.—Not later than 60 days after the Attorney General issues guidance under subsection (a), the head of each agency shall submit a report to the Attorney General that—

(1) advises whether the agency possesses relevant Federal records; and

(2) describes the implementation plan of the agency for making the relevant information contained in relevant Federal records available to NICS in a manner consistent with applicable law.

(d) DETERMINATION OF RELEVANCE.—The Attorney General shall resolve any dispute regarding whether—

(1) agency records are relevant Federal records; and

(2) the relevant Federal records of an agency should be made available to NICS.

**SEC. 103. DEFINITIONS RELATING TO MENTAL HEALTH.**

(a) TITLE 18 DEFINITIONS.—Chapter 44 of title 18, United States Code, is amended—

(1) in section 921(a), by adding at the end the following:

''(36)(A) Subject to subparagraph (B), the term 'has been adjudicated mentally incompetent or has been committed to a psychiatric hospital', with respect to a person—

''(i) means the person is the subject of an order or finding by a judicial officer, court, board, commission, or other adjudicative body—

''(I) that was issued after—

''(aa) a hearing—

''(AA) of which the person received actual notice; and

''(BB) at which the person had an opportunity to participate with counsel; or

''(bb) the person knowingly and intelligently waived the opportunity for a hearing—

''(AA) of which the person received actual notice; and

''(BB) at which the person would have had an opportunity to participate with counsel; and

''(II) that found that the person, as a result of marked subnormal intelligence, mental impairment, mental illness, incompetency, condition, or disease—

''(aa) was a danger to himself or herself or to others;

''(bb) was guilty but mentally ill in a criminal case, in a jurisdiction that provides for such a verdict;

''(cc) was not guilty in a criminal case by reason of insanity or mental disease or defect;

''(dd) was incompetent to stand trial in a criminal case;

''(ee) was not guilty by reason of lack of mental responsibility under section 850a of title 10 (article 50a of the Uniform Code of Military Justice);

''(ff) required involuntary inpatient treatment by a psychiatric hospital for any reason, including substance abuse; or

''(gg) required involuntary outpatient treatment by a psychiatric hospital based on a finding that the person is a danger to himself or herself or to others; and

''(ii) does not include—

''(I) an admission to a psychiatric hospital for observation; or

''(II) a voluntary admission to a psychiatric hospital.

''(B) In this paragraph, the term 'order or finding' does not include—

''(i) an order or finding that has expired, has been set aside, has been expunged, or is otherwise no longer applicable because a judicial officer, court, board, commission, adjudicative body, or appropriate official has found that the person who is the subject of the order or finding—

''(I) does not present a danger to himself or herself or to others;

''(II) has been restored to sanity or cured of mental disease or defect;

''(III) has been restored to competency; or

''(IV) no longer requires involuntary inpatient or outpatient treatment by a psychiatric hospital, and the person is not a danger to himself, herself, or others; or

''(ii) an order or finding with respect to which the person who is subject to the order or finding has been granted relief from disabilities under section 925(c), under a program described in section 101(c)(2)(A) or 105 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note), or under any other State-authorized relief from disabilities program of the State in which the original commitment or adjudication occurred.

''(37) The term 'psychiatric hospital' includes a mental health facility, a mental hospital, a sanitarium, a psychiatric facility, and any other facility that provides diagnoses or treatment by licensed professionals of mental retardation or mental illness, including a psychiatric ward in a general hospital.''; and

(2) in section 922—

(A) in subsection (d)(4)—

(i) by striking ''as a mental defective'' and inserting ''mentally incompetent''; and

(ii) by striking ''any mental institution'' and inserting ''a psychiatric hospital''; and

(B) in subsection (g)(4)—

(i) by striking ''as a mental defective or who has'' and inserting ''mentally incompetent or has''; and

(ii) by striking ''mental institution'' and inserting ''psychiatric hospital''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking ''as a mental defective'' each place that term appears and inserting ''mentally incompetent'';

(2) by striking ''mental institution'' each place that term appears and inserting ''psychiatric hospital'';

(3) in section 101(c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''to the mental health of a person'' and inserting ''to whether a person is mentally incompetent''; and

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''to the mental health of a person'' and inserting ''to whether a person is mentally incompetent''; and

(ii) in subparagraph (B), by striking ''to the mental health of a person'' and inserting ''to whether a person is mentally incompetent''; and

(4) in section 102(c)(3)—

(A) in the paragraph heading, by striking ''AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION'' and inserting ''MENTALLY INCOMPETENT OR COMMITTED TO A PSYCHIATRIC HOSPITAL''; and

(B) by striking ''mental institutions'' and inserting ''psychiatric hospitals''.

**SEC. 104. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.**

Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended by adding at the end the following:

''(F) APPLICATION TO FEDERAL COURTS.—In this paragraph—

''(i) the terms 'department or agency of the United States' and 'Federal department or agency' include a Federal court; and

''(ii) for purposes of any request, submission, or notification, the Director of the Administrative Office of the United States Courts shall perform the functions of the head of the department or agency.''.

**SEC. 105. REPORTS AND CERTIFICATIONS TO CONGRESS.**

(a) NICS REPORTS.—Not later than October 1, 2013, and every year thereafter, the head of each agency that possesses relevant Federal records shall submit a report to Congress that includes—

(1) a description of the relevant Federal records possessed by the agency that can be shared with NICS in a manner consistent with applicable law;

(2) the number of relevant Federal records the agency submitted to NICS during the reporting period;

(3) efforts made to increase the percentage of relevant Federal records possessed by the agency that are submitted to NICS;

(4) any obstacles to increasing the percentage of relevant Federal records possessed by the agency that are submitted to NICS;

(5) measures put in place to provide notice and programs for relief from disabilities as required under the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) if the agency makes qualifying adjudications relating to the mental health of an individual;

(6) measures put in place to correct, modify, or remove records available to NICS when the basis on which the records were made available no longer applies; and

(7) additional steps that will be taken during the 1-year period after the submission of the report to improve the processes by which relevant Federal records are—

(A) identified;

(B) made available to NICS; and

(C) corrected, modified, or removed from NICS.

(b) CERTIFICATIONS.—

(1) IN GENERAL.—The annual report requirement in subsection (a) shall not apply to an agency that, as part of a report required to be submitted under subsection (a), provides certification that the agency has—

(A) made available to NICS relevant Federal records that can be shared in a manner consistent with applicable law;

(B) a plan to make any relevant Federal records available to NICS and a description of that plan; and

(C) a plan to update, modify, or remove records electronically from NICS not less than quarterly as required by the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) and a description of that plan.

(2) FREQUENCY.—Each agency that is not required to submit annual reports under paragraph (1) shall submit an annual certification to Congress attesting that the agency continues to submit relevant Federal records to NICS and has corrected, modified, or removed records available to NICS when the basis on which the records were made available no longer applies.

(c) REPORTS TO CONGRESS ON FIREARMS PROSECUTIONS.—

(1) REPORT TO CONGRESS.—Beginning February 1, 2014, and on February 1 of each year thereafter through 2023, the Attorney General shall submit to the Committees on the Judiciary and Committees on Appropriations of the Senate and the House of Representatives a report of information gathered under this subsection during the fiscal year that ended on September 30 of the preceding year.

(2) SUBJECT OF ANNUAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall require each component of the Department of Justice, including each United States Attorney's Office, to furnish for the purposes of the report described in paragraph (1), information relating to any case presented to the Department of Justice for review or prosecution, in which the objective facts of the case provide probable cause to believe that there has been a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986.

(3) ELEMENTS OF ANNUAL REPORT.—With respect to each case described in paragraph (2), the report submitted under paragraph (1) shall include information indicating—

(A) whether in any such case, a decision has been made not to charge an individual with a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986, or any other violation of Federal criminal law;

(B) in any case described in subparagraph (A), a description of why no charge was filed under sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986;

(C) whether in any case described in paragraph (2), an indictment, information, or other charge has been brought against any person, or the matter is pending;

(D) whether, in the case of an indictment, information, or other charge described in subparagraph (C), the charging document contains a count or counts alleging a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986;

(E) in any case described in subparagraph (D) in which the charging document contains a count or counts alleging a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986, whether a plea agreement of any kind has been entered into with such charged individual;

(F) whether any plea agreement described in subparagraph (E) required that the individual plead guilty, to enter a plea of nolo contendere, or otherwise caused a court to enter a conviction against that individual for a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986;

(G) in any case described in subparagraph (F) in which the plea agreement did not require that the individual plead guilty, enter a plea of nolo contendere, or otherwise cause a court to enter a conviction against that individual for a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986, identification of the charges to which that individual did plead guilty;

(H) in the case of an indictment, information, or other charge described in subparagraph (C), in which the charging document contains a count or counts alleging a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986, the result of any trial of such charges (guilty, not guilty, mistrial);

(I) in the case of an indictment, information, or other charge described in subparagraph (C), in which the charging document did not contain a count or counts alleging a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial);

(J) the number of persons who attempted to purchase a firearm but were denied because of a background check conducted in accordance with section 922(t) of title 18, United States Code; and

(K) the number of prosecutions conducted in relation to persons described in subparagraph (J).

**SEC. 106. INCREASING FEDERAL PROSECUTION OF GUN VIOLENCE.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish in jurisdictions specified in subsection (c) a program that meets the requirements of subsection (b), to be known as the ''Nationwide Project Exile Expansion''.

(b) PROGRAM ELEMENTS.—Each program established under subsection (a) shall, for the jurisdiction concerned—

(1) provide for coordination with State and local law enforcement officials in the identification of violations of Federal firearms laws;

(2) provide for the establishment of agreements with State and local law enforcement officials for the referral to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the United States Attorney for prosecution of persons arrested for violations of section 922 or section 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986, relating to firearms;

(3) provide for the establishment of multijurisdictional task forces, coordinated by the Executive Office of the United States attorneys to investigate and prosecute illegal straw purchasing rings that purchase firearms in one jurisdiction and transfer them to another;

(4) require that the United States attorney designate not less than 1 assistant United States attorney to prosecute violations of Federal firearms laws;

(5) provide for the hiring of agents for the Bureau of Alcohol, Tobacco, Firearms, and Explosives to investigate violations of the provisions referred to in paragraph (2), United States Code, relating to firearms; and

(6) ensure that each person referred to the United States attorney under paragraph (2)

be charged with a violation of the most serious Federal firearm offense consistent with the act committed.

(c) COVERED JURISDICTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the jurisdictions specified in this subsection are—

(A) the 10 jurisdictions with a population equal to or greater than 100,000 persons that had the highest total number of homicides according to the uniform crime report of the Federal Bureau of Investigation for the most recent year available;

(B) the 5 jurisdictions with such a population, other than the jurisdictions covered by paragraph (1), with the highest per capita rate of homicide according to the uniform crime report of the Federal Bureau of Investigation for the most recent year available; and

(C) the 3 tribal jurisdictions that have the highest homicide crime rates, as determined by the Attorney General.

(2) LIMITATION.—The 15 jurisdictions described in subparagraphs (A) and (B) shall not include any jurisdiction other than those within the 50 States.

(d) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, an annually thereafter, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing the following information:

(1) The number of individuals indicted for such violations of Federal firearms laws during that year by reason of the program.

(2) The increase or decrease in the number of individuals indicted for such violations of Federal firearms laws during that year by reason of the program when compared with the year preceding that year.

(3) The number of individuals held without bond in anticipation of prosecution by reason of the program.

(4) To the extent the information is available, the average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

(5) The number of multi-jurisdiction task forces established and the number of individuals arrested, indicted, convicted or acquitted of charges for violations of the specific crimes listed in subsection (b)(2).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out the program under this section $15,000,000 for each of fiscal years 2014, 2015, and 2016, which shall be used for salaries and expenses of assistant United States attorneys and Bureau of Alcohol, Tobacco, Firearms, and Explosives agents.

(2) USE OF FUNDS.—

(A) ASSISTANT UNITED STATES ATTORNEYS.—The assistant United States attorneys hired using amounts authorized to be appropriated under paragraph (1) shall prosecute violations of Federal firearms laws in accordance with subsection (b)(2).

(B) ATF AGENTS.—The Bureau of Alcohol, Tobacco, Firearms, and Explosives agents hired using amounts authorized to be appropriated under paragraph (1) shall, to the maximum extent practicable, concentrate their investigations on violations of Federal firearms laws in accordance with subsection (b)(2).

**SEC. 107. PROSECUTION OF FELONS AND FUGITIVES WHO ATTEMPT TO ILLEGALLY PURCHASE FIREARMS.**

(a) TASKFORCE.—

(1) ESTABLISHMENT.—There is established a task force within the Department of Justice, which shall be known as the Felon and Fugitive Firearm Task Force (referred to in this section as the ''Task Force''), to strengthen the efforts of the Department of Justice to investigate and prosecute cases of convicted felons and fugitives from justice who illegally attempt to purchase a firearm.

(2) MEMBERSHIP.—The members of the Task Force shall be—

(A) the Deputy Attorney General, who shall serve as the Chairperson of the Task Force;

(B) the Assistant Attorney General for the Criminal Division;

(C) the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(D) the Director of the Federal Bureau of Investigation; and

(E) such other officers or employees of the Department of Justice as the Attorney General may designate.

(3) DUTIES.—The Task Force shall—

(A) provide direction for the investigation and prosecution of cases of convicted felons and fugitives from justice attempting to illegally purchase a firearm; and

(B) provide recommendations to the Attorney General relating to—

(i) the allocation and reallocation of resources of the Department of Justice for investigation and prosecution of cases of convicted felons and fugitives from justice attempting to illegally purchase a firearm;

(ii) enhancing cooperation among agencies and entities of the Federal Government in the investigation and prosecution of cases of convicted felons and fugitives from justice attempting to illegally purchase a firearm;

(iii) enhancing cooperation among Federal, State, and local authorities responsible for the investigation and prosecution of cases of convicted felons and fugitives from justice attempting to illegally purchase a firearm; and

(iv) changes in rules, regulations, or policy to improve the effective investigation and prosecution of cases of convicted felons and fugitives from justice attempting to illegally purchase a firearm.

(4) MEETINGS.—The Task Force shall meet not less than once a year.

(5) TERMINATION.—The Task Force shall terminate on the date that is 5 years after the date of enactment of this Act.

(b) AUTHORIZATION FOR USE OF FUNDS.—Section 524(c)(1) of title 28, United States Code, is amended—

(1) in subparagraph (H), by striking ''and'' at the end;

(2) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

(3) by inserting after subparagraph (I) the following:

''(J) the investigation and prosecution of cases of convicted felons and fugitives from justice who illegally attempt to purchase a firearm, in accordance with section 107 of the Protecting Communities and Preserving the Second Amendment Act of 2015, provided that—

''(i) not more than $10,000,000 shall be available to the Attorney General for each of fiscal years 2014 through 2018 under this subparagraph; and

''(ii) not more than 5 percent of the amounts made available under this subparagraph may be used for the administrative costs of the task force established under section 107 of the Protecting Communities and Preserving the Second Amendment Act of 2015.''.

**SEC. 108. LIMITATION ON OPERATIONS BY THE DEPARTMENT OF JUSTICE.**

The Department of Justice, and any of its law enforcement coordinate agencies, shall not conduct any operation where a Federal firearms licensee is directed, instructed, enticed, or otherwise encouraged by the Department of Justice to sell a firearm to an individual if the Department of Justice, or a coordinate agency, knows or has reasonable cause to believe that such an individual is purchasing on behalf of another for an illegal purpose unless the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for the Criminal Division personally reviews and approves the operation, in writing, and determines that the agency has prepared an operational plan that includes sufficient safeguards to prevent firearms from being transferred to third parties without law enforcement taking reasonable steps to lawfully interdict those firearms.

**SEC. 109. STRAW PURCHASING OF FIREARMS.**

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

**''§ 932. Straw purchasing of firearms**

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'crime of violence' has the meaning given that term in section 924(c)(3);

''(2) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2); and

''(3) the term 'Federal crime of terrorism' has the meaning given that term in section 2332b(g).

''(b) OFFENSE.—It shall be unlawful for any person to—

''(1) purchase or otherwise obtain a firearm, which has been shipped, transported, or received in interstate or foreign commerce, for or on behalf of any other person who the person purchasing or otherwise obtaining the firearm knows—

''(A) is prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922;

''(B) intends to use, carry, possess, or sell or otherwise dispose of the firearm in furtherance of a crime of violence, a drug trafficking crime, or a Federal crime of terrorism;

''(C) intends to engage in conduct that would constitute a crime of violence, a drug trafficking crime, or a Federal crime of terrorism if the conduct had occurred within the United States; or

''(D) is not a resident of any State and is not a citizen or lawful permanent resident of the United States; or

''(2) willfully procure another to engage in conduct described in paragraph (1).

''(c) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned not more than 15 years, or both.

**''§ 933. Trafficking in firearms**

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'crime of violence' has the meaning given that term in section 924(c)(3);

''(2) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2); and

''(3) the term 'Federal crime of terrorism' has the meaning given that term in section 2332b(g).

''(b) OFFENSE.—It shall be unlawful for any person to—

''(1) ship, transport, transfer, or otherwise dispose of 2 or more firearms to another person in or otherwise affecting interstate or foreign commerce, if the transferor knows that the use, carrying, or possession of a firearm by the transferee would violate subsection (g) or (n) of section 922, or constitute a crime of violence, a drug trafficking crime, or a Federal crime of terrorism;

''(2) receive from another person 2 or more firearms in or otherwise affecting interstate or foreign commerce, if the recipient—

''(A) knows that such receipt would violate subsection (g) or (n) of section 922; or

''(B) intends to use the firearm in furtherance of a crime of violence, a drug trafficking crime, or a Federal crime of terrorism; or

''(3) attempt or conspire to commit the conduct described in paragraph (1) or (2).

''(c) PENALTIES.—

''(1) IN GENERAL.—Any person who violates subsection (b) shall be fined under this title, imprisoned not more than 15 years, or both.

''(2) ORGANIZER.—If a violation of subsection (b) is committed by a person acting in concert with other persons as an organizer, leader, supervisor, or manager, the person shall be fined under this title, imprisoned not more than 20 years, or both.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 931 the following:

''*932. Straw purchasing of firearms.*
''*933. Trafficking in firearms.*''.

(c) DIRECTIVE TO THE SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and policy statements to ensure that persons convicted of an offense under section 932 or 933 of title 18, United States Code, and other offenses applicable to the straw purchases and firearms trafficking of firearms are subject to increased penalties in comparison to those currently provided by the guidelines and policy statements for such straw purchasing and firearms trafficking offenses. In its review, the Commission shall consider, in particular, an appropriate amendment to reflect the intent of Congress that straw purchasers without significant criminal histories receive sentences that are sufficient to deter participation in such activities. The Commission shall also review and amend its guidelines and policy statements to reflect the intent of Congress that a person convicted of an offense under section 932 or 933 of title 18, United States Code, who is affiliated with a gang, cartel, organized crime ring, or other such enterprise should be subject to higher penalties than an otherwise unaffiliated individual.

**SEC. 110. INCREASED PENALTIES FOR LYING AND BUYING.**

Section 924(a)(1) of title 18, United States Code, is amended in the undesignated matter following subparagraph (D) by striking ''five years'' and inserting the following: ''5 years (or, in the case of a violation under subparagraph (A), not more than 10 years)''.

**SEC. 111. AMENDMENTS TO SECTION 924(a).**

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''(d), (g),''; and

(2) by adding at the end the following:

''(8) Whoever knowingly violates subsection (d), (g), or (n) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.''.

**SEC. 112. AMENDMENTS TO SECTION 924(h).**

Section 924 of title 18, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) Whoever knowingly receives or transfers a firearm or ammunition, or attempts or conspires to do so, knowing that such firearm or ammunition will be used to commit a crime of violence (as defined in subsection (c)(3)), a drug trafficking crime (as defined in subsection (c)(2)), a Federal crime of terrorism (as defined in section 2332b(g)), or a crime under the Arms Export Control Act (22 U.S.C. 2751 et seq.), the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), shall be imprisoned not more than 15 years, fined in accordance with this title, or both.''.

**SEC. 113. AMENDMENTS TO SECTION 924(k).**

Section 924 of title 18, United States Code, is amended by striking subsection (k) and inserting the following:

''(k)(1) A person who, with intent to engage in or promote conduct that—

''(A) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46;

''(B) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802);

''(C) constitutes a crime of violence (as defined in subsection (c)(3)); or

''(D) constitutes a Federal crime of terrorism (as defined in section 2332b(g)),

smuggles or knowingly brings into the United States, a firearm or ammunition, or attempts or conspires to do so, shall be imprisoned not more than 15 years, fined under this title, or both.

''(2) A person who, with intent to engage in or to promote conduct that—

''(A) would be punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, if the conduct had occurred within the United States; or

''(B) would constitute a crime of violence (as defined in subsection (c)(3)) or a Federal crime of terrorism (as defined in section 2332b(g)) for which the person may be prosecuted in a court of the United States, if the conduct had occurred within the United States,

smuggles or knowingly takes out of the United States, a firearm or ammunition, or attempts or conspires to do so, shall be imprisoned not more than 15 years, fined under this title, or both.''.

**SEC. 114. MULTIPLE SALES REPORTS FOR RIFLES AND SHOTGUNS.**

Section 923(g)(5) of title 18, United States Code, is amended by adding at the end the following:

''(C) The Attorney General may not require a licensee to submit ongoing or periodic reporting of the sale or other disposition of 2 or more rifles or shotguns during a specified period of time.''.

**SEC. 115. STUDY BY THE NATIONAL INSTITUTES OF JUSTICE AND NATIONAL ACADEMY OF SCIENCES ON THE CAUSES OF MASS SHOOTINGS.**

(a) IN GENERAL.—

(1) STUDY.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall instruct the Director of the National Institutes of Justice, to conduct a peer-reviewed study to examine various sources and causes of mass shootings including psychological factors, the impact of violent video games, and other factors. The Director shall enter into a contract with the National Academy of Sciences to conduct this study jointly with an independent panel of 5 experts appointed by the Academy.

(2) REPORT.—Not later than 1 year after the date on which the study required under paragraph (1) begins, the Directors shall submit to Congress a report detailing the findings of the study.

(b) ISSUES EXAMINED.—The study conducted under subsection (a)(1) shall examine—

(1) mental illness;

(2) the availability of mental health and other resources and strategies to help families detect and counter tendencies toward violence;

(3) the availability of mental health and other resources at schools to help detect and counter tendencies of students towards violence;

(4) the extent to which perpetrators of mass shootings, either alleged, convicted, deceased, or otherwise, played violent or adult-themed video games and whether the perpetrators of mass shootings discussed, planned, or used violent or adult-themed video games in preparation of or to assist in carrying out their violent actions;

(5) familial relationships, including the level of involvement and awareness of parents;

(6) exposure to bullying; and

(7) the extent to which perpetrators of mass shootings were acting in a ''copycat'' manner based upon previous violent events.

**SEC. 116. REPORTS TO CONGRESS REGARDING AMMUNITION PURCHASES BY FEDERAL AGENCIES.**

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, shall report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Chairmen and Ranking Members of the House and Senate Committee on Appropriations and the Committee on the Judiciary, the House Committee on Homeland Security, the Senate Committee on Homeland Security and Government Affairs, and the House Committee on Government Reform and Oversight, a report including—

(1) details of all purchases of ammunition by each Federal agency;

(2) a summary of all purchases, solicitations, and expenditures on ammunition by each Federal agency;

(3) a summary of all the rounds of ammunition expended by each Federal agency and a current listing of stockpiled ammunition for each Federal agency; and

(4) an estimate of future ammunition needs and purchases for each Federal agency for the next fiscal year.

**SEC. 117. INCENTIVES FOR STATE COMPLIANCE WITH NICS MENTAL HEALTH RECORD REQUIREMENTS.**

Section 104(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking paragraphs (1) and (2);

(2) by redesignating paragraph (3) as paragraph (2);

(3) in paragraph (2), as redesignated, by striking ''of paragraph (2)'' and inserting ''of paragraph (1)''; and

(4) by inserting before paragraph (2), as redesignated, the following:

''(1) INCENTIVES FOR PROVIDING MENTAL HEALTH RECORDS AND FIXING THE BACKGROUND CHECK SYSTEM.—

''(A) DEFINITION OF COMPLIANT STATE.—In this paragraph, the term 'compliant State' means a State that has—

''(i) provided not less than 90 percent of the records required to be provided under sections 102 and 103; or

''(ii) in effect a statute that—

''(I) requires the State to provide the records required to be provided under sections 102 and 103; and

''(II) implements a relief from disabilities program in accordance with section 105.

''(B) INCENTIVES FOR COMPLIANCE.—During the period beginning on the date that is 18 months after the enactment of the Protecting Communities and Preserving the Second Amendment Act of 2015 and ending on the date that is 5 years after the date of enactment of such Act, the Attorney General—

''(i) shall use funds appropriated to carry out section 103 of this Act, the excess unobligated balances of the Department of Justice and funds withheld under clause (ii), or any combination thereof, to increase the amounts available under section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) for each

compliant State in an amount that is not less than 2 percent nor more than 5 percent of the amount that was allocated to such State under such section 505 in the previous fiscal year; and

''(ii) may withhold an amount not to exceed the amount described in clause (i) that would otherwise be allocated to a State under any section of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) if the State—

''(I) is not a compliant State; and

''(II) does not submit an assurance to the Attorney General that—

''(aa) an amount that is not less than the amount described in clause (i) will be used solely for the purpose of enabling the State to become a compliant State; or

''(bb) the State will hold in abeyance an amount that is not less than the amount described in clause (i) until such State has become a compliant State.

''(C) REGULATIONS.—Not later than 180 days after the enactment of the Protecting Communities and Preserving the Second Amendment Act of 2015, the Attorney General shall issue regulations implementing this paragraph.''.

**SEC. 118. FIREARM COMMERCE MODERNIZATION.**

(a) FIREARMS DISPOSITIONS.—Section 922(b)(3) of title 18, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ''located'' and inserting ''located or temporarily located''; and

(2) in subparagraph (A)—

(A) by striking ''rifle or shotgun'' and inserting ''firearm'';

(B) by striking ''located'' and inserting ''located or temporarily located''; and

(C) by striking ''both such States'' and inserting ''the State in which the transfer is conducted and the State of residence of the transferee''.

(b) DEALER LOCATION.—Section 923 of title 18, United States Code, is amended—

(1) in subsection (j)—

(A) in the first sentence, by striking '', and such location is in the State which is specified on the license''; and

(B) in the last sentence—

(i) by inserting ''transfer,'' after ''sell,''; and

(ii) by striking ''Act,'' and all that follows and inserting ''Act.''; and

(2) by adding at the end the following:

''(m) Nothing in this chapter shall be construed to prohibit the sale, transfer, delivery, or other disposition of a firearm or ammunition—

''(1) by a person licensed under this chapter to another person so licensed, at any location in any State; or

''(2) by a licensed importer, licensed manufacturer, or licensed dealer to a person not licensed under this chapter, at a temporary location described in subsection (j) in any State.''.

(c) RESIDENCE OF UNITED STATES OFFICERS.—Section 921 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) For purposes of this chapter:

''(1) A member of the Armed Forces on active duty, or a spouse of such a member, is a resident of—

''(A) the State in which the member or spouse maintains legal residence;

''(B) the State in which the permanent duty station of the member is located; and

''(C) the State in which the member maintains a place of abode from which the member commutes each day to the permanent duty station of the member.

''(2) An officer or employee of the United States (other than a member of the Armed Forces) who is stationed outside the United States for a period of more than 1 year, and a spouse of such an officer or employee, is a resident of the State in which the person maintains legal residence.''.

**SEC. 119. FIREARM DEALER ACCESS TO LAW ENFORCEMENT INFORMATION.**

(a) IN GENERAL.—Section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), is amended—

(1) by striking ''Not later than'' and inserting the following:

''(1) IN GENERAL.—Not later than''; and

(2) by adding at the end the following:

''(2) VOLUNTARY BACKGROUND CHECKS.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2015, the Attorney General shall promulgate regulations allowing licensees to use the national instant criminal background check system established under this section for purposes of conducting voluntary, no fee employment background checks on current or prospective employees.

''(B) NOTICE.—Before conducting an employment background check relating to an individual under subparagraph (A), a licensee shall—

''(i) provide written notice to the individual that the licensee intends to conduct the background check; and

''(ii) obtain consent to conduct the background check from the individual in writing.

''(C) EXEMPTION.—An employment background check conducted by a licensee under subparagraph (A) shall not governed by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

''(D) APPEAL.—Any individual who is the subject of an employment background check conducted by a licensee under subparagraph (A) the result of which indicates that the individual is a prohibited from possessing a firearm or ammunition pursuant to subsection (g) or (n) of section 922 of title 18, United States Code, may appeal the results of the background check in the same manner and to the same extent as if the individual had been the subject of a background check relating to the transfer of a firearm.''.

(b) ACQUISITION, PRESERVATION, AND EXCHANGE OF IDENTIFICATION RECORDS AND INFORMATION.—Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (4) the following:

''(5) provide a person licensed as an importer, manufacturer, or dealer of firearms under chapter 44 of title 18 with information necessary to verify whether firearms offered for sale to such licensees have been stolen.''; and

(2) in subsection (b), by inserting '', except for dissemination authorized under subsection (a)(5) of this section'' before the period.

(c) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, and without regard to chapter 5 of title 5, United States Code, the Attorney General shall promulgate regulations allowing a person licensed as an importer, manufacturer, or dealer of firearms under chapter 44 of title 18, United States Code, to receive access to records of stolen firearms maintained by the National Crime Information Center operated by the Federal Bureau of Investigation, solely for the purpose of voluntarily verifying whether firearms offered for sale to such licensees have been stolen.

(d) STATUTORY CONSTRUCTION; EVIDENCE.—

(1) STATUTORY CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed—

(A) to create a cause of action against any person licensed as an importer, manufacturer, or dealer of firearms under chapter 44 of title 18, United States Code or any other person for any civil liability; or

(B) to establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding the use or non-use by a person licensed as an importer, manufacturer, or dealer of firearms under chapter 44 of title 18, United States Code of the systems, information, or records made available under this section or the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

**SEC. 120. INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION.**

(a) IN GENERAL.—Section 926A of title 18, United States Code, is amended to read as follows:

**''§ 926A. Interstate transportation of firearms or ammunition**

''(a) DEFINITION.—In this section, the term 'transport' includes staying in temporary lodging overnight, stopping for food, fuel, vehicle maintenance, an emergency, medical treatment, and any other activity incidental to the transport.

''(b) AUTHORIZATION.—Notwithstanding any provision of any law (including a rule or regulation) of a State or any political subdivision thereof, a person who is not prohibited by this chapter from possessing, transporting, shipping, or receiving a firearm or ammunition shall be entitled to—

''(1) transport a firearm for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm to any other such place if, during the transportation—

''(A) the firearm is unloaded; and

''(B)(i) if the transportation is by motor vehicle—

''(I) the firearm is not directly accessible from the passenger compartment of the motor vehicle; or

''(II) if the motor vehicle is without a compartment separate from the passenger compartment, the firearm is—

''(aa) in a locked container other than the glove compartment or console; or

''(bb) secured by a secure gun storage or safety device; or

''(ii) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device; and

''(2) transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation—

''(A) the ammunition is not loaded into a firearm; and

''(B)(i) if the transportation is by motor vehicle—

''(I) the ammunition is not directly accessible from the passenger compartment of the motor vehicle; or

''(II) if the motor vehicle is without a compartment separate from the passenger compartment, the ammunition is in a locked container other than the glove compartment or console; or

''(ii) if the transportation is by other means, the ammunition is in a locked container.

''(c) STATE LAW.—

''(1) ARREST AUTHORITY.—A person who is transporting a firearm or ammunition may not be—

''(A) arrested for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the

possession, transportation, or carrying of firearms or ammunition, unless there is probable cause to believe that the transportation is not in accordance with subsection (b); or

''(B) detained for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the possession, transportation, or carrying of firearms or ammunition, unless there is reasonable suspicion that the transportation is not in accordance with subsection (b).

''(2) PROSECUTION.—

''(A) BURDEN OF PROOF.—If a person asserts this section as a defense in a criminal proceeding, the government shall bear the burden of proving, beyond a reasonable doubt, that the conduct of the person was not in accordance with subsection (b).

''(B) PREVAILING DEFENDANT.—If a person successfully asserts this section as a defense in a criminal proceeding, the court shall award the prevailing defendant reasonable attorney's fees.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 926A and inserting the following:

''*926A. Interstate transportation of firearms or ammunition.*''.

## TITLE II—MENTAL HEALTH

### SEC. 201. REAUTHORIZATION AND ADDITIONAL AMENDMENTS TO THE MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION ACT.

(a) SAFE COMMUNITIES.—

(1) IN GENERAL.—Section 2991(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(a)) is amended—

(A) in paragraph (7)—

(i) in the heading, by striking ''MENTAL ILLNESS'' and inserting ''MENTAL ILLNESS; MENTAL HEALTH DISORDER''; and

(ii) by striking ''term 'mental illness' means'' and inserting ''terms 'mental illness' and 'mental health disorder' mean''; and

(B) by striking paragraph (9) and inserting the following:

''(9) PRELIMINARILY QUALIFIED OFFENDER.—

''(A) IN GENERAL.—The term 'preliminarily qualified offender' means an adult or juvenile accused of an offense who—

''(i)(I) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders;

''(II) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; or

''(III) in the case of a veterans treatment court provided under subsection (i), has been diagnosed with, or manifests obvious signs of, mental illness or a substance abuse disorder or co-occurring mental illness and substance abuse disorder; and

''(ii) has been unanimously approved for participation in a program funded under this section by, when appropriate, the relevant—

''(I) prosecuting attorney;

''(II) defense attorney;

''(III) probation or corrections official;

''(IV) judge; and

''(V) a representative from the relevant mental health agency described in subsection (b)(5)(B)(i).

''(B) DETERMINATION.—In determining whether to designate a defendant as a preliminarily qualified offender, the relevant prosecuting attorney, defense attorney, probation or corrections official, judge, and mental health or substance abuse agency representative shall take into account—

''(i) whether the participation of the defendant in the program would pose a substantial risk of violence to the community;

''(ii) the criminal history of the defendant and the nature and severity of the offense for which the defendant is charged;

''(iii) the views of any relevant victims to the offense;

''(iv) the extent to which the defendant would benefit from participation in the program;

''(v) the extent to which the community would realize cost savings because of the defendant's participation in the program; and

''(vi) whether the defendant satisfies the eligibility criteria for program participation unanimously established by the relevant prosecuting attorney, defense attorney, probation or corrections official, judge and mental health or substance abuse agency representative.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 2927(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797s–6(2)) is amended by striking ''has the meaning given that term in section 2991(a).'' and inserting ''means an offense that—

''(A) does not have as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

''(B) is not a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.''.

(b) EVIDENCE BASED PRACTICES.—Section 2991(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(c)) is amended—

(1) in paragraph (3), by striking ''or'' at the end;

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3) the following:

''(4) propose interventions that have been shown by empirical evidence to reduce recidivism;

''(5) when appropriate, use validated assessment tools to target preliminarily qualified offenders with a moderate or high risk of recidivism and a need for treatment and services; or''.

(c) ACADEMY TRAINING.—Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(h)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(F) ACADEMY TRAINING.—To provide support for academy curricula, law enforcement officer orientation programs, continuing education training, and other programs that teach law enforcement personnel how to identify and respond to incidents involving persons with mental health disorders or co-occurring mental health and substance abuse disorders.''; and

(2) by adding at the end the following:

''(4) PRIORITY CONSIDERATION.—The Attorney General, in awarding grants under this subsection, shall give priority to programs that law enforcement personnel and members of the mental health and substance abuse professions develop and administer cooperatively.''.

(d) ASSISTING VETERANS.—

Section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended—

(A) by redesignating subsection (i) as subsection (n); and

(B) by inserting after subsection (h) the following:

''(i) ASSISTING VETERANS.—

''(1) DEFINITIONS.—In this subsection:

''(A) PEER TO PEER SERVICES OR PROGRAMS.—The term 'peer to peer services or programs' means services or programs that connect qualified veterans with other veterans for the purpose of providing support and mentorship to assist qualified veterans in obtaining treatment, recovery, stabilization, or rehabilitation.

''(B) QUALIFIED VETERAN.—The term 'qualified veteran' means a preliminarily qualified offender who—

''(i) has served on active duty in any branch of the Armed Forces, including the National Guard and reserve components; and

''(ii) was discharged or released from such service under conditions other than dishonorable.

''(C) VETERANS TREATMENT COURT PROGRAM.—The term 'veterans treatment court program' means a court program involving collaboration among criminal justice, veterans, and mental health and substance abuse agencies that provides qualified veterans with—

''(i) intensive judicial supervision and case management, which may include random and frequent drug testing where appropriate;

''(ii) a full continuum of treatment services, including mental health services, substance abuse services, medical services, and services to address trauma;

''(iii) alternatives to incarceration; and

''(iv) other appropriate services, including housing, transportation, mentoring, employment, job training, education, and assistance in applying for and obtaining available benefits.

''(2) VETERANS ASSISTANCE PROGRAM.—

''(A) IN GENERAL.—The Attorney General, in consultation with the Secretary of Veterans Affairs, may award grants under this subsection to applicants to establish or expand—

''(i) veterans treatment court programs;

''(ii) peer to peer services or programs for qualified veterans;

''(iii) practices that identify and provide treatment, rehabilitation, legal, transitional, and other appropriate services to qualified veterans who have been incarcerated; and

''(iv) training programs to teach criminal justice, law enforcement, corrections, mental health, and substance abuse personnel how to identify and appropriately respond to incidents involving qualified veterans.

''(B) PRIORITY.—In awarding grants under this subsection, the Attorney General shall give priority to applications that—

''(i) demonstrate collaboration between and joint investments by criminal justice, mental health, substance abuse, and veterans service agencies;

''(ii) promote effective strategies to identify and reduce the risk of harm to qualified veterans and public safety; and

''(iii) propose interventions with empirical support to improve outcomes for qualified veterans.''.

(e) CORRECTIONAL FACILITIES; HIGH UTILIZERS.—Section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by inserting after subsection (i), as so added by subsection (d), the following:

''(j) CORRECTIONAL FACILITIES.—

''(1) DEFINITIONS.—

''(A) CORRECTIONAL FACILITY.—The term 'correctional facility' means a jail, prison, or other detention facility used to house people who have been arrested, detained, held, or convicted by a criminal justice agency or a court.

''(B) ELIGIBLE INMATE.—The term 'eligible inmate' means an individual who—

''(i) is being held, detained, or incarcerated in a correctional facility; and

''(ii) manifests obvious signs of a mental illness or has been diagnosed by a qualified mental health professional as having a mental illness.

''(2) CORRECTIONAL FACILITY GRANTS.—The Attorney General may award grants to applicants to enhance the capabilities of a correctional facility—

''(A) to identify and screen for eligible inmates;

''(B) to plan and provide—

''(i) initial and periodic assessments of the clinical, medical, and social needs of inmates; and

''(ii) appropriate treatment and services that address the mental health and substance abuse needs of inmates;

''(C) to develop, implement, and enhance—

''(i) post-release transition plans for eligible inmates that, in a comprehensive manner, coordinate health, housing, medical, employment, and other appropriate services and public benefits;

''(ii) the availability of mental health care services and substance abuse treatment services; and

''(iii) alternatives to solitary confinement and segregated housing and mental health screening and treatment for inmates placed in solitary confinement or segregated housing; and

''(D) to train each employee of the correctional facility to identify and appropriately respond to incidents involving inmates with mental health or co-occurring mental health and substance abuse disorders.

''(k) DEMONSTRATION GRANTS RESPONDING TO HIGH UTILIZERS.—

''(1) DEFINITION.—In this subsection, the term 'high utilizer' means an individual who—

''(A) manifests obvious signs of mental illness or has been diagnosed by a qualified mental health professional as having a mental illness; and

''(B) consumes a significantly disproportionate quantity of public resources, such as emergency, housing, judicial, corrections, and law enforcement services.

''(2) DEMONSTRATION GRANTS RESPONDING TO HIGH UTILIZERS.—

''(A) IN GENERAL.—The Attorney General may award not more than 6 grants per year under this subsection to applicants for the purpose of reducing the use of public services by high utilizers.

''(B) USE OF GRANTS.—A recipient of a grant awarded under this subsection may use the grant—

''(i) to develop or support multidisciplinary teams that coordinate, implement, and administer community-based crisis responses and long-term plans for high utilizers;

''(ii) to provide training on how to respond appropriately to the unique issues involving high utilizers for public service personnel, including criminal justice, mental health, substance abuse, emergency room, healthcare, law enforcement, corrections, and housing personnel;

''(iii) to develop or support alternatives to hospital and jail admissions for high utilizers that provide treatment, stabilization, and other appropriate supports in the least restrictive, yet appropriate, environment; or

''(iv) to develop protocols and systems among law enforcement, mental health, substance abuse, housing, corrections, and emergency medical service operations to provide coordinated assistance to high utilizers.

''(C) REPORT.—Not later than the last day of the first year following the fiscal year in which a grant is awarded under this subsection, the recipient of the grant shall submit to the Attorney General a report that—

''(i) measures the performance of the grant recipient in reducing the use of public services by high utilizers; and

''(ii) provides a model set of practices, systems, or procedures that other jurisdictions can adopt to reduce the use of public services by high utilizers.''.

(f) GRANT ACCOUNTABILITY.—Section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by inserting after subsection (i), as so added by subsection (e), the following:

''(l) ACCOUNTABILITY.—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

''(1) AUDIT REQUIREMENT.—

''(A) DEFINITION.—In this paragraph, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

''(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

''(C) MANDATORY EXCLUSION.—A recipient of grant funds under this section that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this section during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

''(D) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

''(E) REIMBURSEMENT.—If an entity is awarded grant funds under this section during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

''(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

''(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

''(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

''(A) DEFINITION.—For purposes of this paragraph and the grant programs under this part, the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

''(B) PROHIBITION.—The Attorney General may not award a grant under this part to a section organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

''(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

''(3) CONFERENCE EXPENDITURES.—

''(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than $20,000 in funds made available by the Department of Justice, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host the conference.

''(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

''(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

''(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

''(A) indicating whether—

''(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

''(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

''(iii) all reimbursements required under paragraph (1)(E) have been made; and

''(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.''.

''(m) PREVENTING DUPLICATIVE GRANTS.—

''(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

''(2) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

''(A) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

''(B) the reason the Attorney General awarded the duplicate grants.''.

(g) REAUTHORIZATION OF APPROPRIATIONS.—Section 2991(n) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as redesignated in subsection (d), is amended—

(1) in paragraph (1);

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(D) $40,000,000 for each of fiscal years 2015 through 2019.''; and

(2) by adding at the end the following:

''(3) LIMITATION.—Not more than 20 percent of the funds authorized to be appropriated

under this section may be used for purposes described in subsection (i) (relating to veterans).''.

**SEC. 202. ADDITIONAL PURPOSES FOR FEDERAL GRANTS.**

(a) MODIFICATIONS TO THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM.—Section 501(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(a)(1)) is amended by adding at the end the following:

''(H) Mental health programs and operations by law enforcement or corrections.''.

(b) MODIFICATIONS TO THE COMMUNITY ORIENTED POLICING SERVICES PROGRAM.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (16), by striking ''and'' at the end;

(2) by redesignating paragraph (17) as paragraph (19);

(3) by inserting after paragraph (16) the following:

''(17) to provide specialized training to law enforcement officers (including village public safety officers (as defined in section 247 of the Indian Arts and Crafts Amendments Act of 2010 (42 U.S.C. 3796dd note))) to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness and to establish programs that enhance the ability of law enforcement agencies to address the mental health, behavioral, and substance abuse problems of individuals encountered in the line of duty;

''(18) to provide specialized training to corrections officers to recognize individuals who have mental illness and to enhance the ability of corrections officers to address the mental health or individuals under the care and custody of jails and prisons; and''; and

(4) in paragraph (19), as redesignated, by striking ''through (16)'' and inserting ''through (18)''.

**SEC. 203. PROTECTING THE SECOND AMENDMENT RIGHTS OF VETERANS.**

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following:

**''§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes**

''(a) PROTECTING RIGHTS OF VETERANS WITH EXISTING RECORDS.—Not later than 90 days after the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2015, the Secretary shall provide written notice in accordance with subsection (b) of the opportunity for administrative review under subsection (c) to all persons who, on the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2015, are considered to have been adjudicated mentally incompetent or committed to a psychiatric hospital under subsection (d)(4) or (g)(4) of section 922 of title 18 as a result of having been found by the Department to be mentally incompetent.

''(b) NOTICE.—The Secretary shall provide notice under this section to a person described in subsection (a) that notifies the person of—

''(1) the determination made by the Secretary;

''(2) a description of the implications of being considered to have been adjudicated mentally incompetent or committed to a psychiatric hospital under subsection (d)(4) or (g)(4) of section 922 of title 18; and

''(3) the right of the person to request a review under subsection (c)(1).

''(c) ADMINISTRATIVE REVIEW.—

''(1) REQUEST.—Not later than 30 days after the date on which a person described in subsection (a) receives notice in accordance with subsection (b), such person may request a review by the board designed or established under paragraph (2) or by a court of competent jurisdiction to assess whether the person is a danger to himself or herself or to others. In such assessment, the board may consider the person's honorable discharge or decorations.

''(2) BOARD.—Not later than 180 days after the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2015, the Secretary shall designate or establish a board that shall, upon request of a person under paragraph (1), assess whether the person is a danger to himself or herself or to others.

''(d) JUDICIAL REVIEW.—A person may file a petition with a Federal court of competent jurisdiction for judicial review of an assessment of the person under subsection (c) by the board designated or established under subsection (c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 38, United States Code, is amended by adding at the end the following:

*''5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.''.*

**SEC. 204. APPLICABILITY OF AMENDMENTS.**

With respect to any record of a person prohibited from possessing or receiving a firearm under subsection (d)(4) or (g)(4) of section 922 of title 18, United States Code, before the date of enactment of this Act, the Attorney General shall remove such a record from the National Instant Criminal Background Check System—

(1) upon being made aware that the person is no longer considered as adjudicated mentally incompetent or committed to a psychiatric hospital according to the criteria under paragraph (36)(A)(i)(II) of section 921(a) of title 18, United States Code (as added by this title), and is therefore no longer prohibited from possessing or receiving a firearm;

(2) upon being made aware that any order or finding that the record is based on is an order or finding described in paragraph (36)(B) of section 921(a) of title 18, United State Code (as added by this title); or

(3) upon being made aware that the person has been found competent to possess a firearm after an administrative or judicial review under subsection (c) or (d) of section 5511 of title 38, United States Code (as added by this title).

## TITLE III—SCHOOL SAFETY

**SEC. 301. SHORT TITLE.**

This title may be cited as the ''School Safety Enhancements Act of 2015''.

**SEC. 302. GRANT PROGRAM FOR SCHOOL SECURITY.**

Section 2701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''Placement'' and inserting ''Installation''; and

(ii) by inserting ''surveillance equipment,'' after ''detectors,'';

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

''(5) Establishment of hotlines or tiplines for the reporting of potentially dangerous students and situations.''; and

(2) by adding at the end the following:

''(g) INTERAGENCY TASK FORCE.—

''(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the School Safety Enhancements Act of 2015, the Director and the Secretary of Education, or the designee of the Secretary, shall establish an interagency task force to develop and promulgate a set of advisory school safety guidelines.

''(2) PUBLICATION OF GUIDELINES.—Not later than 1 year after the date of enactment of the School Safety Enhancements Act of 2015, the advisory school safety guidelines promulgated by the interagency task force shall be published in the Federal Register.

''(3) REQUIRED CONSULTATION.—In developing the final advisory school safety guidelines under this subsection, the interagency task force shall consult with stakeholders and interested parties, including parents, teachers, and agencies.''.

**SEC. 303. APPLICATIONS.**

Section 2702(a)(2) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797b(a)(2)) is amended to read as follows:

''(2) be accompanied by a report—

''(A) signed by the heads of each law enforcement agency and school district with jurisdiction over the schools where the safety improvements will be implemented; and

''(B) demonstrating that each proposed use of the grant funds will be—

''(i) an effective means for improving the safety of 1 or more schools;

''(ii) consistent with a comprehensive approach to preventing school violence; and

''(iii) individualized to the needs of each school at which those improvements are to be made.''.

**SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

Section 2705 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking ''2001 through 2009'' and inserting ''2014 through 2023''.

**SEC. 305. ACCOUNTABILITY.**

Section 2701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a), as amended by section 202 of this title, is amended by adding at the end the following:

''(h) ACCOUNTABILITY.—All grants awarded by the Attorney General under this part shall be subject to the following accountability provisions:

''(1) AUDIT REQUIREMENT.—

''(A) DEFINITION.—In this paragraph, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

''(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this part to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

''(C) MANDATORY EXCLUSION.—A recipient of grant funds under this part that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this part during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

''(D) PRIORITY.—In awarding grants under this part, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this part.

''(E) REIMBURSEMENT.—If an entity is awarded grant funds under this part during the 2-fiscal-year period during which the entity is barred from receiving grants under

subparagraph (C), the Attorney General shall—

''(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

''(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

''(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

''(A) DEFINITION.—For purposes of this paragraph and the grant programs under this part, the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

''(B) PROHIBITION.—The Attorney General may not award a grant under this part to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

''(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this part and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

''(3) CONFERENCE EXPENDITURES.—

''(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this part may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this part, to host or support any expenditure for conferences that uses more than $20,000 in funds made available by the Department of Justice, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host the conference.

''(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

''(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

''(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

''(A) indicating whether—

''(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

''(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

''(iii) all reimbursements required under paragraph (1)(E) have been made; and

''(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.''.

**SEC. 306. PREVENTING DUPLICATIVE GRANTS.**

Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by adding at the end the following:

''(1) PREVENTING DUPLICATIVE GRANTS.—

''(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this part, the Attorney General shall compare potential grant awards with grants awarded under parts A or T to determine if duplicate grant awards are awarded for the same purpose.

''(2) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

''(A) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

''(B) the reason the Attorney General awarded the duplicate grants.''.

## TITLE IV—SANCTUARY CITIES

**SEC. 401. STOP SANCTUARY POLICIES AND PROTECT AMERICANS.**

(a) SHORT TITLE.—This section may be cited as the ''Stop Sanctuary Policies and Protect Americans Act''.

(b) SANCTUARY JURISDICTION DEFINED.—In this section, the term ''sanctuary jurisdiction'' means any State or political subdivision of a State, including any law enforcement entity of a State or of a political subdivision of a State, that—

(1) has in effect a statute, ordinance, policy, or practice that is in violation of subsection (a) or (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373); or

(2) has in effect a statute, ordinance, policy, or practice that prohibits any government entity or official from complying with a detainer that has been lawfully issued or a request to notify about the release of an alien that has been made by the Department of Homeland Security in accordance with section 236 and 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) and section 287.7 of title 8, Code of Federal Regulations.

(c) LIMITATION ON GRANTS TO SANCTUARY JURISDICTIONS.—

(1) INELIGIBILITY FOR GRANTS.—

(A) LAW ENFORCEMENT GRANTS.—

(i) SCAAP GRANTS.—A sanctuary jurisdiction shall not be eligible to receive funds pursuant to the State Criminal Alien Assistance Program under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)).

(ii) COPS GRANTS.—No law enforcement entity of a State or of a political subdivision of a State that has a departmental policy or practice that renders it a sanctuary jurisdiction, and such a policy or practice is not required by statute, ordinance, or other codified law, or by order of a chief executive officer of the jurisdiction, or the executive or legislative board of the jurisdiction, shall be eligible to receive funds directly or indirectly under the 'Cops on the Beat' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.).

(iii) ENFORCEMENT.—The Attorney General, in consultation with the Secretary of Homeland Security, shall terminate the funding described in subparagraphs (A) and (B) to a State or political subdivision of a State on the date that is 30 days after the date on which a notification described in subsection (d)(2) is made to the State or subdivision, unless the Secretary of Homeland Security, in consultation with the Attorney General, determines the State or subdivision is no longer a sanctuary jurisdiction.

(B) COMMUNITY DEVELOPMENT BLOCK GRANTS.—

(i) IN GENERAL.—Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended—

(I) in section 102 (42 U.S.C. 5302), by adding at the end the following:

''(25) The term 'sanctuary jurisdiction' means any State or unit of general local government that—

''(A) has in effect a statute, ordinance, policy, or practice that is in violation of subsection (a) or (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373); or

''(B) has in effect a statute, ordinance, policy, or practice that prohibits any government entity or official from complying with a detainer that has been lawfully issued or a request to notify about the release of an alien that has been made by the Department of Homeland Security in accordance with section 236 and 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) and section 287.7 of title 8, Code of Federal Regulations.''; and

(II) in section 104 (42 U.S.C. 5304)—

(aa) in subsection (b)—

(AA) in paragraph (5), by striking ''and'' at the end;

(BB) by redesignating paragraph (6) as paragraph (7); and

(CC) by inserting after paragraph (5) the following:

''(6) the grantee is not a sanctuary jurisdiction and will not become a sanctuary jurisdiction during the period for which the grantee receives a grant under this title; and''; and

(bb) by adding at the end the following:

''(n) PROTECTION OF INDIVIDUALS AGAINST CRIMINAL ALIENS.—

''(1) IN GENERAL.—No funds authorized to be appropriated to carry out this title may be obligated or expended to any State or unit of general local government that is a sanctuary jurisdiction.

''(2) RETURNED AMOUNTS.—

''(A) STATE.—If a State is a sanctuary jurisdiction during the period for which the State receives amounts under this title, the Secretary—

''(i) shall direct the State to immediately return to the Secretary any such amounts that have not been obligated by the State as of the date on which the State became a sanctuary jurisdiction; and

''(ii) may use any returned amounts under clause (i) to make grants to other States that are not sanctuary jurisdictions in accordance with this title.

''(B) UNIT OF GENERAL LOCAL GOVERNMENT.—If a unit of general local government is a sanctuary jurisdiction during the period for which the unit of general local government receives amounts under this title, any such amounts that have not been obligated by the unit of general local government as of the date on which the unit of general local government became a sanctuary jurisdiction—

''(i) in the case of a unit of general local government that is not in a nonentitlement area, shall be returned to the Secretary to make grants to States and other units of general local government that are not sanctuary jurisdictions in accordance with this title; and

''(ii) in the case of a unit of general local government that is in a nonentitlement area, shall be returned to the Governor of the State to make grants to other units of

general local government that are not sanctuary jurisdictions in accordance with this title.

''(o) ENFORCEMENT AGAINST FUNDING FOR SANCTUARY JURISDICTIONS.—

''(1) IN GENERAL.—The Secretary shall verify, on a quarterly basis, the determination of the Secretary of Homeland Security and the Attorney General as to whether a State or unit of general local government is a sanctuary jurisdiction and therefore ineligible to receive a grant under this title for purposes of subsections (b)(6) and (n).

''(2) NOTIFICATION.—If the Secretary verifies that a State or unit of general local government is determined to be a sanctuary jurisdiction under paragraph (1), the Secretary shall notify the State or unit of general local government that it is ineligible to receive a grant under this title.''.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall only apply with respect to community development block grants made under title I of the Housing and Community Development Act (42 U.S.C. 5301 et seq.) after the date of the enactment of this Act.

(2) ALLOCATION.—Any funds that are not allocated to a State or political subdivision of a State pursuant to paragraph (1) and the amendments made by paragraph (1) shall be allocated to States and political subdivisions of States that are not sanctuary jurisdictions.

(3) NOTIFICATION OF CONGRESS.—Not later than 5 days after a determination is made pursuant to paragraph (1) to terminate a grant or to refuse to award a grant, the Secretary of Homeland Security shall submit to the Committee on Appropriations and the Committee on the Judiciary of the Senate and the Committee on Appropriations and the Committee on the Judiciary of the House of Representatives a report that fully describes the circumstances and basis for the termination or refusal.

(4) TRANSPARENCY AND ACCOUNTABILITY.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Homeland Security and the Attorney General shall—

(A) determine the States and political subdivisions of States that are sanctuary jurisdictions;

(B) notify each such State or subdivision that it is determined to be a sanctuary jurisdiction; and

(C) publish on the website of the Department of Homeland Security and of the Department of Justice—

(i) a list of each sanctuary jurisdiction;

(ii) the total number of detainers and requests for notification of the release of any alien that has been issued or made to each State or political subdivision of a State; and

(iii) the number of such detainers and requests for notification that have been ignored or otherwise not honored, including the name of the jurisdiction in which each such detainer or request for notification was issued or made.

(5) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement officials of a State or a political subdivision of a State to provide the Secretary of Homeland Security with information related to a victim or a witness to a criminal offense.

(d) STATE AND LOCAL GOVERNMENT AND INDIVIDUAL COMPLIANCE WITH DETAINERS.—

(1) AUTHORITY TO CARRY OUT DETAINERS.—A State, a political subdivision of a State, or an officer, employee, or agent of such State or political subdivision that complies with a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(A) shall be deemed to be acting as an agent of the Department of Homeland Security; and

(B) shall have the authority available to employees of the Department of Homeland Security with regard to actions taken to comply with the detainer.

(2) LIABILITY.—In any legal proceeding brought against a State, a political subdivision of State, or an officer, employee, or agent of such State or political subdivision, which challenges the legality of the seizure or detention of an individual pursuant to a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(A) no liability shall lie against the State or political subdivision for actions taken in compliance with the detainer;

(B) if the actions of the officer, employee, or agent of the State or political subdivision were taken in compliance with the detainer—

(i) the officer, employee, or agent shall be deemed to be an employee of the Federal Government and an investigative or law enforcement officer and to have been acting within the scope of his or her employment under section 1346(b) and chapter 171 of title 28, United States Code;

(ii) section 1346(b) of title 28, United States Code, shall provide the exclusive remedy for the plaintiff; and

(iii) the United States shall be substituted as defendant in the proceeding.

(3) CONSTRUCTION.—Nothing in this section may be construed—

(A) to provide immunity to any person who knowingly violates the civil or constitutional rights of an individual; or

(B) to limit the application of the doctrine of official immunity or of qualified immunity in a civil action brought against a law enforcement officer acting pursuant to a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357).

(e) INCREASED PENALTIES FOR REENTRY OF REMOVED ALIEN.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—Subject to subsections (b) and (c), any alien who—

''(1) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and

''(2) thereafter enters, attempts to enter, or is at any time found in, the United States, unless—

''(A) prior to the alien's reembarkation at a place outside the United States or the alien's application for admission from foreign contiguous territory, the Secretary of Homeland Security has expressly consented to such alien's reapplying for admission; or

''(B) with respect to an alien previously denied admission and removed, such alien shall establish that the alien was not required to obtain such advance consent under this Act or any prior Act;

shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

''(b) CRIMINAL PENALTIES FOR REENTRY OF CERTAIN REMOVED ALIENS.—

''(1) IN GENERAL.—Notwithstanding the penalty provided in subsection (a), and except as provided in subsection (c), an alien described in subsection (a)—

''(A) who was convicted before such removal or departure of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony (other than an aggravated felony), shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(B) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Secretary of Homeland Security, enters the United States, or attempts to do so, shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence;

''(C) who was removed from the United States pursuant to section 241(a)(4)(B) who thereafter, without the permission of the Secretary of Homeland Security, enters, attempts to enter, or is at any time found in, the United States (unless the Secretary of Homeland Security has expressly consented to such alien's reentry) shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both; and

''(D) who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

''(2) REMOVAL DEFINED.—In this subsection and subsection (c), the term 'removal' includes any agreement in which an alien stipulates to removal during (or not during) a criminal trial under either Federal or State law.

''(c) MANDATORY MINIMUM CRIMINAL PENALTY FOR REENTRY OF CERTAIN REMOVED ALIENS.—Notwithstanding the penalties provided in subsections (a) and (b), an alien described in subsection (a)—

''(1) who was convicted before such removal or departure of an aggravated felony; or

''(2) who was convicted at least two times before such removal or departure of illegal reentry under this section;

shall be imprisoned not less than five years and not more than 20 years, and may, in addition, be fined under title 18, United States Code.''; and

(3) in subsection (d), as redesignated by paragraph (1)—

(A) by striking ''section 242(h)(2)'' and inserting ''section 241(a)(4)''; and

(B) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

(f) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is held invalid for any reason, the remainder of this section, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

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**SA 2915.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the appropriate place, insert the following:

**TITLE III—DEFEND OUR CAPITAL ACT**

**SEC. 301. SHORT TITLE.**

This title may be cited as the ''Defend Our Capital Act of 2015''.

**SEC. 302. RECOGNIZING THE RIGHT OF LAW-ABIDING INDIVIDUALS TO CARRY AND TRANSPORT FIREARMS FOR LEGITIMATE PURPOSES.**

(a) LICENSES TO CARRY FIREARMS.—Section 6 of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4506, D.C. Official Code), is amended to read as follows:

**"SEC. 6. ISSUE OF LICENSES TO CARRY FIREARMS.**

''(a) ISSUANCE AND SCOPE OF LICENSE.—

''(1) IN GENERAL.—The Chief shall issue a license, valid for not less than 5 years, to carry a firearm concealed on or about the person to any individual who—

''(A) is not disqualified under subsection (d); and

''(B) completes the application process specified in subsection (f).

''(2) REQUIREMENTS FOR LICENSE.—A license to carry a firearm issued under this section shall meet the requirements specified in subsection (c).

''(3) PROTECTION FROM OTHER CONDITIONS, LIMITATIONS, AND REQUIREMENTS.—The Chief may not impose conditions, limitations, or requirements that are not expressly provided for in this section on the issuance, scope, effect, or content of a license.

''(4) SCHOOL ZONES.—For purposes of section 922(q)(2)(B)(ii) of title 18, United States Code, an individual who possesses a firearm in a school zone in the District of Columbia and who is licensed under this section or is an out-of-state licensee shall be considered licensed by the District of Columbia.

''(b) CARRYING A FIREARM; POSSESSION AND DISPLAY OF LICENSE DOCUMENT OR AUTHORIZATION.—

''(1) CARRYING A FIREARM.—A licensee or an out-of-state licensee may carry a firearm anywhere in the District of Columbia except as otherwise prohibited by law or by a limitation or prohibition established pursuant to section 11 of this Act (sec. 22–4511, D.C. Official Code).

''(2) POSSESSION AND DISPLAY OF LICENSE DOCUMENT OR AUTHORIZATION.—A licensee shall carry his or her license document and government-issued photographic identification card and an out-of-state licensee shall carry his or her out-of-state license and government-issued photographic identification card at all times during which he or she is carrying a firearm in any location other than on or in real property owned or leased by the licensee or out-of-state licensee.

''(c) LICENSE DOCUMENT; CONTENT OF LICENSE.—

''(1) DESIGN OF LICENSE DOCUMENT.—Subject to paragraphs (2) and (3), the Chief shall—

''(A) design a single license document for licenses issued and renewed under this section; and

''(B) complete the design of the license document not later than 60 days after the date of enactment of the Defend Our Capital Act of 2015.

''(2) REQUIRED CONTENT OF LICENSE.—A license document for a license issued under this section shall contain all of the following on one side:

''(A) The full name, date of birth, and residence address of the licensee.

''(B) A physical description of the licensee, including sex, height, and eye color.

''(C) The date on which the license was issued.

''(D) The date on which the license expires.

''(E) The words 'District of Columbia'.

''(F) A unique identification number for the licensee.

''(3) PROHIBITED CONTENT OF LICENSE.—A license document for a license issued under this section may not contain the licensee's social security number.

''(d) RESTRICTIONS ON ISSUING A LICENSE.—The Chief shall issue a license under this section to an individual who submits an application under subsection (f) unless the individual—

''(1) is less than 21 years of age; or

''(2) is prohibited under Federal law or court order from possessing or receiving a firearm.

''(e) APPLICATION AND RENEWAL FORMS.—

''(1) DESIGN.—The Chief shall design an application form for use by individuals who apply for a license under this section and a renewal form for use by individuals applying for renewal of a license under subsection (n).

''(2) DEADLINES.—The Chief shall complete the design of—

''(A) the application form not later than 60 days after the date of enactment of the Defend Our Capital Act of 2015; and

''(B) the renewal form not later than 4 years from the date of enactment of the Defend Our Capital Act of 2015.

''(3) CONTENTS.—The forms described in this subsection shall—

''(A) require the applicant to provide only his or her name, address, date of birth, state identification card number, race, sex, height, eye color, and, if the applicant is not a United States citizen, his or her alien or admission number; and

''(B) include—

''(i) a statement that the applicant is ineligible for a license if subsection (d) applies to the applicant;

''(ii) a statement explaining the laws of self-defense and defense of others in the District of Columbia, with a place for the applicant to sign his or her name to indicate that he or she has read and understands the statement;

''(iii) a statement, with a place for the applicant to sign his or her name, to indicate that the applicant has read and understands the requirements of this section;

''(iv) a statement that the applicant may be prosecuted if he or she intentionally gives a false answer to any question on the application or intentionally submits a falsified document with the application;

''(v) a statement of the penalties for intentionally giving a false answer to any question on the application or intentionally submitting a falsified document with the application; and

''(vi) a statement describing the places in which a person may be prohibited from carrying a firearm even with a license, with a place for the applicant to sign his or her name to indicate that he or she has read and understands the statement.

''(4) AVAILABILITY OF FORMS.—The Chief shall make the forms described in this subsection available on the Internet and, upon request, by mail.

''(f) SUBMISSION OF APPLICATION.—An individual may apply to the Chief for a license under this section by submitting to the Chief, by mail or other means made available by the Chief—

''(1) a completed application in the form prescribed under subsection (e);

''(2) a statement that states that the information that the individual is providing in the application submitted under paragraph (1) and any document submitted with the application is true and complete to the best of his or her knowledge;

''(3) a license fee in an amount that is equal to the lesser of—

''(A) the cost of issuing the license; or

''(B) $50; and

''(4) a fee for a background check under subsection (h) that is not greater than $25.

''(g) PROCESSING OF APPLICATION.—

''(1) BACKGROUND CHECK.—If a person submits a complete application under subsection (f) and is not prohibited from obtaining a license under paragraph (1) or (3) of subsection (d), the Chief shall conduct a background check in accordance with subsection (h) upon receiving the application.

''(2) DEADLINE.—Not later than 14 days after the date on which the Chief receives a complete application submitted under subsection (f), the Chief shall—

''(A) except as provided in subparagraph (B), issue the license and promptly send the licensee his or her license document by first-class mail; or

''(B) if subsection (d) applies to the applicant, deny the application in accordance with paragraph (3).

''(3) DENIAL.—If the Chief denies an application submitted under subsection (f), the Chief shall inform the applicant of the denial in writing, stating the reason and factual basis for the denial and the availability of an appeal under subsections (l) and (m).

''(h) BACKGROUND CHECKS.—

''(1) IN GENERAL.—The Chief shall conduct a background check on an applicant by contacting the National Instant Criminal Background Check System to determine whether subsection (d)(2) applies to the applicant.

''(2) CONFIRMATION NUMBER.—The Chief shall create a confirmation number associated with each applicant.

''(3) RESULT.—As soon as practicable after conducting a background check under paragraph (1), the Chief shall—

''(A) if the background check indicates that subsection (d)(2) applies to the applicant, create a unique nonapproval number for the applicant; or

''(B) if the background check does not indicate that subsection (d)(2) applies to the applicant, create a unique approval number for the applicant.

''(4) RECORD.—The Chief shall maintain—

''(A) a record of all complete application forms submitted under subsection (f); and

''(B) a record of all approval or nonapproval numbers regarding background checks conducted under this subsection.

''(i) MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE CHIEF.—

''(1) MAINTENANCE OF RECORD.—

''(A) IN GENERAL.—The Chief shall maintain a computerized record listing the name and application information of each individual who has been issued a license under this section.

''(B) RESTRICTION.—Subject to paragraph (3), the Chief may not store, maintain, format, sort, or access the information described in paragraph (1) in any manner other than by—

''(i) the names, dates of birth, or sex of licensees; or

''(ii) the identification numbers assigned to licensees under subsection (h).

''(2) USE BY LAW ENFORCEMENT.—A law enforcement officer may not request or be provided information maintained in the record under paragraph (1) concerning a specific individual except for 1 of the following purposes:

''(A) To confirm that a license produced by an individual is valid.

''(B) If an individual is carrying a firearm and claims to hold a valid license issued under this section, but does not have his or her license document, to confirm that the individual holds a valid license.

''(C) To investigate whether an individual submitted an intentionally false statement.

''(D) To investigate whether an individual complied with a requirement to surrender his or her license in accordance with this section.

''(3) FREEDOM OF INFORMATION.—Notwithstanding the Freedom of Information Act of 1976 (sec. 2–531 et seq., D.C. Official Code), information obtained under this section may not be made available to the public except—

''(A) in the context of a prosecution for an offense in which a person's status as a licensee is relevant; or

''(B) through a report created by the Chief that shows the number of licenses issued, revoked, or suspended, but excludes any identifying information about individual licensees.

''(j) LOST OR DESTROYED LICENSE.—

''(1) IN GENERAL.—If a license document is lost, a licensee no longer has possession of his or her license document, or a license document is destroyed, unreadable, or unusable, a licensee who wishes to obtain a replacement license document shall submit to the Chief—

''(A) a statement requesting a replacement license document;

''(B) the license document or any portions of the license document that remain; and

''(C) a $10 replacement fee.

''(2) ISSUANCE.—Not later than 7 days after the date on which the Chief receives a statement, license document or portions thereof (if any), and fee submitted by a licensee under paragraph (1), the Chief shall issue a replacement license document to the licensee.

''(3) ABSENCE OF ORIGINAL LICENSE DOCUMENT.—If a licensee does not submit the original license document to the Chief under paragraph (1), the Chief shall terminate the unique approval number of the original request and issue a new unique approval number for the replacement license document.

''(k) LICENSE REVOCATION AND SUSPENSION.—

''(1) REVOCATION.—The Chief shall revoke a license issued under this section if the Chief determines that subsection (d) applies to the licensee.

''(2) SUSPENSION.—

''(A) IN GENERAL.—The Chief shall suspend a license issued under this section if a court prohibits the licensee from possessing a firearm.

''(B) RESTORATION.—The Chief shall restore a suspended license not later than 5 business days after the date on which the Chief is notified that the licensee is no longer subject to the prohibition described in subparagraph (A) if—

''(i) subsection (d) does not apply to the individual; and

''(ii) the suspended license has not expired under subsection (n).

''(3) PROCEDURES.—

''(A) NOTICE.—If the Chief suspends or revokes a license under this subsection, the Chief shall send by mail to the individual whose license has been suspended or revoked notice of the suspension or revocation not later than 1 day after the suspension or revocation.

''(B) EFFECTIVE DATE.—If the Chief suspends or revokes a license under this subsection, the suspension or revocation shall take effect on the date on which the individual whose license has been suspended or revoked receives the notice under subparagraph (A).

''(C) DELIVERY OF LICENSE DOCUMENT TO CHIEF.—Not later than 7 days after the date on which an individual whose license has been suspended or revoked receives the notice under subparagraph (A), the individual shall—

''(i) deliver the license document personally or by certified mail to the Chief; or

''(ii) mail a signed statement to the Chief stating—

''(I) that the individual no longer has possession of his or her license document; and

''(II) the reasons why the individual no longer has possession of the license document.

''(l) DEPARTMENTAL REVIEW.—The Chief shall promulgate rules providing for the review of any action by the Chief denying an application for, or suspending or revoking, a license under this section.

''(m) APPEALS TO THE SUPERIOR COURT.—

''(1) RIGHT TO APPEAL.—An individual aggrieved by any action by the Chief denying an application for, or suspending or revoking, a license under this section, may appeal directly to the Superior Court of the District of Columbia without regard to whether the individual has sought review under the process established under subsection (l).

''(2) COMMENCEMENT OF APPEAL.—

''(A) IN GENERAL.—To begin an appeal under this subsection, the aggrieved individual shall file a petition for review with the clerk of the Superior Court of the District of Columbia not later than 30 days after the date on which the individual receives notice of denial of an application for a license or of suspension or revocation of a license.

''(B) CONTENTS; SUPPORTING DOCUMENTS.—A petition filed under subparagraph (A)—

''(i) shall state the substance of the Chief's action from which the individual is appealing and the grounds upon which the individual believes the Chief's action to be improper; and

''(ii) may include a copy of any records or documents that are relevant to the grounds upon which the individual believes the Chief's action to be improper.

''(3) SERVICE UPON CHIEF.—A copy of a petition filed under paragraph (2) shall be served upon the Chief either personally or by registered or certified mail not later than 5 days after the date on which the individual files the petition.

''(4) ANSWER.—

''(A) IN GENERAL.—The Chief shall file an answer to a petition filed under paragraph (2) not later than 15 days after the date on which the Chief is served with the petition under paragraph (3).

''(B) CONTENTS; SUPPORTING DOCUMENTS.—An answer filed under subparagraph (A) shall include—

''(i) a brief statement of the actions taken by the Chief; and

''(ii) a copy of any documents or records on which the Chief based his or her action.

''(5) REVIEW BY COURT.—

''(A) IN GENERAL.—The court shall review the petition, the answer, and any records or documents submitted with the petition or the answer.

''(B) CONDUCT OF REVIEW.—The court shall conduct the review under this paragraph without a jury but may schedule a hearing and take testimony.

''(6) REVERSAL.—The court shall reverse the Chief's action if the court finds—

''(A) that the Chief failed to follow any procedure, or take any action, prescribed under this section;

''(B) that the Chief erroneously interpreted a provision of law and a correct interpretation compels a different action;

''(C) that the Chief's action depends on a finding of fact that is not supported by substantial evidence in the record;

''(D) if the appeal is regarding a denial, that the denial was based on factors other than the factors under subsection (d); or

''(E) if the appeal is regarding a suspension or revocation, that the suspension or revocation was based on criteria other than the criteria under subsection (k).

''(7) RELIEF.—

''(A) IN GENERAL.—The court shall provide whatever relief is appropriate regardless of the original form of the petition.

''(B) COSTS AND FEES.—If the court reverses the Chief's action, the court shall order the Chief to pay the aggrieved individual all court costs and reasonable attorney fees.

''(n) LICENSE EXPIRATION AND RENEWAL.—

''(1) PERIOD OF VALIDITY.—A license issued under this section shall be valid for the 5-year period beginning on the date on which the license is issued unless the license is suspended or revoked under subsection (k).

''(2) NOTICE OF EXPIRATION.—

''(A) FORM.—The Chief shall design a notice of expiration form.

''(B) MAILING OF NOTICE.—Not later than 90 days before the expiration date of a license issued under this section, the Chief shall mail to the licensee—

''(i) the notice of expiration form; and

''(ii) a form for renewing the license.

''(3) RENEWAL.—

''(A) IN GENERAL.—The Chief shall renew the license of a licensee if—

''(i) not later than 90 days after the expiration date of the license, the licensee submits the renewal application, statement, and fees required under subparagraph (B); and

''(ii) the background check required under subparagraph (C) indicates that subsection (d) does not apply to the licensee.

''(B) RENEWAL APPLICATION; STATEMENT; FEES.—A licensee seeking to renew his or her license shall submit to the Chief—

''(i) a renewal application on the form provided by the Chief;

''(ii) a statement reporting that—

''(I) the information provided under clause (i) is true and complete to the best of the licensee's knowledge; and

''(II) the licensee is not disqualified under subsection (d); and

''(iii) payment of—

''(I) a renewal fee in an amount that is equal to the lesser of—

''(aa) the cost of renewing the license; or

''(bb) $25; and

''(II) a fee for a background check that does not exceed $25.

''(C) BACKGROUND CHECK.—The chief shall conduct a background check of a licensee as provided under subsection (h) before renewing the licensee's license.

''(D) ISSUANCE OF RENEWAL LICENSE.—Unless a renewal applicant is ineligible under subsection (d), not later than 10 days after the date on which the Chief receives a renewal application, statement, and fees from the applicant under subparagraph (B), the Chief shall issue a renewal license and send it to the applicant by first-class mail.

''(E) MEMBERS OF THE ARMED FORCES.—Notwithstanding paragraph (1), the license of a member of the Armed Forces of the United States, including the National Guard and reserve components, who is deployed overseas while on active duty shall not expire before the date that is 90 days after the end of the licensee's overseas deployment unless the license is suspended or revoked under subsection (k).

''(o) RECIPROCITY AGREEMENTS.—The Chief shall enter into reciprocity agreements with each other state that requires such an agreement to grant recognition to a license to carry a concealed firearm issued by another state.

''(p) IMMUNITY.—

''(1) IN GENERAL.—The Chief and any designee or employee who carries out the provisions of this section shall be immune from liability arising from any act or omission under this section, if the act or omission is in good faith.

''(2) PROVIDERS OF TRAINING COURSES.—A person providing a firearms training course in good faith shall be immune from liability arising from any act or omission related to the course.''.

(b) AUTHORITY TO CARRY FIREARM IN CERTAIN PLACES AND FOR CERTAIN PURPOSES; LAWFUL TRANSPORTATION OF FIREARMS.—The Act of July 8, 1932 (sec. 22–4501 et seq., D.C. Official Code), is amended by inserting after section 4 the following:

**''SEC. 4A. AUTHORITY TO CARRY FIREARM IN CERTAIN PLACES AND FOR CERTAIN PURPOSES.**

''Notwithstanding any other law, a person not otherwise prohibited by law from shipping, transporting, possessing, or receiving a firearm may carry such firearm, whether loaded or unloaded—

''(1) in the person's dwelling house or place of business or on land owned or lawfully possessed by the person;

''(2) on land owned or lawfully possessed by another person unless the other person has notified the person by posting or individual notice that firearms are not permitted on the premises;

''(3) while it is being used for lawful recreational, sporting, educational, or training purposes; or

''(4) while it is being transported for a lawful purpose as expressly authorized by District or Federal law and in accordance with the requirements of that law.

**''SEC. 4B. LAWFUL TRANSPORTATION OF FIREARMS.**

''(a) Any person who is not otherwise prohibited by law from shipping, transporting, possessing, or receiving a firearm shall be permitted to transport a firearm for any lawful purpose from any place where he may lawfully possess the firearm to any other place where he may lawfully possess the firearm if the firearm is transported in accordance with this section.

''(b)(1) If the transportation of the firearm is by a vehicle, the firearm shall be unloaded, and neither the firearm nor any ammunition being transported shall be readily accessible or directly accessible from the passenger compartment of the transporting vehicle.

''(2) If the transporting vehicle does not have a compartment separate from the driver's compartment, the firearm or ammunition shall be contained in a locked container other than the glove compartment or console, and the firearm shall be unloaded.

''(c) If the transportation of the firearm is in a manner other than in a vehicle, the firearm shall be—

''(1) unloaded;

''(2) inside a locked container; and

''(3) separate from any ammunition.''.

(c) EXCEPTIONS TO RESTRICTIONS ON CARRYING CONCEALED WEAPONS.—Section 5(a) of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4505(a), D.C. Official Code), is amended—

(1) by striking ''pistol unloaded and in a secure wrapper from'' and inserting ''firearm, transported in accordance with section 4B, from'';

(2) by striking ''pistol'' each place it appears and inserting ''firearm''; and

(3) by adding at the end the following:

''(7) Any person carrying a firearm who holds—

''(A) a valid license issued under section 6; or

''(B) any out-of-state license, as defined in section 1.''.

**SEC. 303. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.**

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

**''§ 926D. Reciprocity for the carrying of certain concealed firearms**

''(a) IN GENERAL.—Notwithstanding any provision of the law of any State or political subdivision thereof to the contrary—

''(1) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law of a State and which permits the individual to carry a concealed firearm, may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

''(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

''(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes; and

''(2) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and is entitled and not prohibited from carrying a concealed firearm in the State in which the individual resides otherwise than as described in paragraph (1), may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

''(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

''(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

''(b) CONDITIONS AND LIMITATIONS.—The possession or carrying of a concealed handgun in a State under this section shall be subject to the same conditions and limitations, except as to eligibility to possess or carry, imposed by or under Federal or State law or the law of a political subdivision of a State, that apply to the possession or carrying of a concealed handgun by residents of the State or political subdivision who are licensed by the State or political subdivision to do so, or not prohibited by the State from doing so.

''(c) UNRESTRICTED LICENSE OR PERMIT.—In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, an individual carrying a concealed handgun under this section shall be permitted to carry a concealed handgun according to the same terms authorized by an unrestricted license of or permit issued to a resident of the State.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926C the following:

''Sec. 926D. Reciprocity for the carrying of certain concealed firearms.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

**SEC. 304. FIREARMS PERMITTED ON DEPARTMENT OF DEFENSE PROPERTY.**

Section 930(g)(1) of title 18, United States Code, is amended—

(1) by striking ''The term 'Federal facility' means'' and inserting the following: ''The term 'Federal facility'—

''(A) means'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(B) with respect to a qualified member of the Armed Forces, as defined in section 926E(a), does not include any land, a building, or any part thereof owned or leased by the Department of Defense.''.

**SEC. 305. LAWFUL POSSESSION OF FIREARMS ON MILITARY INSTALLATIONS BY MEMBERS OF THE ARMED FORCES.**

(a) MODIFICATION OF GENERAL ARTICLE.—Section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Though not specifically mentioned''; and

(2) by adding at the end the following new subsection:

''(b) POSSESSION OF A FIREARM.—The possession of a concealed or open carry firearm by a member of the armed forces subject to this chapter on a military installation, if lawful under the laws of the State in which the installation is located, is not an offense under this section.''.

(b) MODIFICATION OF REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall amend Department of Defense Directive number 5210.56 to provide that members of the Armed Forces may possess firearms for defensive purposes on facilities and installations of the Department of Defense in a manner consistent with the laws of the State in which the facility or installation concerned is located.

**SEC. 306. CARRYING OF CONCEALED FIREARMS BY QUALIFIED MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, as amended by this title, is amended by inserting after section 926D the following:

**''§ 926E. Carrying of concealed firearms by qualified members of the Armed Forces**

''(a) DEFINITIONS.—As used in this section—

''(1) the term 'firearm'—

''(A) except as provided in this paragraph, has the same meaning as in section 921;

''(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

''(C) does not include—

''(i) any machinegun (as defined in section 5845 of the National Firearms Act);

''(ii) any firearm silencer; or

''(iii) any destructive device; and

''(2) the term 'qualified member of the Armed Forces' means an individual who—

''(A) is a member of the Armed Forces on active duty status, as defined in section 101(d)(1) of title 10;

''(B) is not the subject of disciplinary action under the Uniform Code of Military Justice;

''(C) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

''(D) is not prohibited by Federal law from receiving a firearm.

''(b) AUTHORIZATION.—Notwithstanding any provision of the law of any State or any political subdivision thereof, an individual who is a qualified member of the Armed Forces and who is carry identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (c).

''(c) LIMITATIONS.—This section shall not be construed to superseded or limit the laws of any State that—

''(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

''(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

''(d) IDENTIFICATION.—The identification required by this subsection is the photographic identification issued by the Department of Defense for the qualified member of the Armed Forces.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, as amended by this title, is amended by inserting after the item relating to section 926D the following:

''926E. Carrying of concealed firearms by qualified members of the Armed Forces.''.

**SEC. 307. REFORMING D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.**

Section 4 of the Act entitled ''An Act to prohibit the killing of wild birds and wild animals in the District of Columbia'' , approved June 30, 1906 (34 Stat. 809; sec. 1–303.43, D.C. Official Code), is amended by adding at the end the following: ''Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, carrying, transporting, or using for sporting, self-protection, or other lawful purposes, any firearm neither prohibited by Federal law nor subject to chapter 53 of the Internal Revenue Code of 1986 (commonly referred to as the 'National Firearms Act'). The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms for legitimate purposes.''.

**SEC. __308. REPEAL OF D.C. SEMIAUTOMATIC BAN.**

Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is amended to read as follows:

''(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term 'machine gun' shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a firearm into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.''.

**SEC. 309. REPEAL OF REGISTRATION REQUIREMENT AND AUTHORIZATION OF AMMUNITION SALES.**

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking ''any firearm, unless'' and all that follows through paragraph (3) and inserting the following: ''any firearm described in subsection (c).''.

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01, D.C. Official Code) is amended by adding at the end the following:

''(c) A firearm described in this subsection is any of the following:

''(1) A sawed-off shotgun.

''(2) A machine gun.

''(3) A short-barreled rifle.''.

(3) CONFORMING AMENDMENT.—The heading of section 201 of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01, D.C. Official Code) is amended by striking ''**REGISTRATION REQUIREMENTS**'' and inserting ''**FIREARM POSSESSION**''.

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended—

(1) in section 101 (sec. 7–2501.01, D.C. Official Code), by striking paragraph (13); and

(2) by repealing sections 202 through 211 (secs. 7–2502.02 through 7–2502.11, D.C. Official Code).

**SEC. 310. REPEAL OF REDUNDANT DEALER LICENSING REQUIREMENT AND PROVISION FOR THE LAWFUL SALE OF FIREARMS BY FEDERALLY LICENSED DEALERS.**

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 401 of the Firearms Control Regulations Act of 1975 (sec. 7–2504.01, D.C. Official Code) is amended by striking ''(a) No person'' and all that follows and inserting the following:

''(a) No person or organization shall engage in the business of dealing, importing, or manufacturing firearms without complying with the requirements of Federal law.

''(b) Any dealer who is in compliance with Federal law may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal law. In the case of a sale or transfer of a handgun to a resident of the District of Columbia, a federally licensed importer, manufacturer, or dealer of firearms in Maryland or Virginia shall be treated as a dealer licensed under the provisions of this Act for purposes of the previous sentence, notwithstanding section 922(b)(3) of title 18, United States Code, if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both the District of Columbia and the jurisdiction in which the transfer occurs.''.

(2) PROVIDING FOR THE LAWFUL SALE OF FIREARMS.—Section 501 of the Firearms Control Regulations Act of 1975 (sec. 7–2505.01, D.C. Official Code) is amended by striking '', destructive device or ammunition'' and all that follows and inserting the following: ''or ammunition to any person if the seller or transferor knows or has reasonable cause to believe that such person is prohibited by Federal law from possessing or receiving a firearm.''.

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended—

(1) by repealing sections 402 through 409 (secs. 7–2504.02 through 7–2504.09, D.C. Official Code);

(2) by repealing section 502 (sec. 7–2505.02, D.C. Official Code);

(3) in section 701 (sec. 7–2507.01, D.C. Official Code)—

(A) in subsection (a), by striking ''firearm, destructive device, or ammunition'' and inserting ''destructive device''; and

(B) in subsection (b), by striking '', any firearm, destructive device, or ammunition.'' and inserting ''any destructive device.''; and

(4) by repealing section 704 (sec. 7–2507.04, D.C. Official Code).

(c) OTHER CONFORMING AMENDMENTS.—The Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4501 et seq., D.C. Official Code), is amended—

(1) in section 3 (sec. 22–4503, D.C. Official Code)—

(A) in subsection (a), by striking ''if the person'' and all that follows and inserting ''if the person is prohibited from possessing a firearm under Federal law.'';

(B) in subsection (b)(1), by striking ''subsection (a)(1)'' and inserting ''subsection (a)''; and

(C) by repealing subsections (c) and (d); and

(2) by repealing sections 7 through 10 (secs. 22–4507 through 22–4510, D.C. Official Code).

**SEC. 311. HARMONIZATION OF D.C. LAW AND FEDERAL LAW REGARDING THE POSSESSION OF AMMUNITION AND AMMUNITION FEEDING DEVICES.**

Section 601 of the Firearms Control Regulations Act of 1975 (sec. 7–2506.01, D.C. Official Code) is amended by striking ''(a) No person'' and all that follows and inserting the following: ''No person who is prohibited by Federal law from possessing a firearm shall possess ammunition in the District of Columbia.''.

**SEC. 312. RESTORATION OF RIGHT OF SELF DEFENSE IN THE HOME.**

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

**SEC. __313. REMOVAL OF CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS AND CERTAIN AMMUNITION.**

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.06, D.C. Official Code) is amended—

(1) by striking ''except that'' and all that follows through ''A person who knowingly'' and inserting the following: ''except that a person who knowingly''; and

(2) by striking paragraphs (2) and (3).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any violation that occurs after the date that is 60 days after the date of enactment of this Act.

**SEC. 314. REGULATING INOPERABLE PISTOLS AND HARMONIZING DEFINITIONS FOR CERTAIN TYPES OF FIREARMS.**

Section 1 of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4501, D.C. Official Code), is amended—

(1) by redesignating paragraph (1) as paragraph (1)(A);

(2) by inserting before paragraph (1)(A), as redesignated, the following:

''(1) 'Chief' shall have the same meaning as provided in section 101(4) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(4), D.C. Official Code).'';

(3) by inserting after paragraph (2) the following:

''(2A) 'Firearm'—

''(A) means any weapon, regardless of operability, which will, or is designed or redesigned, made or remade, readily converted, restored, or repaired, or is intended to, expel a projectile or projectiles by the action of an explosive; and

''(B) does not include—

''(i) a destructive device, as defined in section 101(7) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(7), D.C. Official Code);

''(ii) a device used exclusively for line throwing, signaling, or safety, and required or recommended by the Coast Guard or Interstate Commerce Commission; or

''(iii) a device used exclusively for firing explosive rivets, stud cartridges, or similar industrial ammunition and incapable for use as a weapon.'';

(4) by inserting after paragraph (3) the following:

''(3A) 'Licensee' means an individual holding a valid license issued under the provisions of section 6 of the Act of July 8, 1932 (sec. 22–4506, D.C. Official Code).'';

(5) by striking paragraph (4) and inserting the following:

''(4) 'Machine gun' shall have the same meaning as provided in section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code).'';

(6) by inserting after paragraph (4) the following:

''(4A) 'Motor vehicle' shall have the meaning provided in section 101(4) of the Department of Motor Vehicles Reform Amendment Act of 2004 (sec. 50–1331.01(4), D.C. Official Code).

''(4B) 'Out-of-state license' means a valid permit, license, approval, or other authorization issued by a state or territory of the United States that authorizes the licensee to carry a firearm concealed on or about the person.

''(4C) 'Out-of-state licensee' means an individual who is 21 years of age or over, who is not a District resident, and who has been issued an out-of-state license.'';

(7) by striking paragraph (6) and inserting the following:

''(6) 'Pistol' shall have the same meaning as provided in section 101(12) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(12), D.C. Official Code).'';

(8) by inserting after paragraph (6) the following:

''(6A) 'Place of business' shall have the same meaning as provided in section 101(12A) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(12A), D.C. Official Code).'';

(9) by striking paragraph (8) and inserting the following:

''(8) 'Sawed-off shotgun' shall have the same meaning as provided in section 101(15) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(15), D.C. Official Code).''; and

(10) by inserting after paragraph (9) the following:

''(9A) 'Shotgun' shall have the same meaning as provided in section 101(16) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(16), D.C. Official Code).''.

**SEC. 315. PROHIBITIONS OF FIREARMS FROM PRIVATE AND SENSITIVE PUBLIC PROPERTY.**

The Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4501 et seq., D.C. Official Code), is amended by inserting after section 3 the following:

**''SEC. 3A. PROHIBITIONS OF FIREARMS FROM PRIVATE AND SENSITIVE PUBLIC PROPERTY.**

''(a) Private persons or entities owning property in the District of Columbia may prohibit or restrict the possession of firearms on their property by any persons, other than law enforcement personnel when lawfully authorized to enter onto the property or lessees occupying residential or business premises.

''(b) The District of Columbia may prohibit or restrict the possession of firearms within any building or structure under its control, or in any area of such building or structure, that has implemented security measures (including guard posts, metal detection devices, x-ray or other scanning devices, or card-based or biometric access devices) to identify and exclude unauthorized or hazardous persons or articles, except that no such prohibition or restriction may apply to lessees occupying residential or business premises.''.

**SEC. 316. INCLUDING TOY AND ANTIQUE PISTOLS IN PROHIBITION AGAINST USING AN IMITATION FIREARM TO COMMIT A VIOLENT OR DANGEROUS CRIME.**

Section 13 of the Act of July 8, 1932 (sec. 22–4513, D.C. Official Code), is amended by striking ''section 2 and section 14(b)'' and inserting ''sections 2, 4(b), and 14(b)''.

**SEC. 317. REPEAL OF GUN OFFENDER REGISTRY.**

Title VIII of the Firearms Control Regulations Act of 1975 (sec. 7–2508.01 et seq., D.C. Official Code), as added by section 205 of the Omnibus Public Safety and Justice Amendment Act of 2009 (D.C. Law 18–88), is repealed.

**SEC. 318. REPEALS OF DISTRICT OF COLUMBIA ACTS.**

Effective on the day before the date of the enactment of this Act, each of the following Acts is repealed, and any provision of law amended or repealed by any of such Acts is restored or revived as if such Act had not been enacted into law:

(1) The Assault Weapon Manufacturing Strict Liability Act of 1990 (D.C. Law 8–263).

(2) The Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (D.C. Law 9–115).

(3) The Firearms Registration Amendment Act of 2008 (D.C. Law 17–372).

(4) The Inoperable Pistol Amendment Act of 2008 (D.C. Law 17–388).

(5) The Firearms Amendment Act of 2012 (D.C. Law 19–170).

(6) The Administrative Disposition for Weapons Offenses Amendment Act of 2012 (D.C. Law 19–295).

(7) The License to Carry a Pistol Second Emergency Amendment Act of 2014 (D.C. Act A20–0564).

(8) The License to Carry a Pistol Temporary Amendment Act of 2014 (D.C. Law 20–169).

(9) The License to Carry a Pistol Amendment Act of 2014 (D.C. Act A20–0621).

**SEC. 319. REPEAL OF FEDERAL INTERSTATE HANDGUN TRANSFER BAN.**

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking ''and subsection (b)(3)'';

(B) by striking paragraphs (3) and (5);

(C) by redesignating paragraph (4) as paragraph (3);

(D) by redesignating paragraphs (6) through (9) as paragraphs (4) through (7), respectively; and

(E) in paragraph (6), as redesignated, by adding ''and'' at the end; and

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4); and

(C) in the flush text following paragraph (4), as redesignated—

(i) by striking ''(3), and (4)'' and inserting ''and (3)''; and

(ii) by striking ''(4)'' and inserting ''(3)''.

(b) CONFORMING AMENDMENTS.—

(1) Title 18, United States Code, is amended—

(A) in section 924—

(i) in subsection (a)—

(I) in paragraph (1)(B), by striking ''(a)(4)'' and inserting ''(a)(3)''; and

(II) in paragraph (2), by striking ''(a)(6)'' and inserting ''(a)(4)''; and

(ii) in subsection (d)—

(I) in paragraph (1), by striking ''(a)(4), (a)(6)'' and inserting ''(a)(3), (a)(4)''; and

(II) in paragraph (3)(C), by striking ''section 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3)'' each place that term appears and inserting ''section 922(a)(1)''; and

(B) in section 1028A(c)(3), by striking ''section 922(a)(6)'' and inserting ''section 922(a)(4)''.

(2) Section 4182(d) of the Internal Revenue Code of 1986 is amended by striking ''922(b)(5)'' and inserting ''922(b)(4)''.

(3) Section 40733 of title 36, United States Code, is amended by striking ''Section 922(a)(1)–(3) and (5) of title 18 does not'' and inserting ''Paragraphs (1), (2), and (4) of section 922(a) of title 18 shall not''.

(4) Section 161A(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2201a(b)) is amended by striking ''subsections (a)(4), (a)(5), (b)(2), (b)(4), and (o) of section 922'' and inserting ''subsections (a)(3), (b)(2), (b)(3), and (o) of section 922''.

**SEC. 320. FIREARMS PERMITTED ON FEDERAL PROPERTY.**

Section 930 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking ''or'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(4) the lawful storage or possession of a firearm or other dangerous weapon within a publically accessible, non-sensitive area of real property owned or leased by the Federal Government.''; and

(2) in subsection (g), by adding at the end the following:

''(4) The term 'publically accessible, non-sensitive area' means an area in which the Federal Government has not implemented security measures, including metal detection devices, x-ray or other scanning devices, or card-based or biometric access devices, at a point of entry.''.

**SEC. 321. SEVERABILITY.**

Notwithstanding any other provision of this title, if any provision of this title, or any amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the other provisions of this title and any other amendments made by this title, and the application of such provision or amendment to other persons or circumstances, shall not be affected thereby.

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**SA 2916.** Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

Strike all after the first word and insert the following:

**I—HEALTH, EDUCATION, LABOR, AND PENSIONS**

**SEC. 101. THE PREVENTION AND PUBLIC HEALTH FUND.**

(a) IN GENERAL.—Subsection (b) of section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended—

(1) in paragraph (2), by striking ''2017'' and inserting ''2015''; and

(2) by striking paragraphs (3) through (5).

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds made available by such section 4002, the unobligated balance is rescinded.

**SEC. 102. COMMUNITY HEALTH CENTER PROGRAM.**

Effective as if included in the enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10, 129 Stat. 87), paragraph (1) of section 221(a) of such Act is amended by inserting after ''Section 10503(b)(1)(E) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(E)) is amended'' the following: ''by striking '$3,600,000,000' and inserting '$3,835,000,000' and''.

**SEC. 104. TERRITORIES.**

Section 1323(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)) is amended by adding at the end the following:

''(3) NO FORCE AND EFFECT.—Effective January 1, 2018, this subsection shall have no force or effect.''.

**SEC. 105. REINSURANCE, RISK CORRIDOR, AND RISK ADJUSTMENT PROGRAMS.**

(a) TRANSITIONAL REINSURANCE PROGRAM FOR INDIVIDUAL MARKET.—Section 1341 of the Patient Protection and Affordable Care Act (42 U.S.C. 18061) is amended by adding at the end the following:

''(e) NO FORCE AND EFFECT.—Effective January 1, 2016, the Secretary shall not collect fees and shall not make payments under this section.''.

(b) RISK CORRIDORS FOR PLANS IN INDIVIDUAL AND SMALL GROUP MARKETS.—Section 1342 of the Patient Protection and Affordable Care Act (42 U.S.C. 18062) is amended by adding at the end the following:

''(d) NO FORCE AND EFFECT.—Effective January 1, 2016, this section shall have no force or effect.''.

**SEC. 106. SUPPORT FOR STATE RESPONSE TO SUBSTANCE ABUSE PUBLIC HEALTH CRISIS AND URGENT MENTAL HEALTH NEEDS.**

(a) IN GENERAL.—There are authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, $750,000,000 for each of fiscal years 2016 and 2017, to the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') to award grants to States to address the substance abuse public health crisis or to respond to urgent mental health needs within the State. In awarding grants under this section, the Secretary may give preference to States with an incidence or prevalence of substance use disorders that is substantial relative to other States or to States that identify mental health needs within their communities that are urgent relative to such needs of other States. Funds appropriated under this subsection shall remain available until expended.

(b) USE OF FUNDS.—Grants awarded to a State under subsection (a) shall be used for one or more of the following public health-related activities:

(1) Improving State prescription drug monitoring programs.

(2) Implementing prevention activities, and evaluating such activities to identify effective strategies to prevent substance abuse.

(3) Training for health care practitioners, such as best practices for prescribing opioids, pain management, recognizing potential cases of substance abuse, referral of patients to treatment programs, and overdose prevention.

(4) Supporting access to health care services provided by federally certified opioid treatment programs or other appropriate health care providers to treat substance use disorders or mental health needs.

(5) Other public health-related activities, as the State determines appropriate, related to addressing the substance abuse public health crisis or responding to urgent mental health needs within the State.

## TITLE II—FINANCE

**SEC. 201. RECAPTURE EXCESS ADVANCE PAYMENTS OF PREMIUM TAX CREDITS.**

Subparagraph (B) of section 36B(f)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

''(iii) NONAPPLICABILITY OF LIMITATION.—This subparagraph shall not apply to taxable years ending after December 31, 2015, and before January 1, 2018.''.

**SEC. 202. PREMIUM TAX CREDIT AND COST-SHARING SUBSIDIES.**

(a) REPEAL OF PREMIUM TAX CREDIT.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking section 36B.

(b) REPEAL OF COST-SHARING SUBSIDY.—Section 1402 of the Patient Protection and Affordable Care Act is repealed.

(c) REPEAL OF ELIGIBILITY DETERMINATIONS.—The following sections of the Patient Protection and Affordable Care Act are repealed:

(1) Section 1411 (other than subsection (i), the last sentence of subsection (e)(4)(A)(ii), and such provisions of such section solely to the extent related to the application of the last sentence of subsection (e)(4)(A)(ii)).

(2) Section 1412.

(d) PROTECTING AMERICANS BY REPEAL OF DISCLOSURE AUTHORITY TO CARRY OUT ELIGIBILITY REQUIREMENTS FOR CERTAIN PROGRAMS.—

(1) IN GENERAL.—Paragraph (21) of section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) TERMINATION.—No disclosure may be made under this paragraph after December 31, 2017.''.

(e) EFFECTIVE DATES.—

(1) PREMIUM TAX CREDIT.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2017.

(2) COST SHARING-SUBSIDIES AND ELIGIBILITY DETERMINATIONS.—The repeals in subsection (b) and (c) shall take effect on December 31, 2017.

(3) PROTECTING AMERICANS BY RESCINDING DISCLOSURE AUTHORITY.—The amendments made by subsection (d) shall take effect on December 31, 2017.

**SEC. 203. SMALL BUSINESS TAX CREDIT.**

(a) IN GENERAL.—Section 45R of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) SHALL NOT APPLY.—This section shall not apply with respect to amounts paid or incurred in taxable years beginning after December 31, 2017.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2017.

**SEC. 204. INDIVIDUAL MANDATE.**

(a) IN GENERAL.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(B) by striking clauses (ii) and (iii) and inserting the following:

''(ii) Zero percent for taxable years beginning after 2014.'', and

(2) in paragraph (3)—

(A) by striking ''$695'' in subparagraph (A) and inserting ''$0'',

(B) by striking ''and $325 for 2015'' in subparagraph (B), and

(C) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2014.

**SEC. 205. EMPLOYER MANDATE.**

(a) IN GENERAL.—

(1) Paragraph (1) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2014)'' after ''$2,000''.

(2) Paragraph (1) of section 4980H(b) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2014)'' after ''$3,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2014.

**SEC. 206. FEDERAL PAYMENTS TO STATES.**

(a) IN GENERAL.—Notwithstanding section 504(a), 1902(a)(23), 1903(a), 2002, 2005(a)(4), 2102(a)(7), or 2105(a)(1) of the Social Security Act (42 U.S.C. 704(a), 1396a(a)(23), 1396b(a), 1397a, 1397d(a)(4), 1397bb(a)(7), 1397ee(a)(1)), or the terms of any Medicaid waiver in effect on the date of enactment of this Act that is approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for the 1-year period beginning on the date of enactment of this Act, no Federal funds provided from a program referred to in this subsection that is considered direct spending for any year may be made available to a State for payments to a prohibited entity, whether made directly to the prohibited entity or through a managed care organization under contract with the State.

(b) DEFINITIONS.—In this section:

(1) PROHIBITED ENTITY.—The term ''prohibited entity'' means an entity, including its affiliates, subsidiaries, successors, and clinics—

(A) that, as of the date of enactment of this Act—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and

(iii) provides for abortions, other than an abortion—

(I) if the pregnancy is the result of an act of rape or incest; or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

(B) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act in fiscal year 2014 made directly to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity, or made to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as part of a nationwide health care provider network, exceeded $350,000,000.

(2) DIRECT SPENDING.—The term ''direct spending'' has the meaning given that term under section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

**SEC. 207. MEDICAID.**

The Social Security Act (42 U.S.C. 301 et seq.) is amended—

(1) in section 1108(g)(5), by striking ''2019'' and inserting ''2017'';

(2) in section 1902—

(A) in subsection (a)(10)(A), in each of clauses (i)(VIII) and (ii)(XX), by inserting ''and ending December 31, 2017,'' after ''January 1, 2014,'';

(B) in subsection (a)(47)(B), by inserting ''and provided that any such election shall cease to be effective on January 1, 2018, and no such election shall be made after that date'' before the semicolon at the end; and

(C) in subsection (l)(2)(C), by inserting ''and ending December 31, 2017,'' after ''January 1, 2014,'';

(3) in each of sections 1902(gg)(2) and 2105(d)(3)(A), by striking ''September 30, 2019'' and inserting ''September 30, 2017'';

(4) in section 1905—

(A) in the first sentence of subsection (b), by inserting ''(50 percent on or after January 1, 2018)'' after ''55 percent'';

(B) in subsection (y)(1), by striking the semicolon at the end of subparagraph (B) and all that follows through ''thereafter''; and

(C) in subsection (z)(2)—

(i) in subparagraph (A), by striking ''each year thereafter'' and inserting ''through 2017''; and

(ii) in subparagraph (B)(ii), by striking the semicolon at the end of subclause (IV) and all that follows through ''100 percent'';

(5) in section 1915(k)(2), by striking ''during the period described in paragraph (1)'' and inserting ''on or after the date referred to in paragraph (1) and before January 1, 2018'';

(6) in section 1920(e), by adding at the end the following: ''This subsection shall not apply after December 31, 2017.'';

(7) in section 1937(b)(5), by adding at the end the following: ''This paragraph shall not apply after December 31, 2017.''; and

(8) in section 1943(a), by inserting ''and before January 1, 2018,'' after ''January 1, 2014,''.

**SEC. 208. REPEAL OF DSH ALLOTMENT REDUCTIONS.**

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) is amended by striking paragraphs (7) and (8).

**SEC. 209. REPEAL OF THE TAX ON EMPLOYEE HEALTH INSURANCE PREMIUMS AND HEALTH PLAN BENEFITS.**

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 is amended by striking section 4980I.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2017.

(c) SUBSEQUENT EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply to taxable years beginning after December 31, 2024, and chapter 43 of the Internal Revenue Code of 1986 is amended to read as such chapter would read if such subsection had never been enacted.

**SEC. 210. REPEAL OF TAX ON OVER-THE-COUNTER MEDICATIONS.**

(a) HSAs.—Subparagraph (A) of section 223(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''Such term'' and all that follows through the period.

(b) ARCHER MSAs.—Subparagraph (A) of section 220(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''Such term'' and all that follows through the period.

(c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of the Internal Revenue Code of 1986 is amended by striking subsection (f).

(d) EFFECTIVE DATES.—

(1) DISTRIBUTIONS FROM SAVINGS ACCOUNTS.—The amendments made by subsections (a) and (b) shall apply to amounts paid with respect to taxable years beginning after December 31, 2015.

(2) REIMBURSEMENTS.—The amendment made by subsection (c) shall apply to expenses incurred with respect to taxable years beginning after December 31, 2015.

**SEC. 211. REPEAL OF TAX ON HEALTH SAVINGS ACCOUNTS.**

(a) HSAs.—Section 223(f)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''20 percent'' and inserting ''10 percent''.

(b) ARCHER MSAs.—Section 220(f)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''20 percent'' and inserting ''15 percent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2015.

**SEC. 212. REPEAL OF LIMITATIONS ON CONTRIBUTIONS TO FLEXIBLE SPENDING ACCOUNTS.**

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 is amended by striking subsection (i).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. 213. REPEAL OF TAX ON PRESCRIPTION MEDICATIONS.**

Subsection (j) of section 9008 of the Patient Protection and Affordable Care Act is amended to read as follows:

''(j) REPEAL.—This section shall apply to calendar years beginning after December 31, 2010, and ending before January 1, 2016.''.

**SEC. 214. REPEAL OF MEDICAL DEVICE EXCISE TAX.**

(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after December 31, 2015.

**SEC. 215. REPEAL OF HEALTH INSURANCE TAX.**

Subsection (j) of section 9010 of the Patient Protection and Affordable Care Act is amended to read as follows:

''(j) REPEAL.—This section shall apply to calendar years beginning after December 31, 2013, and ending before January 1, 2016.''.

**SEC. 216. REPEAL OF ELIMINATION OF DEDUCTION FOR EXPENSES ALLOCABLE TO MEDICARE PART D SUBSIDY.**

(a) IN GENERAL.—Section 139A of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This section shall not be taken into account for purposes of determining whether any deduction is allowable with respect to any cost taken into account in determining such payment.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. 217. REPEAL OF CHRONIC CARE TAX.**

(a) IN GENERAL.—Subsection (a) of section 213 of the Internal Revenue Code of 1986 is amended by striking ''10 percent'' and inserting ''7.5 percent''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. 218. REPEAL OF MEDICARE TAX INCREASE.**

(a) IN GENERAL.—Subsection (b) of section 3101 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) HOSPITAL INSURANCE.—In addition to the tax imposed by the preceding subsection, there is hereby imposed on the income of every individual a tax equal to 1.45 percent of the wages (as defined in section 3121(a)) received by such individual with respect to employment (as defined in section 3121(b).''.

(b) SECA.—Subsection (b) of section 1401 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) HOSPITAL INSURANCE.—In addition to the tax imposed by the preceding subsection, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax equal to 2.9 percent of the amount of the self-employment income for such taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to remuneration received after, and taxable years beginning after, December 31, 2015.

**SEC. 219. REPEAL OF TANNING TAX.**

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by striking chapter 49.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to services performed on or after December 31, 2015.

**SEC. 220. REPEAL OF NET INVESTMENT TAX.**

(a) IN GENERAL.—Subtitle A of the Internal Revenue Code of 1986 is amended by striking chapter 2A.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. 221. REMUNERATION.**

Paragraph (6) of section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) TERMINATION.—This paragraph shall not apply to taxable years beginning after December 31, 2015.''.

**SEC. 222. ECONOMIC SUBSTANCE DOCTRINE.**

(a) IN GENERAL.—Subsection (o) of section 7701 of the Internal Revenue Code of 1986 is repealed.

(b) PENALTY FOR UNDERPAYMENTS.—Paragraph (6) of section 6662(b) of the Internal Revenue Code of 1986 is repealed.

(c) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Subsection (i) of section 6662 of the Internal Revenue Code of 1986 is repealed.

(d) REASONABLE CAUSE EXCEPTION FOR UNDERPAYMENTS.—Paragraph (2) of section 6664(c) of the Internal Revenue Code of 1986 is repealed.

(e) REASONABLE CAUSE EXCEPTION FOR NONDISCLOSED TRANSACTIONS.—Paragraph (2) of section 6664(d) of the Internal Revenue Code of 1986 is repealed.

(f) ERRONEOUS CLAIM FOR REFUND OR CREDIT.—Subsection (c) of section 6676 of the Internal Revenue Code of 1986 is repealed.

(g) EFFECTIVE DATE.—The repeals made by this section shall apply to transactions entered into, and to underpayments, understatements, or refunds and credits attributable to transactions entered into, after December 31, 2015.

**SEC. 223. BUDGETARY SAVINGS FOR EXTENDING MEDICARE SOLVENCY.**

As a result of policies contained in this Act, the Secretary of the Treasury shall transfer to the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) $379,300,000,000 (which represents the full amount of on-budget savings during the period of fiscal years 2016 through 2025) for extending Medicare solvency, to remain available until expended.

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**SA 2917.** Mr. REID submitted an amendment intended to be proposed to amendment SA 2916 submitted by Mr. MCCONNELL to the amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

In section 209, strike subsection (c).

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**SA 2918.** Mr. MURPHY (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2916 submitted by Mr. MCCONNELL to the amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the end of section 202, add the following:

(f) NONAPPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall not take effect if such amendments would result in an increase of Federal tax liability of any individual described in paragraph (2).

(2) INDIVIDUALS DESCRIBED.—The individuals described in this paragraph are the following:

(A) Individuals who are victims of violent crime, including domestic violence.

(B) Individuals who are victims of cancer, heart disease, Alzheimer's disease, hepatitis C, HIV/AIDS , or other deadly diseases.

(C) Individuals who are veterans, including disabled veterans.

(D) Individuals who lost their health insurance when they lost their jobs, including those who lost their job because their employer moved their job overseas.

(E) Individuals who are survivors of cancer, strokes, or other chronic diseases.

(F) Pregnant women.

**SEC. 202A. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.**

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

**''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS**

''Sec. 59A. Fair share tax.

**''SEC. 59A. FAIR SHARE TAX.**

''(a) GENERAL RULE.—

''(1) IMPOSITITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

''(A) the amount determined under paragraph (2), and

''(B) a fraction (not to exceed 1)—

''(i) the numerator of which is the excess of—

''(I) the taxpayer's adjusted gross income, over

''(II) the dollar amount in effect under subsection (c)(1), and

''(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

''(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

''(A) the tentative fair share tax for the taxable year, over

''(B) the excess of—

''(i) the sum of—

''(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

''(II) the tax imposed by section 55 for the taxable year, plus

''(III) the payroll tax for the taxable year, over

''(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

''(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

''(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

''(A) the adjusted gross income of the taxpayer, over

''(B) the modified charitable contribution deduction for the taxable year.

''(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

''(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

''(ii) such amount, determined before the application of section 68.

''(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

''(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'high-income taxpayer' means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of $1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the $1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the next lowest multiple of $10,000.

''(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

''(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

''(2) the deduction allowable under section 164(f) for such taxable year.

''(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

''(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. 202B. MODIFICATION OF LIMITATION ON EXCESSIVE REMUNERATION.**

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) through (G) as subparagraphs (B) through (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 162(m)(5) of such Code is amended—

(i) by striking ''subparagraphs (B), (C), and (D) thereof'' in subparagraph (E) and inserting ''subparagraph (B) thereof'', and

(ii) by striking ''subparagraphs (F) and (G)'' in subparagraph (G) and inserting ''subparagraphs (D) and (E)''.

(B) Section 162(m)(6) of such Code is amended—

(i) by striking ''subparagraphs (B), (C), and (D) thereof'' in subparagraph (D) and inserting ''subparagraph (B) thereof'', and

(ii) by striking ''subparagraphs (F) and (G)'' in subparagraph (G) and inserting ''subparagraphs (D) and (E)''.

(b) EXPANSION OF APPLICABLE EMPLOYER.—Paragraph (2) of section 162(m) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term 'publicly held corporation' means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

''(A) the securities of which are registered under section 12 of such Act (15 U.S.C. 781), or

''(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).''.

(c) APPLICATION TO ALL CURRENT AND FORMER OFFICERS, DIRECTORS, AND EMPLOYEES.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended—

(A) by striking ''covered employee'' each place it appears in paragraphs (1) and (4) and inserting ''covered individual'', and

(B) by striking ''such employee'' each place it appears in subparagraphs (A) and (E) of paragraph (4) and inserting ''such individual''.

(2) COVERED INDIVIDUAL.—Paragraph (3) of section 162(m) of such Code is amended to read as follows:

''(3) COVERED INDIVIDUAL.—For purposes of this subsection, the term 'covered individual' means any individual who is an officer, director, or employee of the taxpayer or a former officer, director, or employee of the taxpayer.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 48D(b)(3)(A) of such Code is amended by inserting ''(as in effect for taxable years beginning before January 1, 2016)'' after ''section 162(m)(3)''.

(B) Section 409A(b)(3)(D)(ii) of such Code is amended by inserting ''(as in effect for taxable years beginning before January 1, 2016)'' after ''section 162(m)(3)''.

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered individual, including after the death of the covered individual.''.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) REGULATIONS.—The Secretary may prescribe such guidance, rules, or regulations, including with respect to reporting, as are necessary to carry out the purposes of this subsection.''.

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 162(m) of such Code is amended by striking subparagraph (H).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. 202C. MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.**

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

''(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

''(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent', or

''(B) such corporation is an inverted domestic corporation.

''(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

''(A) the entity completes after November 30, 2015, the direct or indirect acquisition of—

''(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

''(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

''(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

''(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

''(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

''(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN

COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term 'substantial business activities' shall have the meaning given such term under regulations in effect on November 30, 2015, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking ''after March 4, 2003,'' and inserting ''after March 4, 2003, and before December 1, 2015,''.

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking ''subsection (a)(2)(B)(ii)'' and inserting ''subsections (a)(2)(B)(ii) and (b)(2)(B)'', and

(ii) by inserting ''or (b)(2)(A)'' after ''(a)(2)(B)(i)'' in subparagraph (B),

(B) in paragraph (3), by inserting ''or (b)(2)(B), as the case may be,'' after ''(a)(2)(B)(ii)'',

(C) in paragraph (5), by striking ''subsection (a)(2)(B)(ii)'' and inserting ''subsections (a)(2)(B)(ii) and (b)(2)(B)'', and

(D) in paragraph (6), by inserting ''or inverted domestic corporation, as the case may be,'' after ''surrogate foreign corporation''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after November 30, 2015.

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**SA 2919.** Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2916 submitted by Mr. MCCONNELL to the amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the end of title II, add the following:

**SEC. __. FREEDOM TO KEEP HEALTH INSURANCE COVERAGE.**

(a) ADVANCE PREMIUM TAX CREDITS.—

(1) IN GENERAL.—The amendments and repeals made by section 202 shall not apply to any individual who—

(A) receives an advanced payment under section 1412 of the Patient Protection and Affordable Care Act of the premium tax credit under section 36B of the Internal Revenue of 1986 for the month of December 2017, and

(B) makes an election under this subsection at such time and in such manner as determined by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury.

(2) LIMITATION.—Paragraph (1) shall not apply to an individual for any month after which it is determined that such individual is not eligible to receive such an advanced payment (determined after the application of paragraph (1)).

(b) MEDICAID.—Any State that chooses to make medical assistance available under section 1902(a)(10)(A)(i)(VIII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(VIII)) to individuals described in that section may elect on or before December 31, 2017, to have the amendments made by section 207 not apply to the State and for the State to continue to make medical assistance available under its State Medicaid plan to all individuals as if such amendments had not taken effect.

**SEC. __. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.**

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

**''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS**

''Sec. 59A. Fair share tax.

**''SEC. 59A. FAIR SHARE TAX.**

''(a) GENERAL RULE.—

''(1) IMPOSITITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

''(A) the amount determined under paragraph (2), and

''(B) a fraction (not to exceed 1)—

''(i) the numerator of which is the excess of—

''(I) the taxpayer's adjusted gross income, over

''(II) the dollar amount in effect under subsection (c)(1), and

''(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

''(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

''(A) the tentative fair share tax for the taxable year, over

''(B) the excess of—

''(i) the sum of—

''(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

''(II) the tax imposed by section 55 for the taxable year, plus

''(III) the payroll tax for the taxable year, over

''(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

''(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

''(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

''(A) the adjusted gross income of the taxpayer, over

''(B) the modified charitable contribution deduction for the taxable year.

''(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

''(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

''(ii) such amount, determined before the application of section 68.

''(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

''(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'high-income taxpayer' means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of $1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the $1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the next lowest multiple of $10,000.

''(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

''(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

''(2) the deduction allowable under section 164(f) for such taxable year.

''(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

''(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. __. MODIFICATION OF LIMITATION ON EXCESSIVE REMUNERATION.**

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) through (G) as subparagraphs (B) through (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 162(m)(5) of such Code is amended—

(i) by striking ''subparagraphs (B), (C), and (D) thereof'' in subparagraph (E) and inserting ''subparagraph (B) thereof'', and

(ii) by striking ''subparagraphs (F) and (G)'' in subparagraph (G) and inserting ''subparagraphs (D) and (E)''.

(B) Section 162(m)(6) of such Code is amended—

(i) by striking ''subparagraphs (B), (C), and (D) thereof'' in subparagraph (D) and inserting ''subparagraph (B) thereof'', and

(ii) by striking ''subparagraphs (F) and (G)'' in subparagraph (G) and inserting ''subparagraphs (D) and (E)''.

(b) EXPANSION OF APPLICABLE EMPLOYER.—Paragraph (2) of section 162(m) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term 'publicly held corporation' means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

''(A) the securities of which are registered under section 12 of such Act (15 U.S.C. 781), or

''(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).''.

(c) APPLICATION TO ALL CURRENT AND FORMER OFFICERS, DIRECTORS, AND EMPLOYEES.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended—

(A) by striking ''covered employee'' each place it appears in paragraphs (1) and (4) and inserting ''covered individual'', and

(B) by striking ''such employee'' each place it appears in subparagraphs (A) and (E) of paragraph (4) and inserting ''such individual''.

(2) COVERED INDIVIDUAL.—Paragraph (3) of section 162(m) of such Code is amended to read as follows:

''(3) COVERED INDIVIDUAL.—For purposes of this subsection, the term 'covered individual' means any individual who is an officer, director, or employee of the taxpayer or a former officer, director, or employee of the taxpayer.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 48D(b)(3)(A) of such Code is amended by inserting ''(as in effect for taxable years beginning before January 1, 2016)'' after ''section 162(m)(3)''.

(B) Section 409A(b)(3)(D)(ii) of such Code is amended by inserting ''(as in effect for taxable years beginning before January 1, 2016)'' after ''section 162(m)(3)''.

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered individual, including after the death of the covered individual.''.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) REGULATIONS.—The Secretary may prescribe such guidance, rules, or regulations, including with respect to reporting, as are necessary to carry out the purposes of this subsection.''.

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 162(m) of such Code is amended by striking subparagraph (H).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. ___. MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.**

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

''(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

''(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent', or

''(B) such corporation is an inverted domestic corporation.

''(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

''(A) the entity completes after November 30, 2015, the direct or indirect acquisition of—

''(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

''(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

''(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

''(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

''(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

''(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term 'substantial business activities' shall have the meaning given such term under regulations in effect on November 30, 2015, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking ''after March 4, 2003,'' and inserting ''after March 4, 2003, and before December 1, 2015,''.

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking ''subsection (a)(2)(B)(ii)'' and inserting ''subsections (a)(2)(B)(ii) and (b)(2)(B)'', and

(ii) by inserting ''or (b)(2)(A)'' after ''(a)(2)(B)(i)'' in subparagraph (B),

(B) in paragraph (3), by inserting ''or (b)(2)(B), as the case may be,'' after ''(a)(2)(B)(ii)'',

(C) in paragraph (5), by striking ''subsection (a)(2)(B)(ii)'' and inserting ''subsections (a)(2)(B)(ii) and (b)(2)(B)'', and

(D) in paragraph (6), by inserting ''or inverted domestic corporation, as the case may be,'' after ''surrogate foreign corporation''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after November 30, 2015.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 3, 2015, at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on December 3, 2015, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 3, 2015, at 9 a.m., to conduct a closed briefing entitled ''The U.S. Role in the Middle East.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 3, 2015, at 10 a.m.

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

## STUDENT SUCCESS ACT—CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, I ask the Chair to lay before the Senate the conference report accompanying S. 1177.

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany S. 1177, which will be stated by title.

The senior assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1177), to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves, having met, have agreed that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment and the House agree to the same, signed by a majority of the conferees on the part of both Houses.

Thereupon, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the Record of November 30, 2015.)

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, 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 senior 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 conference report to accompany S. 1177, an act to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Mitch McConnell, Lamar Alexander, Mike Rounds, Deb Fischer, Dan Sullivan, Lisa Murkowski, Orrin G. Hatch, Shelley Moore Capito, Pat Roberts, Chuck Grassley, Richard Burr, Cory

Gardner, John Hoeven, John Cornyn, David Perdue, Johnny Isakson, Daniel Coats.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum be waived with respect to the cloture motion.

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

## MEASURE READ THE FIRST TIME—S. 2359

Mr. MCCONNELL. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 2359) to restore Second Amendment rights in the District of Columbia.

Mr. MCCONNELL. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

## NATIONAL BISON LEGACY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 2032 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2032) to adopt the bison as the national mammal of the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 2032) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2032

*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 ''National Bison Legacy Act''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) bison are considered a historical symbol of the United States;

(2) bison were integrally linked with the economic and spiritual lives of many Indian tribes through trade and sacred ceremonies;

(3) there are more than 60 Indian tribes participating in the Intertribal Buffalo Council;

(4) numerous members of Indian tribes are involved in bison restoration on tribal land;

(5) members of Indian tribes have a combined herd on more than 1,000,000 acres of tribal land;

(6) the Intertribal Buffalo Council is a tribal organization incorporated pursuant to section 17 of the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 477);

(7) bison can play an important role in improving the types of grasses found in landscapes to the benefit of grasslands;

(8) a small group of ranchers helped save bison from extinction in the late 1800s by gathering the remnants of the decimated herds;

(9) bison hold significant economic value for private producers and rural communities;

(10) according to the 2012 Census of Agriculture of the Department of Agriculture, as of 2012, 162,110 head of bison were under the stewardship of private producers, creating jobs and providing a sustainable and healthy meat source contributing to the food security of the United States;

(11) on December 8, 1905, William Hornaday, Theodore Roosevelt, and others formed the American Bison Society in response to the near extinction of bison in the United States;

(12) on October 11, 1907, the American Bison Society sent 15 captive-bred bison from the New York Zoological Park, now known as the ''Bronx Zoo'', to the first wildlife refuge in the United States, which was known as the ''Wichita Mountains Wildlife Refuge'', resulting in the first successful reintroduction of a mammal species on the brink of extinction back into the natural habitat of the species;

(13) in 2005, the American Bison Society was reestablished, bringing together bison ranchers, managers from Indian tribes, Federal and State agencies, conservation organizations, and natural and social scientists from the United States, Canada, and Mexico to create a vision for the North American bison in the 21st century;

(14) there are bison herds in National Wildlife Refuges and National Parks;

(15) there are bison in State-managed herds across 11 States;

(16) there is a growing effort to celebrate and officially recognize the historical, cultural, and economic significance of the North American bison to the heritage of the United States;

(17) a bison is portrayed on 2 State flags;

(18) the bison has been adopted by 3 States as the official mammal or animal of those States;

(19) a bison has been depicted on the official seal of the Department of the Interior since 1912;

(20) the buffalo nickel played an important role in modernizing the currency of the United States;

(21) several sports teams have the bison as a mascot, which highlights the iconic significance of bison in the United States;

(22) in the 2nd session of the 113th Congress, 22 Senators led a successful effort to enact a resolution to designate November 1, 2014, as the second annual National Bison Day; and

(23) members of Indian tribes, bison producers, conservationists, sportsmen, educators, and other public and private partners have participated in the annual National Bison Day celebration at several events across the United States and are committed to continuing this tradition annually on the first Saturday of November.

**SEC. 3. ESTABLISHMENT AND ADOPTION OF THE NORTH AMERICAN BISON AS THE NATIONAL MAMMAL.**

The mammal commonly known as the ''North American bison'' is adopted as the national mammal of the United States.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I now ask unanimous consent that at 5 p.m. on Monday, December 7, the Senate proceed to executive session to consider the following nomination: Calendar No. 214; that there then be 30 minutes of debate on the nomination, and that following the use or yielding of time, the Senate vote on the nomination without intervening action or debate; that following disposition of the nomination, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

## ORDERS FOR MONDAY, DECEMBER 7, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, December 7; 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; further, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; finally, that at 5 p.m., the Senate proceed to executive session as under the previous order.

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

## ADJOURNMENT UNTIL MONDAY, DECEMBER 7, 2015, AT 2 P.M.

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:53 p.m., adjourned until Monday, December 7, 2015, at 2 p.m.