

strip away the penalties for violating. That would allow a majority to fundamentally undermine a nonbudgetary law in a reconciliation bill.

I have enormous respect for the Parliamentarian and her staff. They work diligently to serve the Senate, and they have to make some tough calls. I will say that this one leaves me disappointed and perplexed.

With so many issues—as I touched on earlier—I would hope that the Senate would spend more time doing what Chairman GRASSLEY and I did somewhere in the vicinity of 9 hours or 10 hours ago. We said there was an important issue. It happened to be a health care issue as well—prescription drugs. We spent 18 months with our very dedicated staffs, Democrats and Republicans working together, to try to find some common ground. It is a hugely important issue, important to the people of Colorado, Oregon, and everywhere else. In effect, we said it was important because it was about the future. The drugs of the future are going to be specialty drugs, exciting drugs with the opportunity for real cures. People are going to have to be able to afford them, and using the companies' own documents, this morning Chairman GRASSLEY and I pointed out how affordability and accessibility weren't actually the issue; the issue was maximizing revenue.

But most important—whether you agree with the two of us or not—it was bipartisan. It was Democrats and Republicans coming together on a hugely important issue.

This reconciliation proposal we will deal with on the floor of this Senate is a rejection of the kind of bipartisanship that I was part of something like 8 hours or 10 hours ago. It is part of what I believe the Senate is all about—what the Senate is at its best—as an institution that functions in a bipartisan way. That is why I felt compelled to come to the floor tonight and lay out my concerns about a very troubling precedent, and that is the one that is being set with the reconciliation bill.

With that, I yield the floor.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 299, H.R. 3762.

## RESTORING AMERICANS' HEALTHCARE FREEDOM RECONCILIATION ACT OF 2015

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 299, H.R. 3762, a bill to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016.

The PRESIDING OFFICER. The motion is not debatable.

The question occurs on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the bill.

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.

### AMENDMENT NO. 2874

Mr. MCCONNELL. Mr. President, I send a substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2874.

Mr. MCCONNELL. 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: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

### TITLE I—FINANCE

#### SEC. 101. FEDERAL PAYMENT 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. 102. 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. 103. EMPLOYER MANDATE.

(a) LARGE EMPLOYERS NOT OFFERING HEALTH COVERAGE.—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”.

(b) LARGE EMPLOYERS OFFERING COVERAGE WITH EMPLOYEES WHO QUALIFY FOR PREMIUM TAX CREDITS OR COST-SHARING REDUCTIONS.—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”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2014.

#### SEC. 104. 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 the date of the enactment of this Act.

#### SEC. 105. REPEAL OF THE TAX ON EMPLOYEE HEALTH INSURANCE PREMIUMS AND HEALTH PLAN BENEFITS.

(a) EXCISE TAX.—Chapter 43 of the Internal Revenue Code of 1986 is amended by striking section 4980L.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2017.

(c) REINSTATEMENT.—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. 106. RECAPTURE OF EXCESS ADVANCE PAYMENTS OF PREMIUM TAX CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 36B(f) of the Internal Revenue Code of 1986 is amended by striking subparagraph (B).

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2015.

**TITLE II—HEALTH, EDUCATION, LABOR AND PENSIONS**

**SEC. 201. REPEAL OF THE PREVENTION AND PUBLIC HEALTH FUND.**

(a) IN GENERAL.—Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u-11(b)) 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. 202. FUNDING FOR 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”.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the consideration of H.R. 3762 now be for debate only during today’s session of the Senate.

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

Mr. McCONNELL. Mr. President, the Senate is now considering the House-passed Restoring Americans’ Healthcare Freedom Reconciliation Act of 2015. We finally have a chance to vote to end ObamaCare’s cycle of broken promises and failures with a simple majority vote. I look forward to completing action on this bill this week.

**MORNING BUSINESS**

**TRIBUTE TO TOM OWEN**

Mr. McCONNELL. Mr. President, respected public servant and renowned historian Tom Owen has announced that he will be retiring from the Louisville Metro Council after next year. Tom is a friend of mine, and I want to take this opportunity to express my gratitude for his many years of public service. His deep knowledge of Louisville’s past and his great passion to shape our city’s future will be greatly missed and impossible to replace.

Tom is one of the original members of the metro council, having served since that body’s inception in 2002. In 2010 he served as metro council president. Tom previously served on the old Louisville Board of Aldermen from 1990 to 1998.

Tom represents district 8, which includes most of the Highlands neighborhood. I should mention here that Tom is not only my friend but also my councilman. He is currently the chair of the committee on sustainability and a member of the committees on public works, bridges and transportation and planning, and zoning and land design.

Tom is also a full professor at the University of Louisville; and he has

served as a history instructor, an archivist, and a community relations associate at the University of Louisville since 1968. His knowledge of the city of Louisville is vast, and he frequently speaks on local television and radio about Louisville history. He also leads walking tours of historic Louisville and famous city landmarks and makes videos of these walking tours available to the public.

Tom earned his Ph.D. in American history from the University of Kentucky, a master’s in history from the University of Louisville, a bachelor of divinity from Methodist Theological School in Ohio, and a bachelor’s degree from Kentucky Wesleyan. He is an elder at Highland Presbyterian Church, and of his many hobbies, I know he enjoys bicycling and commuting by bicycle, as he has championed bicycle commuting as one his causes on the metro council.

Tom has been awarded the Distinguished Service Award from the Louisville Historical League, the Outstanding University of Louisville Employee Award, an honorary membership in the Kentucky Chapter of the America Institute of Architects, and a Patron Service Award at the University of Louisville libraries. As all these awards make clear, Tom is widely respected as Louisville’s unofficial historian, and his absence from city government will be felt deeply.

Tom and I don’t always see eye to eye on every issue, but I have great respect for Tom as a legislator, as an advocate for the citizens of the 8th district, and as someone who set out to make a difference for all the citizens of Louisville. Our shared hometown is better off thanks to Tom’s many years of service. I wish him well in retirement, and I am sure his wife, Phyllis, and his children and grandchildren will be glad to spend more time with him. I wish my friend, Tom, all the best in whatever exciting endeavors await him after his time in office draws to a close.

The Louisville Courier-Journal published an article detailing Tom’s career and decision to retire. 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 Louisville Courier-Journal, Nov. 25, 2015]

**HIGHLANDS COUNCILMAN TOM OWEN RETIRING**  
(By Phillip M. Bailey)

Longtime Metro Councilman Tom Owen announced Wednesday he will not seek reelection next year, opening up a possible avalanche of candidates who will run for his seat representing much of the Highlands neighborhood.

Owen, 76, who is an archivist at the University of Louisville, has served on the council since 2003 and was a member of the old Board of Aldermen before that. He told The Courier-Journal last week he was still deliberating on retirement, but said after careful and lengthy consideration that now is the time to step away.

“I had been mulling on this decision for a good two months and that’s why there had

been rumors out there,” Owen, D-8th District, said. “Once I got closer to pushing the send button the more hesitant I became.”

Owen, a former council president, was first elected to the old board in 1989 when he defeated incumbent Alderwoman Linda Solley in the Democratic primary. In that campaign, Owen ran on his credentials as a local historian, saying at the time he was the “only candidate who knows the city of Louisville edge to edge and has a vision of the whole city’s history and needs.”

Among those needs in 1989, Owen said, was a trolley service for the Bardstown Road corridor, safer pedestrian traffic and a citywide paper recycling program. He was the only challenger to beat an incumbent in the nine board primary races that year.

“I love being involved and I’m honored as a historian to think I have shaped the destiny of Louisville even one percent,” Owen said Wednesday.

In a statement, Mayor Greg Fischer said, Owen “has long been the city’s unofficial city historian, quite literally a walking encyclopedia of Louisville history.”

Former Councilwoman Tina Ward-Pugh, who also served with Owen on the Board of Aldermen for four years, said the two were political soulmates on a number of issues such as the environment, transportation and gay rights. She said Owen’s departure will create a “vast cavern of institutional knowledge” for the council.

“Tom and I were virtually joined at the hip on many progressive and social justice issues over the years,” Ward-Pugh said. “I probably pushed him a little more than he was comfortable and he held my hand when I was headed out a little too far, so we balanced each other.”

Owen ran for mayor in the 1998 Democratic primary where he came just shy of beating Dave Armstrong, who went on to be the last mayor of the old city.

The newspaper archives show Owen was one of the early supporters of a Fairness law when the city was first debating adopting an anti-discrimination legislation to protect gay, lesbian, bisexual and transgendered individuals in housing and other public accommodations. Today, Owen is most associated with his push for better public transportation and bicycle advocacy, and he has championed the city adding more bike lanes to major thoroughfares.

As a UofL professor of libraries since 1975, colleagues say Owen was always able to put the council’s current actions in a historical context.

“Tom’s a person I always go to for that information, so I hope he keeps his same phone number,” Councilman David James, D-6th, said.

“Tom has institutional knowledge, he has brains, he is thoughtful and I have thoroughly enjoyed working with him,” said Councilman Kelly Downard, R-16th, who is also retiring after this year. “The council is going to miss him heavily, and boy, there’s going to be a hole.”

Only half of the Metro Council’s 26 members are from the original class who were elected when city and county governments merged in 2002.

Owen said he doesn’t want to look back on his career just yet and has a lot more he’d like to accomplish in his last year, but he said there are plenty of talented people who can represent the district.

William Corey Nett, a member of the Tyler Park Neighborhood Association, filed as a Democratic candidate this month. It is expected that several more contenders will jump in the race to represent the district, which encompasses most of the Highlands neighborhood.

The deadline for candidates to run for Metro Council is Jan. 26.